

ASSEMBLY BILL NO. 549—COMMITTEE ON WAYS AND MEANS

MAY 19, 2003

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to uses of forfeited property or proceeds of forfeited property. (BDR 14-1354)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to forfeitures; revising the provisions relating to the uses of forfeited property or the proceeds of forfeited property; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 179.1187 is hereby amended to read as
2 follows:

3 179.1187 1. The governing body controlling each law
4 enforcement agency that receives proceeds from the sale of forfeited
5 property shall establish with the State Treasurer, county treasurer,
6 city treasurer or town treasurer, as custodian, a special account,
7 known as the “..... Forfeiture Account.” The account is a
8 separate and continuing account and no money in it reverts to the
9 State General Fund or the general fund of the county, city or town at
10 any time. For the purposes of this section, the governing body
11 controlling a metropolitan police department is the Metropolitan
12 Police Committee on Fiscal Affairs.

13 2. The money in the account may be used for any lawful
14 purpose deemed appropriate by the chief administrative officer of
15 the law enforcement agency, except that:

16 (a) ~~[The money must not be used to pay the ordinary operating~~
17 ~~expenses of the agency.]~~



1 ~~(b)~~ Money derived from the forfeiture of any property
2 described in NRS 453.301 must be used to enforce the provisions of
3 chapter 453 of NRS.

4 ~~(e)~~ (b) Money derived from the forfeiture of any property
5 described in NRS 501.3857 must be used to enforce the provisions
6 of title 45 of NRS.

7 ~~(d)~~ (c) Seventy percent of the amount of money in excess of
8 \$100,000 remaining in the account at the end of each fiscal year, as
9 determined based upon the accounting standards of the governing
10 body controlling the law enforcement agency that are in place on
11 March 1, 2001, must be distributed to the school district in the
12 judicial district. If the judicial district serves more than one county,
13 the money must be distributed to the school district in the county
14 from which the property was seized.

15 3. A school district that receives money pursuant to paragraph
16 ~~(d)~~ (c) of subsection 2 shall deposit such money into a separate
17 account. The interest and income earned on the money in the
18 account, after deducting any applicable charges, must be credited to
19 the account. The money in the account must be used to purchase
20 books and computer hardware and software for the use of the
21 students in that school district.

22 4. The chief administrative officer of a law enforcement
23 agency that distributes money to a school district pursuant to
24 paragraph ~~(d)~~ (c) of subsection 2 shall submit a report to the
25 Director of the Legislative Counsel Bureau before January 1 of each
26 odd-numbered year. The report must contain the amount of money
27 distributed to each school district pursuant to paragraph ~~(d)~~ (c) of
28 subsection 2 in the preceding biennium.

29 **Sec. 2.** NRS 179.119 is hereby amended to read as follows:

30 179.119 1. Any law enforcement agency that receives
31 forfeited property or the proceeds of a sale of such property pursuant
32 to the provisions contained in NRS 179.1156 to 179.119, inclusive,
33 shall:

34 (a) File a quarterly report of the approximate value of the
35 property and the amount of the proceeds with the entity that controls
36 the budget of the agency; and

37 (b) Provide the entity that controls the budget of the agency with
38 a quarterly accounting of the receipt and use of the proceeds.

39 2. Revenue from forfeitures must not be considered in the
40 preparation ~~for adoption~~ of the budget of a law enforcement agency
41 except as money to match money from the Federal Government.

42 **Sec. 3.** This act becomes effective upon passage and approval.

