

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0689.01 Jerry Barry x4341

HOUSE BILL 18-1020

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HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Neville T. and Kagan,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CIVIL FORFEITURE REFORM, AND, IN CONNECTION  
102 THEREWITH, CHANGING THE ENTITY REQUIRED TO REPORT ON  
103 FORFEITURES, EXPANDING THE SCOPE OF THE FORFEITURES TO  
104 BE REPORTED, ESTABLISHING GRANT PROGRAMS, AND  
105 CHANGING THE DISBURSEMENT OF NET FORFEITURE PROCEEDS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

During the 2017 session, the general assembly enacted a bill involving civil forfeiture requiring seizing agencies to submit reports to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

the department of local affairs (department). The bill requires reporting agencies rather than seizing agencies to file the reports and defines "reporting agency". The bill also expands the scope of the reports to include seizures related to a local public nuisance law or ordinance.

The 2017 act also prohibited seizing agencies from receiving forfeiture proceeds from the federal government unless the aggregate value of property seized in a case is over \$50,000. The bill establishes the law enforcement assistance grant program in the department of public safety to reimburse seizing agencies for revenue lost because of this prohibition.

The bill establishes the law enforcement community services grant program (program) in the division of local government in the department to provide grants to law enforcement agencies, local governments, and community organizations to improve community services. It establishes a committee to review grant applications and make recommendations on grant awards and establishes a fund from which grants are paid.

Under current law, the net balance of proceeds received from a forfeiture action are divided evenly between the governmental body of the seizing agency and the managed service organization providing behavioral health in the judicial district (MSO). The bill provides that the 50% that went to the MSO is now divided so that the MSO and the new law enforcement community services grant program fund each receive 25%.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 16-13-701, **amend**  
3 (2)(c), (3)(c), (3)(d), (4)(a) introductory portion, (4)(b), (4)(c), (5)(a)  
4 introductory portion, (5)(a)(I), (5)(b) introductory portion, (5)(b)(II),  
5 (6)(a), (6)(b), (7)(a), (7)(b), and (7)(c); and **add** (3)(e) as follows:

6 **16-13-701. Reports related to seizures and forfeitures -**  
7 **legislative declaration - definitions.** (2) As used in this section, unless  
8 the context otherwise requires:

9 (c) ~~"Seizing agency" has the same meaning as defined in section~~  
10 ~~16-13-301(2.7).~~ "REPORTING AGENCY" MEANS:

11 (I) ANY STATE OR LOCAL GOVERNMENT ENTITY THAT EMPLOYS A  
12 PERSON, OTHER THAN A JUDGE OR MAGISTRATE, WHO IS AUTHORIZED TO

1 EFFECTUATE A FORFEITURE OF REAL OR PERSONAL PROPERTY, PURSUANT  
2 TO:

3 (A) PART 3 OF THIS ARTICLE 13, ABATEMENT OF PUBLIC NUISANCE;

4 (B) PART 5 OF THIS ARTICLE 13, "COLORADO CONTRABAND  
5 FORFEITURE ACT";

6 (C) PART 6 OF THIS ARTICLE 13, RECEIPT OF FEDERALLY FORFEITED  
7 PROPERTY; OR

8 (D) SECTIONS 18-17-105 AND 18-17-106 OF THE "COLORADO  
9 ORGANIZED CRIME CONTROL ACT"; OR

10 (II) THE OFFICE OF A DISTRICT ATTORNEY; OR

11 (III) ANY LOCAL GOVERNMENT AGENCY THAT EMPLOYS A PERSON  
12 WHO IS AUTHORIZED TO SEIZE REAL OR PERSONAL PROPERTY UNDER A  
13 LOCAL PUBLIC NUISANCE LAW OR ORDINANCE.

14 (3) This section applies to property seized under the following:

15 (c) Part 6 of this article 13, receipt of federally forfeited property;

16 **and**

17 (d) Sections 18-17-105 and 18-17-106 of the "Colorado Organized  
18 Crime Control Act"; AND

19 (e) ANY LOCAL PUBLIC NUISANCE LAW OR ORDINANCE.

20 (4) (a) The executive director shall establish, maintain, and amend  
21 as necessary and post on the department's website a biannual reporting  
22 form for use by ~~seizing~~ REPORTING agencies to report the information  
23 required by subsection (5) of this section. Each ~~seizing~~ REPORTING agency  
24 that received any forfeiture proceeds through ~~either~~ a state, ~~or~~ federal, OR  
25 LOCAL forfeiture process within the reporting period shall complete a  
26 form on the department's website for that reporting period. In creating the  
27 form, the executive director shall consider the input from the following:

1 (b) If a ~~seizing~~ REPORTING agency has not received any forfeiture  
2 proceeds during a reporting period, it shall submit a report indicating that  
3 no forfeiture proceeds were received.

