



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on seized property data on an annual basis and removing an existing requirement concerning reporting on disposition of certain unclaimed property

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-169 to read as follows:

§ 14-169. Seized Property Data Reports.

a. Definitions. As used in this section, the following terms have the following meanings:

Retained property. The term “retained property” means: (i) property other than U.S. currency that the department has obtained an ownership interest in; or (ii) U.S. currency that the department has obtained an ownership interest in that has been transferred to the general fund of the city, pursuant to section 14-140 either because the ownership interest in such U.S. currency has been waived or forfeited, or because such U.S. currency remains unclaimed after the applicable legal period for claiming such U.S. currency has expired.

Seized property. The term “seized property” means property over which the property clerk of the department has obtained custody pursuant to section 14-140, the ownership of which has not been adjudicated, that is held for safekeeping, as arrest evidence, for forfeiture or as investigatory evidence.

b. Report. The department shall post on the department's website on an annual basis, no later than September 1 of each year, a report providing data on seized property and retained property pursuant to this section for the preceding calendar year, which shall include the following:

1. The dollar amount of U.S. currency that has become property retained by the department after a settlement agreement entered into between the department and claimants for such currency;

2. The dollar amount of U.S. currency that has become property retained by the department after a judgment in a civil forfeiture proceeding;

3. The dollar amount of U.S. currency returned by the department to the claimant following a dismissal, judgment, or settlement in a civil forfeiture proceeding pursuant to section 14-140;

4. The number of registered motor vehicles that have become property retained by the department after a settlement or judgement in a civil forfeiture proceeding;

5. The revenue generated by liquidation of registered motor vehicles that have become retained property, the number of such vehicles liquidated and the entity contracted to liquidate such vehicles on behalf of the department;

6. The revenue generated by liquidation of retained property, other than registered motor vehicles and U.S. currency, and the entity contracted to liquidate such property on behalf of the department;

7. The amount of U.S. currency obtained by the department through disbursement from the district attorney pursuant to state forfeiture laws; and

8. The amount of U.S. currency obtained by the department through disbursement from the department of justice pursuant to federal forfeiture laws.

§ 2. Subdivision b of section 14-169 of the administrative code of the city of New York, as added by section one of this local law, is amended to read as follows:

b. Report. [The] On or before July 1, 2019, the department shall post on the department's website [on an annual basis, no later than September 1 of each year,] a report providing data on

seized property and retained property pursuant to this section for the preceding [calendar year] six months. Beginning on March 1, 2020 and every March 1 thereafter, the department shall post on the department's website an annual report providing data on seized property and retained property pursuant to this section for the preceding calendar year, which shall include the following:

1. The total amount of seized property in the form of U.S. currency, disaggregated by:

(a) The dollar amount of such U.S. currency classified and held for safekeeping, disaggregated by the borough, police precinct and month in which such property was vouchered, noting the dollar amount returned to claimants;

(b) The dollar amount of such U.S. currency classified and held as arrest evidence, disaggregated by the borough, police precinct and month in which such property was vouchered, noting the dollar amount returned to claimants;

(c) The dollar amount of such U.S. currency held for forfeiture, disaggregated by the borough, police precinct and month that such property was vouchered, noting the dollar amount returned to claimants;

(d) The dollar amount of such U.S. currency held as investigatory evidence, disaggregated by the borough, police precinct and month that such property was vouchered, noting the dollar amount returned to claimants;

[1.](e) The dollar amount of such U.S. currency that has become property retained by the department after a settlement agreement entered into between the department and claimants for such currency;

[2.](f) The dollar amount of such U.S. currency that has become property retained by the department after a judgment in a civil forfeiture proceeding;

[3.](g) The dollar amount of such U.S. currency returned by the department to the claimant

following a dismissal, judgment, or settlement in a civil forfeiture proceeding pursuant to section 14-140; and

(h) The dollar amount of such currency that has become retained property because no person retrieved such currency;

2. The total number of seized property items in the form of registered motor vehicles, disaggregated by:

(a) The number of such vehicles classified and held for safekeeping, disaggregated by the borough, police precinct and the month that such property was vouchered, and the number of such vehicles returned to claimants;

(b) The number of such vehicles classified and held as arrest evidence, disaggregated by the borough, police precinct and month that such property was vouchered, and the number of such vehicles returned to claimants;

(c) The number of such vehicles classified and held for forfeiture, disaggregated by the borough, police precinct and month that such property was vouchered, and the number of such vehicles returned to claimants;

(d) The number of such vehicles classified and held as investigatory evidence, disaggregated by the borough, police precinct and month that such property was vouchered, and the number of such vehicles returned to claimants;

[4.](e) The number of [registered motor] such vehicles that have become property retained by the department after a settlement or judgment in a civil forfeiture proceeding;

(f) The number of such vehicles that have become property retained by the department because no person retrieved such vehicle within the applicable legal period;

