

# Committee Report

**CONSENT CALENDAR**

**February 16, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Judiciary to which was referred HB  
331-FN,**

**AN ACT relative to a forfeiture of personal property.**

**Having considered the same, report the same with the  
following amendment, and the recommendation that  
the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Michael Sylvia**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 331-FN
Title:	relative to a forfeiture of personal property.
Date:	February 16, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0188h

### STATEMENT OF INTENT

This bill reinforces New Hampshire's asset forfeiture law by disallowing adoption to the Federal Equitable Sharing Program some seizures made in New Hampshire. Seizures involving \$100,000 or less in U.S. currency made by New Hampshire law enforcement, acting under state authority, shall follow New Hampshire's criminal forfeiture law. The amendment makes it clear that this bill will not prevent participation with federal joint task force operations. Seizures made in conjunction with joint task force operations under federal law would not be restricted. Any funds received in violation of this law shall be directed to the state's general fund.

Vote 18-2.

Rep. Michael Sylvia  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Judiciary

**HB 331-FN**, relative to a forfeiture of personal property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Sylvia for Judiciary. This bill reinforces New Hampshire's asset forfeiture law by disallowing adoption to the Federal Equitable Sharing Program some seizures made in New Hampshire. Seizures involving \$100,000 or less in U.S. currency made by New Hampshire law enforcement, acting under state authority, shall follow New Hampshire's criminal forfeiture law. The amendment makes it clear that this bill will not prevent participation with federal joint task force operations. Seizures made in conjunction with joint task force operations under federal law would not be restricted. Any funds received in violation of this law shall be directed to the state's general fund. **Vote 18-2.**

Original: House Clerk  
Cc: Committee Bill File

Rep. Sylvia, Belk. 6  
Rep. Berch, Ches. 1  
January 29, 2021  
2021-0188h  
08/10

Amendment to HB 331-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Section; Forfeiture of Personal Property. Amend RSA 617 by inserting after section 12  
4 the following new section:

5 617:13 Limiting Adoptions by the Federal Government of Property Seized Under State Law.

6 I. A state or local law enforcement agency shall not offer for transfer or adoption property,  
7 seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled  
8 Substances Act, Public Law 91-513, unless the seized property includes more than \$100,000 in  
9 United States currency.

10 II. Paragraph I shall only apply to a seizure by a state or local law enforcement agency  
11 pursuant to its own authority under state law and without involvement of the federal government in  
12 the seizure. Nothing in paragraph I shall be construed to limit state and local law enforcement  
13 agencies from participating in a joint task force with the federal government.

14 III. The state or local law enforcement agency shall not accept payment of any kind or  
15 distribution of forfeiture proceeds from the federal government if the state or local law enforcement  
16 agency violates paragraph I. All proceeds received shall be transferred and deposited to the state's  
17 general fund.

18 2 Effective Date. This act shall take effect January 1, 2022.

# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 331

BILL TITLE: relative to a forfeiture of personal property

DATE: 2/16/2021

LOB ROOM: Remote

MOTION: (Please check one box)

OTP  ITL  Retain (1st year)  Adoption of Amendment # 0188 (if offered)  Interim Study (2nd year)

Moved by Rep. Sylvia Seconded by Rep. Berch2: Vote 20-0

MOTION: (Please check one box)

OTP  OTP/A  ITL  Retain (1st year)  Adoption of Amendment # \_\_\_\_\_ (if offered)  Interim Study (2nd year)

Moved by Rep. Sylvia Seconded by Rep. Silber Vote: 18-2

MOTION: (Please check one box)

OTP  OTP/A  ITL  Retain (1st year)  Adoption of Amendment # \_\_\_\_\_ (if offered)  Interim Study (2nd year)

Moved by Rep. Seconded by Rep. Vote:

MOTION: (Please check one box)

OTP  OTP/A  ITL  Retain (1st year)  Adoption of Amendment # \_\_\_\_\_ (if offered)  Interim Study (2nd year)

