

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 443

Introduced by Senator Mitchell

(Principal coauthor: Senator Leno)

(Principal coauthors: Assembly Members Cristina Garcia and Hadley)

(Coauthors: Senators Anderson and Jackson)

(Coauthor: Assembly Member Jones-Sawyer)

February 25, 2015

An act to amend Sections 11470.1, 11488.4, 11488.5, and 11495 of, and to add Section ~~11417.2~~ 11471.2 to, the Health and Safety Code, relating to forfeiture.

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as amended, Mitchell. Forfeiture: controlled substances.

Existing law subjects certain property to forfeiture, such as controlled substances and equipment used to process controlled substances. Existing law allows peace officers, under specified circumstances, to seize property that is subject to forfeiture. Existing law authorizes specified public agencies to bring an action to recover expenses of seizing, eradicating, destroying, or taking remedial action with respect to any controlled substance. In a forfeiture action with regards to cash or negotiable instruments of a value of not less than \$25,000, existing law requires the state or local agency to prove by clear and convincing

evidence that the property is subject to forfeiture. Existing law requires seized property or the proceeds from the sale of that property to be distributed among specified entities. Existing law requires the Attorney General to publish a yearly report on forfeiture within the state.

This bill would require a prosecuting agency to seek or obtain a criminal conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors prior to an entry of judgment for recovery of expenses of seizing, eradicating, destroying, or taking remedial action with respect to any controlled substance. The bill would prohibit maintaining an action for recovery of expenses against a person who has been acquitted of the underlying criminal charges.

The bill would prohibit state or local law enforcement agencies from transferring seized property to a federal agency seeking adoption by the federal agency of the seized property. The bill would further prohibit state or local agencies from ~~requesting or~~ receiving an equitable share from a federal agency of specified seized property if a conviction for the underlying offenses is not obtained.

The bill would require notices of a forfeiture action to contain additional details, such as the rights of an interested party at a forfeiture hearing. The bill would change the burden of proof that a state or local law enforcement agency must meet to succeed in a forfeiture action with regards to cash or negotiable instruments of a value not less than \$25,000, from a clear and convincing standard to beyond a reasonable doubt. The bill would also make other specified changes to court forfeiture ~~proceedings, including allowing parties to waive the requirement that forfeiture cases be tried in conjunction with related criminal cases when the forfeiture hearing is continued or stayed.~~ *proceedings*. The bill would also require the Attorney General to include additional information on forfeiture actions in the yearly report.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11470.1 of the Health and Safety Code
- 2 is amended to read:
- 3 11470.1. (a) The expenses of seizing, eradicating, destroying,
- 4 or taking remedial action with respect to, any controlled substance
- 5 or its precursors shall be recoverable from:

1 (1) Any person who manufactures or cultivates a controlled
2 substance or its precursors in violation of this division.

3 (2) Any person who aids and abets or who knowingly profits
4 in any manner from the manufacture or cultivation of a controlled
5 substance or its precursors on property owned, leased, or possessed
6 by the defendant, in violation of this division.

7 (b) The expenses of taking remedial action with respect to any
8 controlled substance or its precursors shall also be recoverable
9 from any person liable for the costs of that remedial action under
10 Chapter 6.8 (commencing with Section 25300) of Division 20 of
11 the Health and Safety Code.

12 (c) It shall be necessary to seek or obtain a criminal conviction
13 for the unlawful manufacture or cultivation of any controlled
14 substance or its precursors prior to the entry of judgment for the
15 recovery of expenses. If criminal charges are pending against the
16 defendant for the unlawful manufacture or cultivation of any
17 controlled substance or its precursors, an action brought pursuant
18 to this section shall, upon a defendant's request, be continued while
19 the criminal charges are pending.

20 (d) The action may be brought by the district attorney, county
21 counsel, city attorney, the State Department of Health Care
22 Services, or Attorney General. All expenses recovered pursuant
23 to this section shall be remitted to the law enforcement agency
24 which incurred them.

25 (e) (1) The burden of proof as to liability shall be on the plaintiff
26 and shall be by a preponderance of the evidence in an action
27 alleging that the defendant is liable for expenses pursuant to
28 paragraph (1) of subdivision (a). The burden of proof as to liability
29 shall be on the plaintiff and shall be by clear and convincing
30 evidence in an action alleging that the defendant is liable for
31 expenses pursuant to paragraph (2) of subdivision (a). The burden
32 of proof as to the amount of expenses recoverable shall be on the
33 plaintiff and shall be by a preponderance of the evidence in any
34 action brought pursuant to subdivision (a).

