



1           WHEREAS, under Louisiana law, law enforcement retains a large portion of the  
2 proceeds from asset forfeiture, while the remaining proceeds go to the criminal court fund,  
3 providing perverse incentives for both law enforcement and the court system; and

4           WHEREAS, Louisiana has forfeited \$122,441,784 in property and cash and received  
5 an additional \$57,206,555 from the "equitable sharing program", which allows Louisiana  
6 law enforcement to receive property from a person through joint ventures with the federal  
7 government; and

8           WHEREAS, Louisiana law does not provide for adequate reporting requirements,  
9 making it impossible for Louisiana residents to know which property forfeited is tied to a  
10 criminal conviction and how the money is spent by law enforcement and the courts; and

11           WHEREAS, since 2014, thirty-one states and the District of Columbia have made  
12 changes to their civil asset forfeiture laws to better protect the rights of property owners  
13 while still allowing for law enforcement to remove property from criminals; and

14           WHEREAS, at least sixteen states require a criminal conviction to forfeit all or some  
15 types of property and offenses; and

16           WHEREAS, it is time for Louisiana to look into current civil asset forfeiture  
17 practices to determine if changes are necessary to better protect the rights of property owners  
18 while allowing law enforcement to remove property from the hands of criminals.

19           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana establishes the  
20 Louisiana Commission on Civil Asset Forfeiture to study and make recommendations  
21 regarding the practice of civil asset forfeiture to better protect innocent property owners  
22 while allowing law enforcement to remove ill-derived property and the property used to  
23 commit crimes from criminals.

24           BE IT FURTHER RESOLVED that the purpose of the commission is to determine  
25 whether the civil asset forfeiture laws provide ample due process for Louisiana property  
26 owners; whether current asset forfeiture laws provide ample transparency into the forfeiture  
27 process; how much property and cash is forfeited; how many forfeited assets are tied to a  
28 conviction; and how forfeited assets are spent, used, or both by law enforcement and the  
29 judiciary.

1 BE IT FURTHER RESOLVED that the commission shall be composed of  
2 representatives from relevant state agencies, interested associations, and other interested  
3 parties, including, but not limited to all of the following:

4 (1) The chief justice or her designee, who shall serve as the co-chair of the  
5 commission.

6 (2) The governor or his designee.

7 (3) The author of this Resolution or his designee, who shall serve as the co-chair of  
8 the commission.

9 (4) The speaker of the House of Representatives or his designee.

10 (5) The president of the Senate or his designee.

11 (6) The chair of the House Committee on the Administration of Criminal Justice.

12 (7) The chair of the House Committee on Judiciary.

13 (8) The chair of the Senate Committee on Judiciary B.

14 (9) The chair of the Senate Committee on Judiciary C.

15 (10) The attorney general or his designee.

16 (11) A representative from the division of administration appointed by the  
17 commissioner of administration.

18 (12) A representative of the Louisiana Municipal Association, appointed by the  
19 Louisiana Municipal Association.

20 (13) The president of the Louisiana Sheriffs' Association or his designee.

21 (14) Two district attorneys appointed by the president of the Louisiana District  
22 Attorneys Association.

23 (15) A representative of the Louisiana Bar Association, appointed by the Louisiana  
24 Bar Association.

25 (16) An attorney appointed by the Louisiana Bar Association, who is currently  
26 licensed to practice law in Louisiana, is in good standing with the Louisiana Bar, and has  
27 previously represented clients in civil asset forfeiture cases in Louisiana.

28 (17) Two district court judges, one appointed by the chief justice of the Louisiana  
29 Supreme Court and one appointed by the Louisiana District Judges Association.

30 (18) Two representatives from the Louisiana Smart on Crime Coalition.

1 BE IT FURTHER RESOLVED that the duties of the commission shall include but  
2 not be limited to all of the following:

3 (1) Review and evaluate current asset forfeiture laws in Louisiana.

4 (2) Determine the amount of property and cash forfeited for the past three years in  
5 each parish.

6 (3) Determine the median value of the property and cash forfeited for the past three  
7 years in each parish.

8 (4) Determine what types of property were forfeited and the number of forfeitures  
9 of each type of property for the past three years in each parish.

10 (5) Determine how many asset forfeiture cases are in connection with a criminal case  
11 and the disposition of those cases.

12 (6) Evaluate asset forfeiture reporting requirements and whether they provide ample  
13 transparency to the residents of Louisiana.

14 (7) How forfeited assets are spent or used by law enforcement and the judiciary.

15 (8) Collect necessary data to accomplish the purposes set forth in this Resolution.

16 (9) Recommend any appropriate changes to relevant laws, administrative rules, and  
17 policies of law enforcement and the judiciary.

18 BE IT FURTHER RESOLVED that the commission may request and collect relevant  
19 and necessary data and information to accomplish its purposes from state and local  
20 government entities.

21 BE IT FURTHER RESOLVED that the entities and court systems from which such  
22 information and data is requested may, to the extent feasible, provide such information and  
23 data to the commission at no cost.

24 BE IT FURTHER RESOLVED that a majority of the membership of the commission  
25 shall constitute a quorum and shall meet at the call of the chairpersons, or upon an  
26 affirmative vote of a majority of the commission members. All members shall be notified  
27 in writing of all meetings at least five days before the date on which a meeting of the  
28 commission is scheduled.

29 BE IT FURTHER RESOLVED that the commission shall meet no less than monthly  
30 and shall provide a report of its initial findings and recommendations to the governor and

1 the Legislature of Louisiana no later than February 1, 2020, and any further reports or  
2 recommendations thereafter as requested by the governor or the legislature, or as advised by  
3 the commission.

4 BE IT FURTHER RESOLVED that the meetings of the commission shall take place  
5 at the Louisiana State Capitol and the first meeting of the commission shall take place no  
6 later than September 1, 2019.

7 BE IT FURTHER RESOLVED that the commission shall request and secure  
8 qualified technical assistance and support through the establishment of an academic  
9 partnership or from public or private stakeholders and entities with qualified expertise in the  
10 commission's focus areas.

11 BE IT FURTHER RESOLVED that the division of administration and the office of  
12 the judicial administrator of the Louisiana Supreme Court shall provide administrative  
13 assistance and staffing as may be necessary to enable the commission to accomplish its  
14 duties.

15 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each  
16 of the commission members and the appointing entities provided in this Resolution.

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HCR 101 Original

2019 Regular Session

Stefanski

Establishes the La. Commission on Civil Asset Forfeiture to make recommendations regarding reforming current asset forfeiture laws that allow law enforcement to seize and forfeit assets from criminals while better protecting the due process rights of La. residents.