Moved by Rep. Seconded by Rep. Vote:

CONSENT CALENDAR: XX YES NO

Minority Report? Yes No If yes, author, Rep: Motion

Respectfully submitted: Kurt Wuelper Rep Kurt Wuelper, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Judiciary

Bill #: 331 Motion: OTPA AM #: 0188 Exec Session Date: 2/16/2021

<u>Members Attendance</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	Y		
McLean, Mark Vice Chairman	Y		
Sylvia, Michael J.	Y		
Wuelper, Kurt F. Clerk	Y		
Alexander, Joe H.	Y		
Rice, Kimberly A.			X
Silber, Norman J.	Y		
Greene, Bob J.	Y		
Kelley, Diane E.	Y		
Tausch, Lindsay	Y		
Trottier, Douglas R.	Y		
Smith, Marjorie K.	Y	N	
Berch, Paul S.	Y	N	
Horrigan, Timothy O.	Y	N	
DiLorenzo, Charlotte I.	Y	N	
Chase, Wendy	Y	N	
Kenney, Cam E.	Y	N	
Langley, Diane M.	Y	N	
McBeath, Rebecca Susan	Y	N	
Paige, Mark	Y	N	
Simpson, Alexis	Y	N	
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

Rep Kurt Wuelper *Kurt Wuelper*



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/22/2021 10:07:24 AM  
Roll Call Committee Registers  
Report



2021 SESSION

Judiciary

Bill #: 331 Motion: Adopt AM #: 0188 Exec Session Date: 2/16/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	Y		
McLean, Mark Vice Chairman	Y		
Sylvia, Michael J.	Y		
Wuelper, Kurt F. Clerk	Y		
Alexander, Joe H.		N	
Rice, Kimberly A.			X
Silber, Norman J.	Y		
Greene, Bob J.	Y		
Kelley, Diane E.	Y		
Tausch, Lindsay	Y		
Trottier, Douglas R.	Y		
Smith, Marjorie K.	Y		
Berch, Paul S.	Y		
Horrigan, Timothy O.		N	
DiLorenzo, Charlotte I.	Y		
Chase, Wendy	Y		
Kenney, Cam E.	Y		
Langley, Diane M.	Y		
McBeath, Rebecca Susan	Y		
Paige, Mark	Y		
Simpson, Alexis	Y		
<b>TOTAL VOTE:</b>	<b>18</b>	<b>2</b>	

Rep Kurt Wuelper *Kurt Wuelper*

# Public Hearing

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 331-FN

**BILL TITLE:** relative to a forfeiture of personal property

**DATE:**1/26/2021

**LOB ROOM:**208/Remote

**Time Public Hearing Called to Order:** 11:00 AM

**Time Adjourned:** 11:35 AM

**Committee Members:** Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Rice, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

**Bill Sponsors:**

Rep. Sylvia

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep Sylvia**

Introduced the bill and said this will extend the protections of our current asset forfeiture laws. The Federal Equitable Sharing program allows our law enforcement to circumvent the conviction requirements of our state laws. With Equitable Sharing allocating 80% of the money seized to local law enforcement, there is strong incentive for them to choose that route. See Written

Q Berch 3 ways assets can be forfeited: Only State, Only federal, and Joint operations. If we are only talking about Joint operations, where we are trying to decide what money goes where, what this is money seized legally by the Federal and the State applies to share a part of it, won't this just sacrifice that portion? A No. Under the Equitable Sharing program, in my view, a strictly local seizure can be farmed out to the Federal process and that allows 80% of the money to be returned to the local department. The question of joint operations the lead organization determines where the money goes.

Berch: The manual says the money should be distributed according to the effort expended. Is that wrong? A No. You are talking about the process after the issue is farmed out to the Federal Gov't.