35 (2) Notwithstanding paragraph (1), for any person convicted of
36 a criminal charge of the manufacture or cultivation of a controlled
37 substance or its precursors there shall be a presumption affecting
38 the burden of proof that the person is liable.

39 (f) Only expenses which meet the following requirements shall
40 be recoverable under this section:

1 (1) The expenses were incurred in seizing, eradicating, or
2 destroying the controlled substance or its precursors or in taking
3 remedial action with respect to a hazardous substance. These
4 expenses may not include any costs incurred in use of the herbicide
5 paraquat.

6 (2) The expenses were incurred as a proximate result of the
7 defendant's manufacture or cultivation of a controlled substance
8 in violation of this division.

9 (3) The expenses were reasonably incurred.

10 (g) For purposes of this section, "remedial action" shall have
11 the meaning set forth in Section 25322.

12 (h) For the purpose of discharge in bankruptcy, a judgment for
13 recovery of expenses under this section shall be deemed to be a
14 debt for willful and malicious injury by the defendant to another
15 entity or to the property of another entity.

16 (i) Notwithstanding Section 526 of the Code of Civil Procedure,
17 the plaintiff may be granted a temporary restraining order or a
18 preliminary injunction, pending or during trial, to restrain the
19 defendant from transferring, encumbering, hypothecating, or
20 otherwise disposing of any assets specified by the court, if it
21 appears by the complaint that the plaintiff is entitled to the relief
22 demanded and it appears that the defendant may dispose of those
23 assets to thwart enforcement of the judgment.

24 (j) The Legislature finds and declares that civil penalties for the
25 recovery of expenses incurred in enforcing the provisions of this
26 division shall not supplant criminal prosecution for violation of
27 those provisions, but shall be a supplemental remedy to criminal
28 enforcement.

29 (k) Any testimony, admission, or any other statement made by
30 the defendant in any proceeding brought pursuant to this section,
31 or any evidence derived from the testimony, admission, or other
32 statement, shall not be admitted or otherwise used in any criminal
33 proceeding arising out of the same conduct.

34 (l) No action shall be brought or maintained pursuant to this
35 section against a person who has been acquitted of criminal charges
36 for conduct that is the basis for an action under this section.

37 SEC. 2. Section 11471.2 is added to the Health and Safety
38 Code, to read:

39 11471.2. (a) State or local law enforcement authorities shall
40 not refer or otherwise transfer property seized under state law

1 authorizing the seizure of property to a federal agency seeking the
2 adoption of the seized property by the federal agency for
3 proceeding with federal forfeiture. Nothing in this section shall be
4 construed to prohibit the federal government, or any of its agencies,
5 from seizing property, seeking forfeiture under federal law, or
6 sharing federally forfeited property with state or local law
7 enforcement agencies when those state or local agencies work with
8 federal agencies in joint investigations arising out of federal law
9 or federal joint task forces comprised of federal and state or local
10 agencies.

11 (b) A state or local law enforcement agency participating in a
12 joint investigation with a federal agency shall not ~~request~~ *receive*
13 an equitable share from the federal agency of all or a portion of
14 the forfeited property or proceeds from the sale of property
15 forfeited pursuant to federal law unless a defendant is convicted
16 in an underlying or related criminal action of an offense for which
17 property is subject to forfeiture as specified in Section 11470 or
18 Section 11488, or an offense under federal law that includes all of
19 the elements of an offense for which property is subject to forfeiture
20 as specified in Sections 11470 and 11488.

21 ~~(c) If a conviction in the underlying or related criminal action~~
22 ~~is not obtained, state or local law enforcement authorities shall not~~
23 ~~receive an equitable share from the federal agency of all or a~~
24 ~~portion of the forfeited property or proceeds from the sale of~~
25 ~~property forfeited pursuant to federal law.~~

26 SEC. 3. Section 11488.4 of the Health and Safety Code is
27 amended to read:

28 11488.4. (a) (1) Except as provided in subdivision (j), if the
29 Department of Justice or the local governmental entity determines
30 that the factual circumstances do warrant that the moneys,
31 negotiable instruments, securities, or other things of value seized
32 or subject to forfeiture come within the provisions of subdivisions
33 (a) to (g), inclusive, of Section 11470, and are not automatically
34 made forfeitable or subject to court order of forfeiture or
35 destruction by another provision of this chapter, the Attorney
36 General or district attorney shall file a petition of forfeiture with
37 the superior court of the county in which the defendant has been
38 charged with the underlying criminal offense or in which the
39 property subject to forfeiture has been seized or, if no seizure has
40 occurred, in the county in which the property subject to forfeiture

1 is located. If the petition alleges that real property is forfeitable,
2 the prosecuting attorney shall cause a lis pendens to be recorded
3 in the office of the county recorder of each county in which the
4 real property is located.