[5.](g) The revenue generated by liquidation of [registered motor] such vehicles that have become

retained property, the number of such vehicles liquidated and the entity contracted to liquidate such vehicles on behalf of the department; and

(h) The number of such vehicles that were returned by the department to vehicle claimants following a dismissal, judgment, or settlement in a civil forfeiture proceeding pursuant to section 14-140;

3. The number of the following other items of seized property:

(a) Cellular telephones, disaggregated by the borough, police precinct and month that such property was vouchered, and further disaggregated by the number of such telephones returned to the claimant or their designee;

(b) Clothing items, disaggregated by the borough, police precinct and month that such property was vouchered, and further disaggregated by the number of clothing items returned to the claimant or their designee;

(c) Wallets, disaggregated by the borough, police precinct and month that such property was vouchered, and further disaggregated by the number of wallets returned to the claimant or their designee;

(d) Sets of keys, disaggregated by the borough, police precinct and month that such property was vouchered, and further disaggregated by the number of sets of keys returned to the claimant or their designee;

(e) Identification documents, disaggregated by the borough, police precinct and month that such property was vouchered, and further disaggregated by the number of identification documents returned to the claimant or their designee; and

(f) Non-perishable peddler property items, as designated by the property clerk, that are not illegal contraband, disaggregated by the borough, police precinct and month that such property was

vouchered, and further disaggregated by the number of peddler property items returned to the claimant or their designee;

4. For the property specified in paragraphs 1, 2 and 3 of this section that is returned during the reporting period, and to the extent such information is available, further disaggregation by:

(a) The number of claimants or their designees who retrieved their property within six months of its seizure;

(b) The number of claimants or their designees who retrieved their property between six months and up to one year of its seizure;

(c) The number of claimants or their designees who retrieved their property between one year and up to two years of its seizure;

(d) The number of claimants or their designees who retrieved their property between two years and up to three years of its seizure; and

(e) The number of claimants or their designees who retrieved their property three years or more after its seizure;

[6.] 5. The revenue generated by liquidation of retained property, other than registered motor vehicles and U.S. currency, and the entity contracted to liquidate such property on behalf of the department;

[7.] 6. The amount of U.S. currency obtained by the department through disbursement from the district attorney pursuant to state forfeiture laws; and

[8.] 7. The amount of U.S. currency obtained by the department through disbursement from the department of justice pursuant to federal forfeiture laws.

c. The reports produced pursuant to this section shall be stored permanently, and shall be accessible from the department's website in a format that permits automated processing.

§ 3. Paragraph 1 of subdivision e of section 14-140 of the administrative code of the city of New York,

as amended by chapter 503 of the laws of 1995, is amended to read as follows:

1. Abandoned vehicles subject to the provisions of section twelve hundred twenty-four of the vehicle and traffic law in the custody of the property clerk shall be disposed of in accordance with the provisions of such section twelve hundred twenty-four. The city may convert to its own use in any calendar year one percent of any such abandoned vehicles not subject to subdivision two of such section twelve hundred twenty-four which are not claimed. All moneys or property other than abandoned vehicles subject to the provisions of such section twelve hundred twenty-four that shall remain in the custody of the property clerk for a period of three months without a lawful claimant entitled thereto shall, in the case of moneys, be paid into the general fund of the city established pursuant to section one hundred nine of the charter, and in the case of property other than such abandoned vehicles, be sold at public auction after having been advertised in "the City Record" for a period of ten days and the proceeds of such sale shall be paid into such fund. In the alternative, any such property may be used or converted to use for the purpose of any city, state or federal agency, or for charitable purposes, upon consultation with the human resources administration and other appropriate city agencies[, and the commissioner shall report annually to the city council on the distribution of such property]. Notwithstanding the foregoing, all property or money of a deceased person that shall come into the custody of the property clerk shall be delivered to a representative of the estate of such decedent and if there be no such representative, to the public administrator of the county where the decedent resided. Where moneys or property have been unlawfully obtained or stolen or embezzled or are the proceeds of crime or derived through crime or derived through the conversion of unlawfully acquired property or money or derived through the use or sale of property prohibited by law from being held, used or sold, or have been used as a means of committing crime or employed in aid or in furtherance of crime or held, used or sold in violation of law, or are the proceeds of or derived through bookmaking, policy, common gambling, keeping a gambling place or device, or any other form of illegal gambling activity or have been employed in or in connection with or in furtherance of any such gambling activity, a person who so obtained, received or derived any such moneys or property, or who so used,

employed, sold or held any such moneys or property or permitted or suffered the same to be used, employed, sold or held, or who was a participant or accomplice in any such act, or a person who derives his or her claim in any manner from or through any such person, shall not be deemed to be the lawful claimant entitled to any such moneys or property except that as concerns any vehicle taken into custody in the manner provided for in subdivision b of section 20-519 of the code, the authorized tow company shall receive from the department the cost of towing and storage as provided under subdivision c of section 20-519.

§ 4. Sections one and three of this local law take effect immediately. Section two of this local law takes effect on January 1, 2019.

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