**Ross Connolly** Americans for Prosperity Supports In 2017 we required a conviction before forfeiture can proceed. Unfortunately, the Federal Equitable sharing program provides a way to circumvent that requirement. Recent poll shows 72% of people oppose Equitable Sharing. HB 331 will ensure property owners will have full due process rights in NH. Q Berch-Bill requires \$100,000 in cash or currency. Why Currency? What about a yacht? A the \$100,000 is the highest threshold across the country. New Mexico is currently highest at \$50,000 and I'm not sure what it includes. Our intent is to focus only on large drug dealers and the committee can easily include other assets.

**\*Joshua Albert** NW Association of Chiefs of Police Oppose Most forfeitures are below \$100,000. This bill forces us to use state process vice cooperating with Federal. The money we get goes to many at risk youth programs. Losing these monies, we would have to terminate all our education/diversion programs. The money forfeited funds our drug unit. There are times when a civil process can go forward when a criminal case can't. Even so, we need to show [probable cause to seize any property. Government must establish a substantial connection between the seizure and the crime. The civil "preponderance of the evidence" standard I recognized in NH law. Often Federal resources are requested to assist in only in-state investigation. There are several local agencies that

wore together and the 80% can be divided among them. Passing this bill would directly cause the demise of our drug enforcement units. Q Smith-When you say this bill would cause the end of your drug program, can you tell me how much of your total funds come from these sources? What of your programs would be directly affected by loss of these funds? A Several different programs. Bridges, The Nashua Youth Council, Child Advocacy Center, Chris Herron project, Drug Court all receive donations from our funds. Reducing the amount of money affect our day-today operation. Q Smith-As to the programs you mentioned, can you tell me what portion of their funding you provide? A Nashua Youth council about 50%. The total amount of a donation is limited to \$25,000. Q Smith-How does the city of Nashua value these programs? Would they provide funds if they went away? A The city opposes this bill.



Rep Kurt Wuelper

# House Remote Testify

## Judiciary Committee Testify List for Bill HB331 on 2021-01-26

Support: 12 Oppose: 3 Neutral: 0 Total to Testify: 3

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Sylvia, Mike	mike.sylvia@leg.state.nh.us	An Elected Official	Belknap 6	Support	Yes (0m)	No	1/25/2021 5:31 PM
Albert, Joshua	albertj@nashuapd.com	A Member of the Public	Myself	Oppose	Yes (0m)	No	1/25/2021 10:38 AM
Connolly, Ross	rconnolly@afphq.org	A Lobbyist	Americans for Prosperity New Hampshire	Support	Yes (0m)	No	1/22/2021 11:15 AM
Lekas, Tony	Rep.Tony.Lekas@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2021 4:48 PM
Yokela, Josh	josh.yokela@leg.state.nh.us	An Elected Official	Rockingham 33	Support	No	No	1/25/2021 2:08 PM
Donchess, James	donchessj@nashuanh.gov	An Elected Official	Myself	Oppose	No	No	1/25/2021 4:44 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2021 7:18 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2021 9:04 PM
Ebert, Joseph	joseph.ebert@dos.nh.gov	State Agency Staff	the State Police	Oppose	No	No	1/25/2021 10:12 PM
Aron, Judy	judy.aron@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2021 10:13 PM
Lekas, Alicia	rep.alicia.lekas@gmail.com	An Elected Official	Hillsborough 37	Support	No	No	1/25/2021 10:22 PM
See, Alvin	absee@4Liberty.net	A Member of the Public	Myself	Support	No	No	1/25/2021 11:27 PM
Silber, Norm	njs@silbersnh.com	An Elected Official	Myself	Support	No	No	1/25/2021 11:32 PM
Bean, Harry	harry.bean1954@gmail.com	An Elected Official	Myself	Support	No	No	1/26/2021 10:09 AM
Spillane, James	james@jamespillane.org	An Elected Official	Rockingham 2	Support	No	No	1/26/2021 10:42 AM

# Testimony

Testimony  
before the House Judiciary Committee  
January 26, 2021

HB 331-FN – Relative to a forfeiture of personal property

Dear Chairman Gordon and Members of the Committee:

My name is Josh Albert; I am a Detective Lieutenant with the Nashua Police Department. I have been a NH resident all of my life, and I have been in law enforcement for 19 years. I currently serve as the divisional commander of the Narcotics Unit. Seven of those years have been directly combatting the trafficking of narcotics within Nashua and New England. I am here to testify in **opposition** to HB 331-FN on behalf of my department and also, the NH Association of Chiefs of Police.