5 (2) A petition of forfeiture under this subdivision shall be filed
6 as soon as practicable, but in any case within one year of the seizure
7 of the property which is subject to forfeiture, or as soon as
8 practicable, but in any case within one year of the filing by the
9 Attorney General or district attorney of a lis pendens or other
10 process against the property, whichever is earlier.

11 (b) Physical seizure of assets shall not be necessary in order to
12 have that particular asset alleged to be forfeitable in a petition
13 under this section. The prosecuting attorney may seek protective
14 orders for any asset pursuant to Section 11492.

15 (c) The Attorney General or district attorney shall make service
16 of process regarding this petition upon every individual designated
17 in a receipt issued for the property seized. In addition, the Attorney
18 General or district attorney shall cause a notice of the seizure, if
19 any, and of the intended forfeiture proceeding, as well as a notice
20 stating that any interested party may file a verified claim with the
21 superior court of the county in which the property was seized or
22 if the property was not seized, a notice of the initiation of forfeiture
23 proceedings with respect to any interest in the property seized or
24 subject to forfeiture, to be served by personal delivery or by
25 registered mail upon any person who has an interest in the seized
26 property or property subject to forfeiture other than persons
27 designated in a receipt issued for the property seized. Whenever
28 a notice is delivered pursuant to this section, it shall be
29 accompanied by a claim form as described in Section 11488.5 and
30 directions for the filing and service of a claim.

31 (d) An investigation shall be made by the law enforcement
32 agency as to any claimant to a vehicle, boat, or airplane whose
33 right, title, interest, or lien is of record in the Department of Motor
34 Vehicles or appropriate federal agency. If the law enforcement
35 agency finds that any person, other than the registered owner, is
36 the legal owner thereof, and that ownership did not arise subsequent
37 to the date and time of arrest or notification of the forfeiture
38 proceedings or seizure of the vehicle, boat, or airplane, it shall
39 forthwith send a notice to the legal owner at his or her address

1 appearing on the records of the Department of Motor Vehicles or
2 appropriate federal agency.

3 (e) When a forfeiture action is filed, the notices shall be
4 published once a week for three successive weeks in a newspaper
5 of general circulation in the county where the seizure was made
6 or where the property subject to forfeiture is located.

7 (f) All notices shall set forth the time within which a claim of
8 interest in the property seized or subject to forfeiture is required
9 to be filed pursuant to Section 11488.5. The notices shall explain,
10 in plain language, what an interested party must do and the time
11 in which the person must act to contest the forfeiture in a hearing.
12 The notices shall state what rights the interested party has at a
13 hearing. The notices shall also state the legal consequences for
14 failing to respond to the forfeiture notice.

15 (g) Nothing contained in this chapter shall preclude a person,
16 other than a defendant, claiming an interest in property actually
17 seized from moving for a return of property if that person can show
18 standing by proving an interest in the property not assigned
19 subsequent to the seizure or filing of the forfeiture petition.

20 (h) (1) If there is an underlying or related criminal action, a
21 defendant may move for the return of the property on the grounds
22 that there is not probable cause to believe that the property is
23 forfeitable pursuant to subdivisions (a) to (g), inclusive, of Section
24 11470 and is not automatically made forfeitable or subject to court
25 order of forfeiture or destruction by another provision of this
26 chapter. The motion may be made prior to, during, or subsequent
27 to the preliminary examination. If made subsequent to the
28 preliminary examination, the Attorney General or district attorney
29 may submit the record of the preliminary hearing as evidence that
30 probable cause exists to believe that the underlying or related
31 criminal violations have occurred.

32 (2) Within 15 days after a defendant's motion is granted, the
33 people may file a petition for a writ of mandate or prohibition
34 seeking appellate review of the ruling.