4 (c) On or before December 31, 2017, the executive director shall  
5 provide access to the uniform report form developed pursuant to  
6 subsection (4)(a) of this section for ~~seizing~~ REPORTING agencies to file or  
7 update information as required by this section.

8 (5) Based upon the information received on the forms submitted  
9 pursuant to subsection (4) of this section, the department shall establish  
10 and maintain a searchable, public access database that includes the  
11 following, if known at the time of reporting:

12 (a) Information from each case in which ~~an~~ A REPORTING agency  
13 received any forfeiture proceeds specifying:

14 (I) The name of the ~~seizing~~ REPORTING agency and, if seized by  
15 a multijurisdictional task force, the name of the lead agency;

16 (b) Information from each ~~seizing~~ REPORTING agency on the use  
17 of forfeiture proceeds reported pursuant to this section including:

18 (II) The total value of seized and forfeited property held by the  
19 ~~seizing~~ REPORTING agency at the end of the reporting period.

20 (6) The department shall also post on the website a summary of  
21 information received pursuant to subsection (4) of this section that, to the  
22 extent available for the reporting period, describes:

23 (a) The total number of forfeiture actions initiated or administered  
24 by each ~~seizing~~ REPORTING agency;

25 (b) The total number of federal judicial or administrative  
26 forfeiture actions initiated by a multijurisdictional task force including a  
27 federal agency or referred by a ~~seizing~~ REPORTING agency and accepted

1 by the federal government for forfeiture under federal law;

2 (7) (a) Each ~~seizing~~ REPORTING agency, including any district  
3 attorney or other prosecutor, that receives or expends forfeiture-related  
4 money or property shall submit a report with all the information required  
5 pursuant to subsection (5) of this section that is known to the agency at  
6 the time of the report on the form developed pursuant to subsection (4)(a)  
7 of this section. Commencing July 1, 2017, for the reporting period  
8 between July 1 and December 31 of each year, the ~~seizing~~ REPORTING  
9 agency shall file the report by June 1 of the following calendar year. For  
10 the reporting period between January 1 and June 30, the ~~seizing~~  
11 REPORTING agency shall file the report by December 1 of that calendar  
12 year. If a ~~seizing~~ REPORTING agency has previously filed a report, but for  
13 the reporting period it has not received or expended any forfeiture  
14 proceeds, it shall submit a report indicating that fact.

15 (b) Notwithstanding the provisions of this section, if the reporting  
16 of any information required by subsection (5) of this section is likely to  
17 disclose the identity of a confidential source; disclose confidential  
18 investigative or prosecution material that could endanger the life or  
19 physical safety of any person; disclose the existence of a confidential  
20 surveillance or investigation; or disclose techniques or procedures for law  
21 enforcement procedures, investigation, or prosecutions, the ~~seizing~~  
22 REPORTING agency is not required to include such information in the  
23 report developed pursuant to subsection (4)(a) of this section. The  
24 executive director shall include in the form developed pursuant to  
25 subsection (4)(a) of this section a box for a ~~seizing~~ REPORTING agency to  
26 check if it is not disclosing information pursuant to this subsection (7)(b).

27 (c) If a ~~seizing~~ REPORTING agency fails to file a report required by

1 subsection (7)(a) of this section within thirty days after the date the report  
2 is due, the executive director shall send notice of the failure to the ~~seizing~~  
3 REPORTING agency. If the report:

4 (I) Is filed within forty-five days after the notice of failure is sent,  
5 the ~~seizing~~ REPORTING agency shall pay a civil fine of five hundred  
6 dollars; or

7 (II) Is not filed within forty-five days after the notice of failure is  
8 sent, the ~~seizing~~ REPORTING agency shall pay a civil fine of the greater of  
9 five hundred dollars or an amount equal to fifty percent of the forfeiture  
10 proceeds received by the ~~seizing~~ REPORTING agency during the reporting  
11 period.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-521 as  
13 follows:

14 **24-33.5-521. Law enforcement assistance grant program -**  
15 **reports.** (1) (a) THERE IS CREATED IN THE DIVISION THE LAW  
16 ENFORCEMENT ASSISTANCE GRANT PROGRAM, REFERRED TO IN THIS  
17 SECTION AS THE "GRANT PROGRAM", TO AWARD GRANTS TO SEIZING  
18 AGENCIES, AS DEFINED IN SECTION 16-13-301 (2.7), TO REIMBURSE THEM  
19 FOR MONEY THAT THE AGENCY WOULD HAVE RECEIVED EXCEPT FOR  
20 SECTION 16-13-306.5 OR 16-13-504.5. THE DIVISION SHALL ADMINISTER  
21 THE GRANT PROGRAM PURSUANT TO THIS SECTION. SUBJECT TO  
22 AVAILABLE APPROPRIATIONS, THE DIVISION SHALL MAKE GRANT  
23 PAYMENTS FROM MONEY APPROPRIATED TO THE DIVISION BY THE GENERAL  
24 ASSEMBLY FOR THE PROGRAM.