We feel this bill is unclear and does not make sense. Supporters claim that this bill is necessary in order to respect the due process standard put in place by the state, yet it has a \$100,000 limit. Why is there suddenly due process after \$100,000? The fact is that there is a high level of due process in the Equitable Sharing Program. The facts of the case MUST be presented to a Federal judge who decides whether or not there is probable cause to move forward. Both sides have an opportunity to present their case before a decision is made.

This bill, if passed, would seriously restrict our ability to fund a drug unit. Many state agencies have officers assigned to joint Federal task forces. Nashua has 3. We work many of our cases in conjunction with these officers because our drug supplies come from across the border. By taking the fight into source cities in Massachusetts, we keep it out of Nashua, and all the surrounding towns. This law would make it cost prohibitive to participate in a Federal task force. Because we have officers assigned, we would not be able to take any forfeiture through Equitable Sharing because of their distribution restrictions. The federal Equitable Sharing Program does not allow local agencies to take its portion and go through the state. It is a Federal program with well vetted and strict guidelines.

This bill would have a huge impact on all agencies throughout the state. The vast majority of our seizures are under \$100,000. It would significantly shift the financial burden from the drug dealer to the tax payer. The Equitable sharing program seizes and redistributes money. That money goes back to NH agencies that conducted the investigations which allows us to reinvest in future drug investigations. Losing these funds would mean we would not have enough money to conduct undercover drug operations, buy safety and surveillance equipment, or function in a safe and efficient manner. It could lead to the eventual elimination of our narcotics unit. In Nashua last year, members of our narcotics unit were responsible for almost half of all the Department's narcotics arrests for the year. We regularly interview people, and they have repeatedly said that because of our enforcement efforts, they have had a very difficult time buying drugs in Nashua. They are forced to go to Lawrence. This high level

enforcement is also going on in Manchester, Concord, Hudson, Hillsborough County and the State Police. They, too, will not be able to function with such a purposeless reduction in funding.

According to the agencies that are required to report to the NH Intelligence Analysis Center, state and local agencies with established drug units account for a number of arrests. This demonstrates how important the local drug units are and how well they are being run. They can't afford to lose a majority of their funding. The results of their work are also a benefit to all the surrounding smaller towns that may not have the resources to deal with the problem.

This bill, if passed, would force us to terminate all education and diversion programs currently supported by our use of Federal Equitable sharing funds. The Nashua Youth Council would lose \$10,000, the Child Advocacy Center would lose \$10,000, we would no longer be able to use these funds to provide drug abuse prevention and awareness every year to the public and private students of Nashua. We would also no longer be able to lend financial support the Hillsborough County Drug Court.

In closing, I ask that you find this bill **Inexpedient to Legislate**.

Thank you for your consideration.

Respectfully,

Lt. Josh Albert  
Nashua Police Department

1/25/21, 10:28 a.m.



Testimony  
before the House Judiciary Committee  
January 26, 2021  
HB 420-FN – Relative to the use of funds in the drug forfeiture fund

Dear Chairman Gordon and Members of the Committee:

My name is Josh Albert; I am a Detective Lieutenant with the Nashua Police Department. I have been a NH resident all of my life, and I have been in law enforcement for 19 years. I currently serve as the divisional commander of the Narcotics Unit. Seven of those years have been directly combatting the trafficking of narcotics within Nashua and New England. I am here to testify in **opposition** to HB 420-FN on behalf of my department and also, the NH Association of Chiefs of Police.

We are opposed to HB 420 because if passed, this bill dilutes and re-directs the funds that were originally designated to support drug law enforcement. While I completely understand the need and importance to further fund the establishment of substance misuse addiction, recovery, or rehabilitation centers, programs, or services, taking these funds away from the enforcement side of the epidemic would be counterproductive as we are beginning to see a slight decrease in the opioid epidemic.