35 (i) (1) With respect to property described in subdivisions (e)
36 and (g) of Section 11470 for which forfeiture is sought and as to
37 which forfeiture is contested, the state or local governmental entity
38 shall have the burden of proving beyond a reasonable doubt that
39 the property for which forfeiture is sought was used, or intended

1 to be used, to facilitate a violation of one of the offenses
2 enumerated in subdivision (f) or (g) of Section 11470.

3 (2) In the case of property described in subdivision (f) of Section
4 11470, for which forfeiture is sought and as to which forfeiture is
5 contested, the state or local governmental entity shall have the
6 burden of proving beyond a reasonable doubt that the property for
7 which forfeiture is sought meets the criteria for forfeiture described
8 in subdivision (f) of Section 11470.

9 (3) In the case of property described in paragraphs (1) and (2),
10 where forfeiture is contested, a judgment of forfeiture requires as
11 a condition precedent thereto, that a defendant be convicted in an
12 underlying or related criminal action of an offense specified in
13 subdivision (f) or (g) of Section 11470 which offense occurred
14 within five years of the seizure of the property subject to forfeiture
15 or within five years of the notification of intention to seek
16 forfeiture. If the defendant is found guilty of the underlying or
17 related criminal offense, the issue of forfeiture shall be tried before
18 the same jury, if the trial was by jury, or tried before the same
19 court, if trial was by court, unless waived by all parties. The issue
20 of forfeiture shall be bifurcated from the criminal trial and tried
21 after conviction unless waived by all the parties.

22 (4) If there is an underlying or related criminal action, and a
23 criminal conviction is required before a judgment of forfeiture
24 may be entered, the issue of forfeiture shall be tried in conjunction
25 therewith. In such a case, the issue of forfeiture shall be bifurcated
26 from the criminal trial and tried after conviction unless waived by
27 the parties. Trial shall be by jury unless waived by all parties. If
28 there is no underlying or related criminal action, the presiding
29 judge of the superior court shall assign the action brought pursuant
30 to this chapter for trial.

31 (j) The Attorney General or the district attorney of the county
32 in which property is subject to forfeiture under Section 11470 may,
33 pursuant to this subdivision, order forfeiture of personal property
34 not exceeding twenty-five thousand dollars (\$25,000) in value.
35 The Attorney General or district attorney shall provide notice of
36 proceedings under this subdivision pursuant to subdivisions (c),
37 (d), (e), and (f), including:

- 38 (1) A description of the property.
39 (2) The appraised value of the property.

1 (3) The date and place of seizure or location of any property
2 not seized but subject to forfeiture.

3 (4) The violation of law alleged with respect to forfeiture of the
4 property.

5 (5) (A) The instructions for filing and serving a claim with the
6 Attorney General or the district attorney pursuant to Section
7 11488.5 and time limits for filing a claim and claim form.

8 (B) If no claims are timely filed, the Attorney General or the
9 district attorney shall prepare a written declaration of forfeiture of
10 the subject property to the state and dispose of the property in
11 accordance with Section 11489. A written declaration of forfeiture
12 signed by the Attorney General or district attorney under this
13 subdivision shall be deemed to provide good and sufficient title
14 to the forfeited property. The prosecuting agency ordering forfeiture
15 pursuant to this subdivision shall provide a copy of the declaration
16 of forfeiture to any person listed in the receipt given at the time of
17 seizure and to any person personally served notice of the forfeiture
18 proceedings.

19 (C) If a claim is timely filed, then the Attorney General or
20 district attorney shall file a petition of forfeiture pursuant to this
21 section within 30 days of the receipt of the claim. The petition of
22 forfeiture shall then proceed pursuant to other provisions of this
23 chapter, except that no additional notice need be given and no
24 additional claim need be filed.

25 (k) If in any underlying or related criminal action or proceeding,
26 in which a petition for forfeiture has been filed pursuant to this
27 section, and a criminal conviction is required before a judgment
28 of forfeiture may be entered, the defendant willfully fails to appear
29 as required, there shall be no requirement of a criminal conviction
30 as a prerequisite to the forfeiture. In these cases, forfeiture shall
31 be ordered as against the defendant and judgment entered upon
32 default, upon application of the state or local governmental entity.
33 In its application for default, the state or local governmental entity
34 shall be required to give notice to the defendant's attorney of
35 record, if any, in the underlying or related criminal action, and to
36 make a showing of due diligence to locate the defendant. In moving
37 for a default judgment pursuant to this subdivision, the state or
38 local governmental entity shall be required to establish a prima
39 facie case in support of its petition for forfeiture.

