

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Justice Information Commission
Rule No. 265-x-3-.08
Rule Title: Electronic Submission of Civil Forfeiture Reporting Data by District Attorney
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

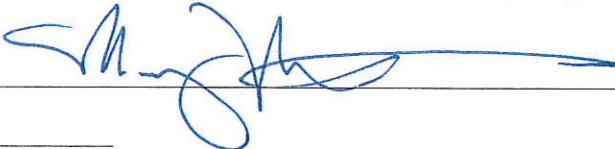
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 
Date 2/19/20

(DATE FILED)
(STAMP)

Alabama Justice Information Center

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Justice Information Commission (AJIC)

RULE NO. & TITLE: 265-X-3- .08 Electronic Submission of Civil Forfeiture Reporting Day by District Attorneys

INTENDED ACTION: Establish procedures for forfeiture reporting by law enforcement

SUBSTANCE OF PROPOSED ACTION:

Establishing rules for the submission of data related to forfeiture actions in State Court by district attorneys

TIME, PLACE, MANNER OF PRESENTING VIEWS:

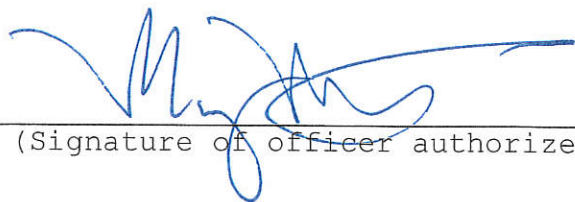
Please bring any comments in writing to ALEA during normal business hours or send comments via email to AJIC@alea.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

All comments must be received by April 3 2020

CONTACT PERSON AT AGENCY:

Maury Mitchell - State Crime Information Director
ALEA
201 S Union St, Ste 300
Montgomery AL 36130
(334) 517-2410
AJIC@alea.gov



(Signature of officer authorized

ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION
ADMINISTRATIVE CODE

CHAPTER 265-X-3
ALABAMA UNIFORM CRIME REPORTING FORMS

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265-X-3-.05	Arrest Report Instructions
265-X-3-.06	Electronic Submissions of Uniform Crime Reporting (UCR) Data
<u>265-X-3-.08</u>	<u>Electronic Submission of Civil Forfeiture Reporting Data by District Attorney</u>
Appendix A	Alabama Uniform Incident/Offense Report
Appendix B	Alabama Uniform Incident/Offense Report Supplement
Appendix C	Alabama Uniform Arrest Report
Appendix D	Sample Police Department Offense/Incident Report Signature Sheet

265-X-3-.08 Electronic Submission of Civil Forfeiture Reporting Data by District Attorney

(1) Effective May 1, 2020, every state, county or municipal prosecutor in Alabama that files for forfeiture of property seized in connection to a criminal activity shall submit the following information related to the seizure and forfeiture into the state civil forfeiture reporting system provided through ALEA:

- (a) The date of the seizure.
- (b) The address of the seizure.
- (c) The name of the law enforcement agency that conducted the seizure.
- (d) The type of property seized.

(e) A general description of the property seized.

(f) The name of the person or entity, if known, from whom the property was seized.

(g) A description of the suspected underlying criminal activity that led to the seizure.

(h) Any known arrest, including the date and charge, related to the seizure which occurred prior to a forfeiture final judgment of the seized property.

(i) Any and all civil case action numbers assigned in state court.

(j) Any known claimants, including title holders of record or lien holders of record.

(k) The disposition of the property, including the date of any order.

(1) The name of each entity receiving all or any portion of the seized property subject to the forfeiture disposition. If the forfeiture order requires the selling of the property, all proceeds from the sale shall be accounted for by the recipient.

(2) This record shall be entered into system for electronic submission to ALEA within 90 days of the final order determining forfeiture disposition by the court, provided no appeal is taken or there are no post-trial judgments. Otherwise, submission shall be within 60 after case is final after all post-trial remedies are exhausted.

(3) Property confiscated as a result of a criminal event that would otherwise be illegal to possess and is not subject to forfeiture shall not be entered into the state forfeiture reporting system.

Author: Maury Mitchell

Statutory Authority: Code of Ala. 1975, Section 41-9-620.

History: New rule: Filed ; effective