The drug forfeiture fund administered by the Attorney General's Office has served the Granite State well over the many years to offset the high cost of conducting resource intensive drug investigations that principally target drug traffickers, not users.

Placing the fund outside of law enforcement and allowing these funds to be re-directed to other than law enforcement purposes defeats the purpose of the fund; it will dilute and diminish the fund permanently. Therefore, over time, the departments that rely on these funds to support investigations which result in the legal seizures of drug trafficker's profits will no longer be able to conduct these investigations, and therefore, seizures of drug profits will be eliminated.

If passed, this bill will cause the drug forfeiture fund to go to zero dollars and place an additional tax burden on residents instead of drug traffickers. The investigations into drug trafficking (through our already small amount of task forces left in the State) is already overburdened and under supported. Taking the funds away that are intended to help hold drug dealers accountable is only going to lead to MORE DRUG TRAFFICKERS, and therefore, a larger victim base and a larger drug epidemic.

In closing, I ask that you find this bill **Inexpedient to Legislate**.

Thank you for your consideration.

Respectfully,

Lt. Josh Albert  
Nashua Police Department

1/25/21, 10:37 a.m.



2 Wellman Avenue, Suite 140  
Nashua, New Hampshire 03064

***Dedicated to putting the needs of New Hampshire's child abuse victims first***

January 27, 2021

Chief Carignan  
Nashua Police Department  
28 Officer James Roach Dr.  
Nashua, NH 03062

Dear Chief Carignan,

The Child Advocacy Center of Hillsborough County (Nashua) is operated by the County Granite State Children's Alliance (GSCA), which is a 501c3 organization representing New Hampshire's network of Child Advocacy Centers (CACs). Our mission is to provide all victims of child abuse a neutral environment where justice, healing, equity, and prevention are fostered through consistent, high quality, and sustaining collaboration of community partners. Child Advocacy Centers are welcoming, friendly facilities and all services are confidential and free of charge. Together with our multidisciplinary partners, we respond to various forms of child abuse, including sexual abuse, felony-level physical abuse, and child witnesses to violence such as a homicide or a serious domestic assault. Each year the CAC in Nashua provides forensic interviews, family support, and follow up services to approximately 200 child victims and their families; 27% of these children are not old enough to attend the first grade.

The Nashua Police Department utilizes CAC services an average of 91 times per year. The CAC cost per child for forensic interview and family support services is approximately \$1,500.00. The average total cost of services provided by the Nashua CAC to the Nashua Police Department free of charge, is \$136,500 annually.

Child Advocacy Centers produce many significant community benefits: allegations of sexual assaults and abuse are thoroughly investigated; more offenders are held accountable; the community is better educated about the problem of child sexual abuse; trauma experienced by children is reduced; non-offending caregivers are empowered to protect and support their children, and children receive prompt and ongoing services to support their healing from the trauma of abuse. It is our goal to help every child victim move beyond their trauma to heal, survive, and thrive.

In Fiscal Year 2022 (July 1, 2021 – June 30, 2022), the proposed financial contributions from the Nashua Police Department Drug Forfeiture Fund will be applied directly to the unfunded portion of the family support specialist position (FSS) at the Child Advocacy Center in Nashua. The FSS ensures that all children who come into CACs receive medical, behavioral health and other supports that help children and families heal from their trauma and navigate through what can be an overwhelming systematic response to child abuse.

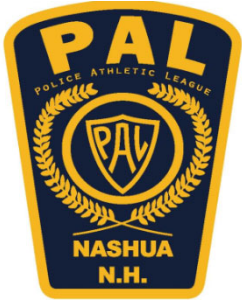
I want to extend my appreciation for the Nashua Police Department's dedication to our multidisciplinary team and the support you have provided our Child Advocacy Center (CAC) in Nashua over the years. At every level, members of the Nashua Police Department have been a wonderful collaborative partner in investigating child abuse within the City of Nashua. Thank you, and should you have any questions, please contact me at (603) 864-0215.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Barrett".