1 SEC. 4. Section 11488.5 of the Health and Safety Code is
2 amended to read:

3 11488.5. (a) (1) Any person claiming an interest in the
4 property seized pursuant to Section 11488 may, unless for good
5 cause shown the court extends the time for filing, at any time within
6 30 days from the date of the last publication of the notice of seizure,
7 if that person was not personally served or served by mail, or within
8 30 days after receipt of actual notice, file with the superior court
9 of the county in which the defendant has been charged with the
10 underlying or related criminal offense or in which the property
11 was seized or, if there was no seizure, in which the property is
12 located, a claim, verified in accordance with Section 446 of the
13 Code of Civil Procedure, stating his or her interest in the property.
14 An endorsed copy of the claim shall be served by the claimant on
15 the Attorney General or district attorney, as appropriate, within
16 30 days of the filing of the claim. The Judicial Council shall
17 develop and approve official forms for the verified claim that is
18 to be filed pursuant to this section. The official forms shall be
19 drafted in nontechnical language, in English and in Spanish, and
20 shall be made available through the office of the clerk of the
21 appropriate court.

22 (2) Any person who claims that the property was assigned to
23 him or to her prior to the seizure or notification of pending
24 forfeiture of the property under this chapter, whichever occurs last,
25 shall file a claim with the court and prosecuting agency pursuant
26 to Section 11488.5 declaring an interest in that property and that
27 interest shall be adjudicated at the forfeiture hearing. The property
28 shall remain under control of the law enforcement or prosecutorial
29 agency until the adjudication of the forfeiture hearing. Seized
30 property shall be protected and its value shall be preserved pending
31 the outcome of the forfeiture proceedings.

32 (3) The clerk of the court shall not charge or collect a fee for
33 the filing of a claim in any case in which the value of the
34 respondent property as specified in the notice is five thousand
35 dollars (\$5,000) or less. If the value of the property, as specified
36 in the notice, is more than five thousand dollars (\$5,000), the clerk
37 of the court shall charge the filing fee specified in Section 70611
38 of the Government Code.

39 (4) The claim of a law enforcement agency to property seized
40 pursuant to Section 11488 or subject to forfeiture shall have priority

1 over a claim to the seized or forfeitable property made by the
2 Franchise Tax Board in a notice to withhold issued pursuant to
3 Section 18817 or 26132 of the Revenue and Taxation Code.

4 (b) (1) If at the end of the time set forth in subdivision (a) there
5 is no claim on file, the court, upon motion, shall declare the
6 property seized or subject to forfeiture pursuant to subdivisions
7 (a) to (g), inclusive, of Section 11470 forfeited to the state. In
8 moving for a default judgment pursuant to this subdivision, the
9 state or local governmental entity shall be required to establish a
10 prima facie case in support of its petition for forfeiture.

11 (2) The court shall order the money forfeited or the proceeds
12 of the sale of property to be distributed as set forth in Section
13 11489.

14 (c) (1) If a verified claim is filed, the forfeiture proceeding shall
15 be set for hearing on a day not less than 30 days therefrom, and
16 the proceeding shall have priority over other civil cases. Notice of
17 the hearing shall be given in the same manner as provided in
18 Section 11488.4. Such a verified claim or a claim filed pursuant
19 to subdivision (j) of Section 11488.4 shall not be admissible in the
20 proceedings regarding the underlying or related criminal offense
21 set forth in subdivision (a) of Section 11488.

22 (2) The hearing shall be by jury, unless waived by consent of
23 all parties.

24 (3) The provisions of the Code of Civil Procedure shall apply
25 to proceedings under this chapter unless otherwise inconsistent
26 with the provisions or procedures set forth in this chapter. However,
27 in proceedings under this chapter, there shall be no joinder of
28 actions, coordination of actions, except for forfeiture proceedings,
29 or cross-complaints, and the issues shall be limited strictly to the
30 questions related to this chapter.

31 (d) (1) At the hearing, the state or local governmental entity
32 shall have the burden of establishing, pursuant to subdivision (i)
33 of Section 11488.4, that the owner of any interest in the seized
34 property consented to the use of the property with knowledge that
35 it would be or was used for a purpose for which forfeiture is
36 permitted, in accordance with the burden of proof set forth in
37 subdivision (i) of Section 11488.4.

