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Int. No. 156

By Council Members Cabán, Stevens, Gutiérrez, Hanif, Louis, Restler, Hudson, Brewer, Sanchez, Marte, Farías, Won, De La Rosa and Joseph

A Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on retained and seized property

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

CHAPTER 5
DISTRICT ATTORNEYS

§ 9-501 Definitions. As used in this chapter, the following terms have the following meanings:

Office. The term "office" means an office of a district attorney or the special narcotics prosecutor.

Retained property. The term "retained property" means: (i) property other than U.S. currency that the office has obtained an ownership interest in; or (ii) U.S. currency that the office 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 currency has been waived or forfeited or because such. currency remains unclaimed after the applicable legal period for claiming such currency has expired.

Seized property. The term "seized property" means property over which the office 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.

§ 9-502 Reporting.

a. Each office shall submit an annual report to the council and the office of criminal justice, and post

such report on such office's website. Such reports shall be submitted within 30 days of January 1 each year, starting in 2023, and shall include the following information for retained and seized property during the previous calendar year:

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

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

3. The dollar amount of U.S. currency returned by the office 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 office 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 office;

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 office; and

7. 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 police precinct and month in which such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

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

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

b. Reports required pursuant to subdivision a of this section shall be stored permanently and accessible from each office's website, and shall be provided in a format that permits automated processing.

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-310 to read as follows:

§ 9-310 District attorney reporting. No later than 45 days from January 1 of each year, starting in 2023, the office shall provide to the council and publish on its website an annual report on district attorneys. This report shall consist of the information required pursuant to section 9-402 aggregated for all district attorneys, and published in a manner that permits the comparison of such information for such district attorneys.

§ 3. This local law takes effect immediately.

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