Joy Barrett – Chief Executive Officer

Granite State Children's Alliance/Child Advocacy Center of Hillsborough County (Nashua)



# NASHUA POLICE ATHLETIC LEAGUE

Non-Profit Serving Youth Since 1989

52 Ash Street  
Nashua, NH 03060

Phone: 603-594-3733

website: [www.nashuapal.com](http://www.nashuapal.com)  
email: [info@nashuapal.com](mailto:info@nashuapal.com)

## BOARD MEMBERS

### **BOB CANAWAY**

Privitar

### **CHIEF MICHAEL CARIGNAN**

Nashua Police Department

### **MICHELE CHAKAS**

Southern NH Medical Center

### **JAY COHEN**

Southern NH University

### **SIDI CUKO**

Southern NH Medical Center

### **NICHOLAS DAHL**

Department of Veterans Affairs

### **STEVE DICKSON**

Red Hat, Inc.

### **MIKE HALL**

EcoLab

### **E. GWEN KRAILO**

Nashua Foundries, Inc.

### **DONALD R. MCCARTY**

BAE Systems

### **CPT. E. Z. PAULSON**

Nashua Police Department, Retired

### **STEPHEN SAXE**

AlphaGraphics

### **SHAMERA SIMPSON**

American Found. for Suicide Prevention

### **GERRELL SMITH**

AFLAC

### **PATRICK WARD**

Federal Bureau of Prisons

## EXECUTIVE DIRECTOR

SHAUN NELSON

## PAL OFFICER

OFFICER BENNETT STUSSE

## ATHLETIC DIRECTOR

NICK DAHL

## GYMNASIUM DIRECTOR

JOSEPH LAPLANTE

Nashua Police Department  
Attn: Chief Michael Carignan  
28 Officer James Roche Drive  
Nashua, NH 03062

January 26, 2021

Dear Chief Carignan,

Nashua PAL (Police Athletic League) is a nonprofit organization dedicated to teaching our youth the values and rewards that can be accomplished through self-determination, belief in one's self, desire, teamwork, and respect for others. Nashua PAL serves over 2,000 youth in Greater Nashua, New Hampshire through education, activity, and leadership programming. The PAL Youth Safe Haven – focus of this funding request – provides free year-round after-school and summer programming to 350-400 at-risk youth per year.

The PAL Youth Safe Haven is centered in the heart of Nashua's "Tree Streets" where gangs, violence, drugs, lack of education, and generational poverty are the distressing reality for PAL youth. The Youth Safe Haven program keeps youth, ages 7-18, actively engaged and education-focused in this neighborhood desperate for positive interaction. Youth are provided with access to quality after-school/summer care in exchange for their positive and productive behavior within their community and school. To remove barriers to participation, the Youth Safe Haven afterschool and summer program is provided to all families at NO cost.

Year round activities include afterschool homework help; 1:1 tutoring; adult and peer mentoring; community service projects; field trips; and quality programming during summer and vacation periods. PAL strives for each youth member to achieve academic success and become productive community members, which is significantly more likely for youth with mentors. Not only does mentoring improve youth self-esteem and school attendance, at-risk youth with a mentor are 46% less likely to start using illegal drugs, and are 55% more likely to enroll in college. Support from the Nashua Police Department's Drug Forfeiture Funding will provide critical youth programming: mentoring activities, educational resource supplies, and community service activities for youth.

Nashua PAL truly appreciates your consideration and your support of youth programs at the PAL Youth Safe Haven. Please do not hesitate to contact me directly with any questions. I can be reached at (603) 594-3733 or [Jen@nashuapal.com](mailto:Jen@nashuapal.com).