38 (2) No interest in the seized property shall be affected by a
39 forfeiture decree under this section unless the state or local
40 governmental entity has proven that the owner of that interest

1 consented to the use of the property with knowledge that it would
2 be or was used for the purpose charged. Forfeiture shall be ordered
3 when, at the hearing, the state or local governmental entity has
4 shown that the assets in question are subject to forfeiture pursuant
5 to Section 11470, in accordance with the burden of proof set forth
6 in subdivision (i) of Section 11488.4.

7 (e) The forfeiture hearing shall be continued upon motion of
8 the prosecution or the defendant until after a verdict of guilty on
9 any criminal charges specified in this chapter and pending against
10 the defendant have been decided. ~~In cases in which the forfeiture~~
11 ~~hearing, or any related civil discovery, is continued or stayed, the~~
12 ~~requirement that the forfeiture case be tried in conjunction with~~
13 ~~the related criminal case or to the same jury as in the related~~
14 ~~criminal case may be waived by the parties.~~ The forfeiture hearing
15 shall be conducted in accordance with Sections 190 to 222.5,
16 inclusive, Sections 224 to 234, inclusive, Section 237, and Sections
17 607 to 630, inclusive, of the Code of Civil Procedure if a trial by
18 jury, and by Sections 631 to 636, inclusive, of the Code of Civil
19 Procedure if by the court. Unless the court or jury finds that the
20 seized property was used for a purpose for which forfeiture is
21 permitted, the court shall order the seized property released to the
22 person it determines is entitled thereto.

23 If the court or jury finds that the seized property was used for a
24 purpose for which forfeiture is permitted, but does not find that a
25 person claiming an interest therein, to which the court has
26 determined he or she is entitled, had actual knowledge that the
27 seized property would be or was used for a purpose for which
28 forfeiture is permitted and consented to that use, the court shall
29 order the seized property released to the claimant.

30 (f) All seized property which was the subject of a contested
31 forfeiture hearing and which was not released by the court to a
32 claimant shall be declared by the court to be forfeited to the state,
33 provided the burden of proof required pursuant to subdivision (i)
34 of Section 11488.4 has been met. The court shall order the forfeited
35 property to be distributed as set forth in Section 11489.

36 (g) All seized property which was the subject of the forfeiture
37 hearing and which was not forfeited shall remain subject to any
38 order to withhold issued with respect to the property by the
39 Franchise Tax Board.

1 SEC. 5. Section 11495 of the Health and Safety Code is
2 amended to read:

3 11495. (a) The funds received by the law enforcement agencies
4 under Section 11489 shall be deposited into an account maintained
5 by the Controller, county auditor, or city treasurer. These funds
6 shall be distributed to the law enforcement agencies at their request.
7 The Controller, auditor, or treasurer shall maintain a record of
8 these disbursements which records shall be open to public
9 inspection, subject to the privileges contained in Sections 1040,
10 1041, and 1042 of the Evidence Code.

11 (b) Upon request of the governing body of the jurisdiction in
12 which the distributions are made, the Controller, auditor, or
13 treasurer shall conduct an audit of these funds and their use. In the
14 case of the state, the governing body shall be the Legislature.

15 (c) Each year, the Attorney General shall publish a report which
16 sets forth the following information for the state, each county, each
17 city, and each city and county:

18 (1) The number of forfeiture actions initiated and administered
19 by state or local agencies under California law, the number of cases
20 adopted by the federal government, and the number of cases
21 initiated by a joint federal-state action that were prosecuted under
22 federal law.

23 (2) The number of cases and the administrative number or court
24 docket number of each case for which forfeiture was ordered or
25 declared.

26 (3) The number of suspects charged with a controlled substance
27 violation.

28 (4) The number of alleged criminal offenses that were under
29 federal or state law.

30 (5) The disposition of cases, including no charge, dropped
31 charges, acquittal, plea agreement, jury conviction, or other.

32 (6) The value of the assets forfeited.

33 (7) The recipients of the forfeited assets, the amounts received,
34 and the date of the disbursement.

35 (d) The Attorney General shall develop administrative guidelines
36 for the collection and publication of the information required in
37 subdivision (c).

- 1 (e) The Attorney General's report shall cover the calendar year
- 2 and shall be made no later than March 1 of each year beginning
- 3 with the year after the enactment of this law.

O