25 (b) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL:

26 (I) DEVELOP POLICIES AND PROCEDURES:

27 (A) FOR SEIZING AGENCIES TO APPLY FOR GRANTS UP TO THE

1 AMOUNT OF MONEY THAT THE AGENCY CAN ESTABLISH THAT IT WOULD  
2 HAVE RECEIVED EXCEPT FOR SECTION 16-13-306.5 OR 16-13-504.5;

3 (B) RELATED TO HOW MONEY IS DISBURSED TO SEIZING AGENCIES;

4 (C) RELATED TO HOW MONEY IS ALLOCATED AMONG SEIZING  
5 AGENCIES;

6 (D) TO ENSURE THAT GRANT MONEY IS ONLY USED FOR  
7 OPERATIONS AND INVESTIGATIONS, TRAINING AND EDUCATION,  
8 EQUIPMENT AND SUPPLIES, JOINT LAW ENFORCEMENT AND PUBLIC SAFETY  
9 OPERATIONS, SUPPORT OF COMMUNITY-BASED PROGRAMS, OR ANY OTHER  
10 PURPOSE THAT WOULD HAVE BEEN PERMISSIBLE UNDER FEDERAL  
11 EQUITABLE SHARING GUIDELINES; AND

12 (E) TO ENSURE THAT GRANT MONEY BE USED ONLY TO  
13 SUPPLEMENT AND NOT SUPPLANT MONEY RECEIVED BY THE SEIZING  
14 AGENCY FROM OTHER SOURCES.

15 (II) REVIEW APPLICATIONS FOR GRANTS FROM SEIZING AGENCIES;  
16 AND

17 (III) SELECT SEIZING AGENCIES TO RECEIVE GRANTS AND THE  
18 AMOUNT OF THE GRANTS.

19 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY FROM AN  
20 APPROPRIATION MADE FOR THE PURPOSES OF THIS SECTION REMAINS  
21 AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR  
22 WITHOUT FURTHER APPROPRIATION.

23 (d) ON OR BEFORE AUGUST 1, 2019, AND EACH AUGUST 1  
24 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES  
25 A GRANT SHALL PROVIDE A FINAL REPORT TO THE DIVISION DESCRIBING  
26 HOW THE GRANT FUNDS WERE UTILIZED. NOTWITHSTANDING THE  
27 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), ON OR BEFORE OCTOBER 1,

1 2019, AND EACH OCTOBER 1 THEREAFTER, THE DIVISION SHALL SUBMIT A  
2 SUMMARY OF THE REPORTS TO THE JUDICIARY COMMITTEES OF THE HOUSE  
3 OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 24-32-121 as  
5 follows:

6 **24-32-121. Law enforcement community services grant**  
7 **program - committee - policies and procedures - fund - rules - report**  
8 **- definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (a) "COMMITTEE" MEANS THE LAW ENFORCEMENT COMMUNITY  
11 SERVICES GRANT PROGRAM COMMITTEE ESTABLISHED PURSUANT TO  
12 SUBSECTION (3)(a) OF THIS SECTION.

13 (b) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT  
14 CREATED PURSUANT TO SECTION 24-32-103.

15 (c) "ELIGIBLE RECIPIENT" MEANS A LAW ENFORCEMENT AGENCY  
16 OR A GROUP OF COUNTY OR MUNICIPAL AGENCIES OR COMMUNITY  
17 ORGANIZATIONS, SO LONG AS ONE OF THE AGENCIES IS A LAW  
18 ENFORCEMENT AGENCY.

19 (d) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
20 THE DEPARTMENT OF LOCAL AFFAIRS.

21 (e) "LAW ENFORCEMENT AGENCY" MEANS A COUNTY SHERIFF'S  
22 OFFICE, MUNICIPAL POLICE FORCE, THE COLORADO STATE PATROL, OR THE  
23 COLORADO BUREAU OF INVESTIGATION.

24 (f) "PROGRAM" MEANS THE LAW ENFORCEMENT COMMUNITY  
25 SERVICES GRANT PROGRAM CREATED PURSUANT TO SUBSECTION (2) OF  
26 THIS SECTION.

