2022 South Dakota Legislature

House Bill 1328

ENROLLED

AN ACT

ENTITLED An Act to require law enforcement to report certain seizures of property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 23A-49 be amended with a NEW SECTION:

For any property seized or forfeited under this chapter, a law enforcement agency shall issue a report to the attorney general within a time specified and in a form prescribed by the attorney general, containing information about the property seized or forfeited as listed in section 2 of this Act and in rule promulgated by the attorney general.

Section 2. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general shall establish and maintain a searchable public website or electronic spreadsheet that includes the following information about each property seized and forfeited:

(1) Name of the law enforcement agency that seized the property or, if seized by a multijurisdictional state task force, the name of the lead state agency;
(2) Forfeiture case file number;
(3) County;
(4) Arresting agency;
(5) Seizure date;
(6) Location of the seizure, whether a residence, business, event, or traffic stop;
(7) If a traffic stop on an interstate, the direction of the traffic flow, whether eastbound, westbound, southbound or northbound;
(8) Type and amount of controlled substance;
(9) Original criminal charge;
(10) Final criminal charge;
(11) Date of summons and complaint filed;
(12) Date of summons and complaint served or last date of publication;

(13) Whether the defendant or property owner defaulted on the forfeiture complaint, and if no default occurred, the date of civil answer filed by the defendant or property owner;
(14) Whether an innocent-owner claimant or creditor moved to regain the property;
(15) Date of default civil judgment;
(16) Date of summary judgment;
(17) Date of civil dismissal;
(18) Date of order of civil forfeiture;
(19) Dollar amount of seized currency;
(20) Description of seized property, other than currency, including make, model, and year;
(21) Estimated value of seized property other than currency;
(22) Date of case completion;
(23) Dollar amount of forfeited currency after case completion;
(24) Description of forfeited property, other than currency, after case completion;
(25) Estimated value of forfeited property, other than currency, after case completion;
(26) Whether the property was returned to the defendant or property owner, returned to the innocent-owner claimant or creditor, bought back, sold, destroyed, retained or disbursed to law enforcement agency, or pending disposition; and
(27) Case comments.

Section 3. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general, no more than 120 days after the close of the fiscal year, shall post on a searchable public website a report containing an itemized list of each property seized and forfeited for the preceding fiscal year as provided in section 2 of this Act.

The attorney general shall include in the report an itemized list of the expenditures and disbursements made by the attorney general under §§ 23A-49-20 and 34-20B-64.

The attorney general may include in the report recommendations to improve statutes, rules, and policies to better ensure that seizure, forfeiture, and expenditures are done and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, law enforcement and taxpayers.

The data and report compiled hereunder are public records under chapter 1-27.

Section 4. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general may use forfeiture proceeds to pay the costs of compiling and reporting data under this Act.

Section 5. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general shall promulgate rules, in accordance with chapter 1-26 establishing:

(1) The form for law enforcement agencies to file a report with the attorney general;

(2) The deadline by which law enforcement must report under section 1 of this Act;

(3) Procedures necessary to facilitate the reporting provisions under this Act; and

(4) Any information required from law enforcement agencies about property seized and forfeited under this chapter, in addition to the information required to be reported to the attorney general in section 2 of this Act.

Section 6. This Act applies to any property seized or forfeited under this chapter on or after July 1, 2022.

An Act to require law enforcement to report certain seizures of property.

I certify that the attached Act originated in the:

House as Bill No. 1328

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1328
File No. ____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2022 at _____M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

_____
Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2022
at _____ o'clock __M.

_____
Secretary of State

By _____
Asst. Secretary of State