Sincerely,

*Jen Miller*

Jen Miller  
Development Director  
Nashua PAL



Jacalyn A. Colburn  
Associate Justice

The State of New Hampshire  
Superior Court

Hillsborough County Superior Court  
Southern District  
P.O. Box 2072  
Nashua, NH 03061-2072

January 28, 2021

Chief Michael Carignan  
Nashua Police Department  
28 Officer James Roche Drive  
Nashua, NH 03062

RE: Asset Forfeiture Program

Dear Chief Carignan:

As you know, the Nashua Police Department is an integral team member of the Hillsborough County Southern District Adult Drug Court, established in 2014. The Drug Court model uses a team approach in its efforts to enhance community safety by reducing recidivism among high risk offenders who need significant substance misuse treatment. The team is comprised of a supervising judge, licensed substance misuse therapists, case managers, probation officers, prosecutors, defense attorneys, recovery coaches and law enforcement officials.

There are nationally published standards for drug courts, developed from studies spanning 30 years. Many empirical studies have found that drug courts which follow evidence-based approaches are proven to significantly reduce crime. Furthermore, these studies have shown that participation by law enforcement officials improves outcomes, resulting in higher graduation rates as compared to those courts who operate without law enforcement partners. Trainings at the national and regional level are designed to enable all members of the team to gain the knowledge, skill and best practices necessary to their role. The participating officers are critical to our team. They provide updates on community safety to our team and lend support in providing field supervision to our participants in the program. In years past, the Nashua Police Department has used asset forfeiture monies to provide their training. Without it, the ability to train the involved officers would be severely constricted.

In addition to supporting the training of our law enforcement partners, the asset forfeiture funds have provided support for incentives that are an integral part of the drug court model. National studies have established that drug courts that incentivize and reward participants for positive changes in behavior are proven to have higher success rates than those who do not. Through the use of asset forfeiture funds the Nashua Police Department has had the ability to contribute low-cost monetary rewards such as food, haircuts, clothing and pro-social gift certificates as incentives. These important contributions foster progress and long-term success in our participants.

In consideration of the serious impact the asset forfeiture program has on our drug court, we respectfully request that the program be reinstated and continued in order to enable the Nashua Police Department to participate fully in this proven approach to enhancing community safety and reducing substance misuse.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Colburn', written over a horizontal line.

Hon. Jacalyn A. Colburn  
Presiding Justice  
Hillsborough County-Southern District  
Adult Drug Court

**Archived:** Wednesday, July 7, 2021 9:50:56 AM  
**From:** Albert, Joshua  
**Sent:** Thursday, January 28, 2021 10:50:11 AM  
**To:** ~House Judiciary Committee  
**Subject:** Follow up Letters of opposition to HB420 and HB331  
**Importance:** Normal  
**Attachments:**

[Nashua DAG letter FY22.pdf](#)  [Nashua Police Department Funding Request - Nashua PAL 1.26.21.pdf](#) 

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Dear Committee Members,

I wanted to follow up on my testimony from January 26<sup>th</sup> at 10:00am and 10:30am in opposition to HB420 and HB 331. Attached please find two letters of organizations that will be negatively impacted should these two pieces of legislation pass.

Very Respectfully,


Lieutenant Joshua Albert  
Narcotics Intelligence Division  
Nashua Police Department  
Office-(603) 594-3591  
AlbertJ@NashuaPD.com

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\*\*\*\*DISCLAIMER\*\*\*\*

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**Archived:** Wednesday, July 7, 2021 9:50:56 AM  
**From:** Albert, Joshua  
**Sent:** Thursday, January 28, 2021 11:17:45 AM  
**To:** ~House Judiciary Committee  
**Subject:** Last Letter of Opposition to HB420 and HB331  
**Importance:** Normal  
**Attachments:**  
[PDF 2021 NPD Asset Forfeiture letter.pdf](#) 

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Dear Committee Members,

I wanted to follow up on my testimony from January 26<sup>th</sup> at 10:00am and 10:30am in opposition to HB420 and HB 331. Attached please the last letter from Hillsborough County's Drug Court that will be negatively impacted should these two pieces of legislation pass.

