

# HOUSE . . . . . No. 1337

By Mr. Cabral of New Bedford, petition of Antonio F. D. Cabral and others relative to the seizure of drug related money, property, and assets. The Judiciary.

## The Commonwealth of Massachusetts

PETITION OF:

Antonio F. D. Cabral	Thomas P. Kennedy
Patricia D. Jehlen	Mary E. Grant
Gloria L. Fox	Susan C. Fargo

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE SEIZURE OF DRUG RELATED MONEY, PROPERTY, AND ASSETS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subsection (d) of Section 47 of Chapter 94C of the  
2 General Laws, as appearing in the 2004 Official Edition, is hereby  
3 amended by striking out the second paragraph and inserting in place  
4 thereof the following paragraphs:—  
5 The final order of the court shall provide that said monies and the  
6 proceeds of any such sale shall be distributed in the following  
7 manner:—  
8 Thirty-four percent shall be distributed to the Massachusetts Drug  
9 Treatment and Prevention Fund for the purpose of community based  
10 drug prevention and treatment programs; Thirty-three percent to the  
11 prosecuting district attorney or attorney general; And thirty-three  
12 percent to the city, town, state, or metropolitan district police depart-  
13 ment involved in the seizure, provided, however, if more than one  
14 department was substantially involved in the seizure, the court  
15 having jurisdiction of the forfeiture proceeds shall equitably dis-  
16 tribute said proceeds among these departments.

1 SECTION 2. Subsection (d) of Section 47 of Chapter 94C of the  
2 General Laws, as so appearing, is hereby amended by inserting at  
3 the end of said section the following sentence:—

4 Said department may expend up to ten percent of monies and pro-  
5 ceeds for drug rehabilitation, drug education, and other anti-drug or  
6 neighborhood crime watch programs that further law enforcement  
7 purposes.

1 SECTION 3. The third paragraph in subsection (d) of Section 47  
2 of Chapter 94C of the General Laws, as so appearing, is hereby fur-  
3 ther amended by striking out the last sentence and inserting in place  
4 thereof the following two sentences:—

5 Within ninety days of the close of the fiscal year in which this bill  
6 is enacted and on each February fifteenth thereafter, each district  
7 attorney and the attorney general shall file a detailed report with the  
8 house and senate committees on ways and means on the deposit and  
9 expenditure of all monies in the trust fund including, but not limited  
10 to, the use of such monies for the purpose of protracted investiga-  
11 tions, provision of technical equipment, drug rehabilitation, drug  
12 education, and other anti-drug or neighborhood crime watch pro-  
13 grams. Reports filed with said committees annually on February fif-  
14 teen shall detail said deposit and expenditure of all monies for the  
15 preceding fiscal year and the current fiscal year through December  
16 thirty-first.

1 SECTION 4. The fourth paragraph in subsection (d) of Section 47  
2 of Chapter 94C of the General Laws, as so appearing, is hereby fur-  
3 ther amended by adding the following after the end of said para-  
4 graph:—

5 Within ninety days of the close of the fiscal year in which this bill  
6 is enacted and on each February fifteenth thereafter, each chief of  
7 police of such city or town shall file a detailed report with the divi-  
8 sion of local services of the department of revenue on the deposit  
9 and expenditure of all monies in the special law enforcement trust  
10 fund including, but not limited to, the use of such monies for the  
11 purpose of protracted investigations, provision of technical equip-  
12 ment, drug education, and other anti-drug or neighborhood crime  
13 watch programs or other law enforcement purposes as the chief of  
14 police of such city or town, or the colonel of state police deems

15 appropriate. Reports filed with said department annually in February  
16 fifteenth shall detail such deposits and expenditures of all monies for  
17 the preceding fiscal year and the current fiscal year through  
18 December thirty-first.

1 SECTION 5. Chapter 10 of the General Laws is hereby amended  
2 by inserting after Section 35T, as appearing in the 2002 Official Edi-  
3 tion, the following section:—

4 Section 35U. There shall be established and set up on the books  
5 of the Commonwealth a separate fund, to be known as the Massa-  
6 chusetts Drug Treatment and Prevention Fund, to be administered  
7 and distributed to community-based efforts by the commissioner of  
8 public health for the purposes of drug prevention and treatment. Said  
9 fund shall consist of all funds received by the Commonwealth from  
10 the following sources:— proceeds under the provisions of paragraph  
11 (d) of Section forty-seven of Chapter 94C; fines paid under the pro-  
12 visions of Sections thirty-two to forty, inclusive, of said Chapter  
13 94C; and appropriations, gifts, grants, or donations to said fund from  
14 public or private sources for the purposes of said fund. The state  
15 treasurer shall not deposit said revenues in, or transfer said revenues  
16 to, the General Fund or any other fund other than the Massachusetts  
17 Drug Treatment and Prevention Trust Fund, subject to appropriation.  
18 The state treasurer shall deposit monies in said fund in accordance  
19 with the provisions of Sections 34 and 34A of Chapter 29 in such  
20 manner as will secure the highest interest rate available consistent  
21 with the safety of the fund. Subject to appropriation, said fund shall  
22 be expended only for the purposes of community-based prevention  
23 and drug treatment efforts at the direction of the commissioner of  
24 public health, and any unexpended balances shall be redeposited, as  
25 herein provided, for further use consistent with this section.