27 (2)(a) THERE IS CREATED IN THE DIVISION THE LAW ENFORCEMENT



1 COMMUNITY SERVICES GRANT PROGRAM TO PROVIDE GRANTS TO LAW  
2 ENFORCEMENT AGENCIES, LOCAL GOVERNMENT AGENCIES, AND  
3 COMMUNITY ORGANIZATIONS TO IMPROVE SERVICES TO THE COMMUNITIES  
4 THROUGH COMMUNITY POLICING AND OUTREACH; DRUG INTERVENTION,  
5 PREVENTION, TREATMENT, AND RECOVERY; TECHNOLOGY; TRAINING; AND  
6 OTHER COMMUNITY SERVICES.

7 (b) THE DIVISION SHALL ADMINISTER THE PROGRAM AND, SUBJECT  
8 TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN  
9 THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL  
10 BE PAID OUT OF THE FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

11 (c) THE EXECUTIVE DIRECTOR SHALL DEVELOP SUCH POLICIES AND  
12 PROCEDURES AS ARE REQUIRED IN THIS SECTION AND SUCH ADDITIONAL  
13 POLICIES AND PROCEDURES AS MAY BE NECESSARY TO IMPLEMENT THE  
14 PROGRAM. AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY  
15 THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT  
16 APPLICATION, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, AND  
17 CRITERIA TO BE USED IN AWARDING AND DENYING GRANTS. THE  
18 EXECUTIVE DIRECTOR SHALL DETERMINE THE RECIPIENTS OF GRANTS AND  
19 THE AMOUNT OF EACH GRANT.

20 (3)(a) THERE IS CREATED IN THE DIVISION THE LAW ENFORCEMENT  
21 COMMUNITY SERVICES GRANT PROGRAM COMMITTEE TO MAKE  
22 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR ON THE POLICIES AND  
23 PROCEDURES DEVELOPED PURSUANT TO SUBSECTION (2)(c) OF THIS  
24 SECTION, REVIEW GRANT APPLICATIONS, AND RECOMMEND WHICH GRANTS  
25 SHOULD BE APPROVED. THE COMMITTEE CONSISTS OF THE FOLLOWING  
26 MEMBERS:

27 (I) A REPRESENTATIVE OF THE DEPARTMENT OF LOCAL AFFAIRS

1 APPOINTED BY THE EXECUTIVE DIRECTOR WHO SHALL CHAIR THE  
2 COMMITTEE;

3 (II) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY  
4 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
5 SAFETY;

6 (III) A REPRESENTATIVE OF THE DEPARTMENT OF LAW APPOINTED  
7 BY THE ATTORNEY GENERAL;

8 (IV) THE FOLLOWING PERSONS APPOINTED BY THE GOVERNOR:

9 (A) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF  
10 DISTRICT ATTORNEYS;

11 (B) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF  
12 COUNTY SHERIFFS;

13 (C) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CHIEFS  
14 OF POLICE;

15 (D) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF LAW  
16 ENFORCEMENT OFFICERS;

17 (E) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF  
18 COUNTIES;

19 (F) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF  
20 MUNICIPALITIES;

21 (G) A REPRESENTATIVE OF A DRUG TREATMENT PROVIDER;

22 (H) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT  
23 ADVOCATES FOR CIVIL LIBERTIES; AND

24 (I) FOUR ADDITIONAL MEMBERS WHO ARE NOT MEMBERS OF ANY  
25 OF THE ENTITIES DESCRIBED IN SUBSECTIONS (2)(b)(IV)(A) TO  
26 (2)(b)(IV)(H) OF THIS SECTION, BUT WHO REPRESENT COMMUNITY  
27 ORGANIZATIONS THAT PROVIDE SERVICES TO THE COMMUNITY AND

1 REPRESENT THE DIVERSE GEOGRAPHIC AREAS AND THE ETHNIC AND  
2 RACIAL DIVERSITY AND GENDER BALANCE WITHIN THE STATE;

3 (V) A MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF  
4 THE SENATE; AND

5 (VI) A MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED  
6 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

7 (b) EXCEPT FOR THE LEGISLATIVE MEMBERS, MEMBERS OF THE  
8 COMMITTEE DO NOT RECEIVE COMPENSATION OR REIMBURSEMENT FOR  
9 EXPENSES INCURRED FOR SERVING ON THE COMMITTEE.

10 (4) TO RECEIVE A GRANT, AN ELIGIBLE RECIPIENT MUST SUBMIT AN  
11 APPLICATION TO THE DIVISION IN ACCORDANCE WITH POLICIES AND  
12 PROCEDURES DEVELOPED PURSUANT TO SUBSECTION (2)(c) OF THIS  
13 SECTION.

