



# EQUITABLE SHARING WIRE

June 12, 2017

## State Forfeiture Legislation

Recently, several states have enacted state forfeiture legislation that impacts state or local law enforcement agencies' ability to transfer assets to the federal government for federal forfeiture or receive shared funds through the Department of Justice Equitable Sharing Program. Prior to transferring assets to the federal government, agencies must ensure that all state requirements are met and the transfer does not violate state forfeiture laws.

State legislation directing federally forfeited proceeds to state general accounts conflicts with the statutes and policies governing the Equitable Sharing Program. Agencies in states with such laws are precluded from receiving federal equitable sharing funds. In addition, some states have passed legislation detailing criteria that must be met in order for an agency to receive sharing. It is the recipient law enforcement agency's responsibility to ensure that any asset from which sharing is requested and received meets relevant state laws.

States that have recently enacted legislation impacting federal asset seizure and forfeiture are Arizona, California, Colorado, District of Columbia, Maryland, Nebraska, New Mexico, and Ohio.

States that have recently introduced legislation are Alaska, Delaware, Indiana, Massachusetts, Tennessee, Texas, and Wisconsin, among others.

The Department of Justice appreciates the assistance and contributions from our state and local law enforcement partners in the continuing efforts to compensate victims and reduce crime.

## Visit us at National Sheriffs' Association

Stop by and visit us at booth 818 at the National Sheriffs' Association Conference in Reno, Nevada June 23-28, 2017.



### Key Contacts

Permissible Use of Funds  
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### Websites

Department of Justice Equitable Sharing Program  
[www.justice.gov/criminal/afmls/equitable-sharing/](http://www.justice.gov/criminal/afmls/equitable-sharing/)

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### Treasury Executive Office for Asset Forfeiture

[www.treasury.gov/about/organizational-structure/offices/Pages/The-Executive-Office-for-Asset-Forfeiture.aspx](http://www.treasury.gov/about/organizational-structure/offices/Pages/The-Executive-Office-for-Asset-Forfeiture.aspx)