

SENATE BILL 3176

By Bell

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17 and Title 40, Chapter 33, relative to the proceeds from certain, seizures, forfeitures and fines.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-211, is amended by deleting the third sentence of subsection (a) and substituting instead the following:

All such seizures, confiscations and sales derived from the activities of a judicial district drug task force shall be transmitted and distributed as provided in subsection (i).

SECTION 2. Tennessee Code Annotated, Section 39-17-420, is amended by deleting subsection (c) and substituting instead the following:

(c) All fines and forfeitures of appearance bonds received from the violation of this part and that are specifically set forth in this part, the proceeds of goods seized and forfeited under § 53-11-451 and disposed of according to law that arise from the activities of a judicial district drug task force shall be transmitted, disposed of, and distributed in accordance with § 40-33-211(i).

SECTION 3. Tennessee Code Annotated, Section 39-17-428, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1) Fifty percent (50%) of any fine collected pursuant to subsection (b) shall be allocated in the manner set out in § 39-17-420. The remaining fifty percent (50%) shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

However, if a drug task force is responsible for the investigation and arrest, the amount above the minimum fine shall be transmitted, disposed of, and distributed in accordance

with § 40-33-211(i). Notwithstanding § 39-17-420(a)(1) or any other law to the contrary, grants that are based on any fine collected pursuant to subsection (b) may be awarded to fund programs and services for infants and children who are afflicted by HIV or AIDS.

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection (i):

(1) Notwithstanding the provisions of this section, the proceeds from all seizures, confiscations and sales made pursuant to subsection (a), and all fines and forfeitures of appearance bonds received from violations of title 39, chapter 17, part 4, that are derived from the activities of a judicial district drug task force shall be transmitted to the general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the drug enforcement and education fund. Moneys from the fund shall be expended to fund activities authorized by this subsection (i). Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the reserve shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years.

(2) The general assembly shall appropriate, through the general appropriations act, moneys from the drug enforcement and education fund to the department of finance and administration, office of criminal justice programs. The appropriations shall be specifically earmarked for the purposes set out in subdivision (i)(4).

(3) In addition to the proceeds transmitted to the fund pursuant to subdivision (i)(1), the fund may receive any additional, grants, gifts, contributions or other appropriations to supplement the fund and provide for additional grants for the purposes set out in subdivision (i)(4).

(4) Any county or municipal law enforcement agency, may apply through the office of criminal justice programs for drug enforcement and education fund program grants to:

(1) Enhance law enforcement training for officers in the law enforcement agency in specialized areas for which training is not otherwise offered or required;

(2) Establish or continue drug education programs designed to educate youth in the agency's jurisdiction of the effects and consequences of drug use;

(3) Establish or continue drug awareness programs to educate the public in the agency's jurisdiction concerning the effects, characteristics and types of drugs available, including synthetic and imitation drugs;

(4) Establish, enhance, or continue methamphetamine clean-up programs in the jurisdiction; and

(5) Establish or enhance any other program or purpose legitimately related to drugs, drug education and awareness or the improvement of law enforcement services generally in the jurisdiction.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it for purposes of establishing the drug enforcement and education fund and shall apply to all proceeds from seizures, confiscations and sales made pursuant to § 40-33-211 (a), and fines and forfeitures of appearance bonds received from violations of the provisions of title 39, chapter 17, part 4, that are derived from the activities of a judicial district drug task force on or after such date.