14 (5) (a) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
15 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
16 PURPOSES OF THIS SECTION. THE DIVISION SHALL TRANSMIT ALL MONEY  
17 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE  
18 TREASURER, WHO SHALL CREDIT THE MONEY TO THE LAW ENFORCEMENT  
19 COMMUNITY SERVICES GRANT PROGRAM FUND CREATED PURSUANT TO  
20 SUBSECTION (5)(b) OF THIS SECTION.

21 (b) THE LAW ENFORCEMENT COMMUNITY SERVICES GRANT  
22 PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS  
23 OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 16-13-311,  
24 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR  
25 TRANSFER TO THE FUND, AND ANY GIFTS, GRANTS, OR DONATIONS  
26 RECEIVED BY THE DIVISION. THE DIVISION MAY ONLY EXPEND MONEY  
27 FROM THE FUND FOR THE GRANTS AWARDED PURSUANT TO THIS SECTION

1 AND FOR UP TO FIVE PERCENT OF THE MONEY IN THE FUND FOR THE DIRECT  
2 AND INDIRECT COSTS INCURRED IN ADMINISTERING THE PROGRAM.

3 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
5 FUND TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED  
6 AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND  
7 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY  
8 OTHER FUND.

9 (6) ON AND AFTER DECEMBER 1, 2019, THE DEPARTMENT OF  
10 LOCAL AFFAIRS SHALL INCLUDE A SUMMARIZED REPORT OF THE ACTIVITIES  
11 OF THE PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION TO THE  
12 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.  
13 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING  
14 REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE INDEFINITELY.

15 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
16 THE DIVISION IS NOT REQUIRED TO IMPLEMENT THE PROGRAM UNTIL  
17 SUFFICIENT FUNDS ARE RECEIVED IN THE FUND CREATED IN SUBSECTION  
18 (5) OF THIS SECTION.

19 **SECTION 4.** In Colorado Revised Statutes, 16-13-311, **amend**  
20 (3)(a) introductory portion and (3)(a)(VII) as follows:

21 **16-13-311. Disposition of seized personal property.** (3) (a) If  
22 the prosecution prevails in the forfeiture action, the court shall order the  
23 property forfeited. Such order ~~shall perfect~~ PERFECTS the state's right and  
24 interest in and title to such property and ~~shall relate~~ RELATES back to the  
25 date when title to the property vested in the state pursuant to section  
26 16-13-316. Except as otherwise provided in subsection (3)(c) of this  
27 section, the court shall also order such property to be sold at a public sale

1 by the law enforcement agency in possession of the property in the  
2 manner provided for sales on execution, or in another commercially  
3 reasonable manner. Property forfeited pursuant to this section or proceeds  
4 therefrom ~~shall~~ MUST be distributed or applied in the following order:

5 (VII) The balance shall be delivered, upon order of the court, as  
6 follows:

7 (A) Fifty percent to the general fund of the governmental body or  
8 bodies with budgetary authority over the seizing agency for public safety  
9 purposes or, if the seizing agency was a multijurisdictional task force,  
10 fifty percent to be distributed in accordance with the appropriate  
11 intergovernmental agreement; ~~and~~

12 (B) ~~The remaining amount~~ TWENTY-FIVE PERCENT to the managed  
13 service organization contracting with the office of behavioral health in the  
14 department of human services serving the judicial district where the  
15 forfeiture proceeding was prosecuted to fund detoxification and substance  
16 use disorder treatment. Money appropriated to the managed service  
17 organization must be in addition to, and not be used to supplant, other  
18 funding appropriated to the office of behavioral health; AND

19 (C) TWENTY-FIVE PERCENT TO THE LAW ENFORCEMENT  
20 COMMUNITY SERVICES GRANT PROGRAM FUND, CREATED PURSUANT TO  
21 SECTION 24-32-121 (5).

22 **SECTION 5. Act subject to petition - effective date -**  
23 **applicability.** (1) This act takes effect September 1, 2018; except that,  
24 if a referendum petition is filed pursuant to section 1 (3) of article V of  
25 the state constitution against this act or an item, section, or part of this act  
26 within the ninety-day period after final adjournment of the general  
27 assembly, then the act, item, section, or part will not take effect unless

1 approved by the people at the general election to be held in November  
2 2018 and, in such case, will take effect on the date of the official  
3 declaration of the vote thereon by the governor.

4 (2) Section 4 of this act applies to court orders entered on and  
5 after the applicable effective date of this act.