Very Respectfully,

Lieutenant Joshua Albert  
Narcotics Intelligence Division  
Nashua Police Department  
Office-(603) 594-3591  
AlbertJ@NashuaPD.com

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**Archived:** Wednesday, July 7, 2021 9:50:56 AM

**From:** Albert, Joshua

**Sent:** Monday, January 25, 2021 3:36:19 PM

**To:** ~House Judiciary Committee

**Subject:** Testimony for HB420 and HB331

**Importance:** Normal

**Attachments:**

[LT Albert testimonyhb420.docx](#)  [LT Albert testimonyhb331 \(002\).docx](#) 

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Dear Representative Gordon, Chair, and Members of the Committee:

Attached is my testimony on HB 331 and HB 420, drug forfeiture.

I will be appearing before your Committee tomorrow to testify, and I look forward to meeting you.

Very Respectfully,

Lieutenant Joshua Albert  
Narcotics Intelligence Division  
Nashua Police Department  
Office-(603) 594-3591  
AlbertJ@NashuaPD.com

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2 Wellman Avenue, Suite 140  
Nashua, New Hampshire 03064

***Dedicated to putting the needs of New Hampshire's child abuse victims first***

January 27, 2021

Chief Carignan  
Nashua Police Department  
28 Officer James Roach Dr.  
Nashua, NH 03062

Dear Chief Carignan,

The Child Advocacy Center of Hillsborough County (Nashua) is operated by the County Granite State Children's Alliance (GSCA), which is a 501c3 organization representing New Hampshire's network of Child Advocacy Centers (CACs). Our mission is to provide all victims of child abuse a neutral environment where justice, healing, equity, and prevention are fostered through consistent, high quality, and sustaining collaboration of community partners. Child Advocacy Centers are welcoming, friendly facilities and all services are confidential and free of charge. Together with our multidisciplinary partners, we respond to various forms of child abuse, including sexual abuse, felony-level physical abuse, and child witnesses to violence such as a homicide or a serious domestic assault. Each year the CAC in Nashua provides forensic interviews, family support, and follow up services to approximately 200 child victims and their families; 27% of these children are not old enough to attend the first grade.

The Nashua Police Department utilizes CAC services an average of 91 times per year. The CAC cost per child for forensic interview and family support services is approximately \$1,500.00. The average total cost of services provided by the Nashua CAC to the Nashua Police Department free of charge, is \$136,500 annually.

Child Advocacy Centers produce many significant community benefits: allegations of sexual assaults and abuse are thoroughly investigated; more offenders are held accountable; the community is better educated about the problem of child sexual abuse; trauma experienced by children is reduced; non-offending caregivers are empowered to protect and support their children, and children receive prompt and ongoing services to support their healing from the trauma of abuse. It is our goal to help every child victim move beyond their trauma to heal, survive, and thrive.

In Fiscal Year 2022 (July 1, 2021 – June 30, 2022), the proposed financial contributions from the Nashua Police Department Drug Forfeiture Fund will be applied directly to the unfunded portion of the family support specialist position (FSS) at the Child Advocacy Center in Nashua. The FSS ensures that all children who come into CACs receive medical, behavioral health and other supports that help children and families heal from their trauma and navigate through what can be an overwhelming systematic response to child abuse.

I want to extend my appreciation for the Nashua Police Department's dedication to our multidisciplinary team and the support you have provided our Child Advocacy Center (CAC) in Nashua over the years. At every level, members of the Nashua Police Department have been a wonderful collaborative partner in investigating child abuse within the City of Nashua. Thank you, and should you have any questions, please contact me at (603) 864-0215.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Barrett".

Joy Barrett – Chief Executive Officer

Granite State Children's Alliance/Child Advocacy Center of Hillsborough County (Nashua)

*Chief of Police*  
Allen D. Aldenberg  
*Assistant Chief*  
Steven A. Mangone



*Commission*  
Scott R. Spradling, *Chairman*  
Charlie Sherman  
Manny Content  
Eva Castillo  
John G. Cronin

## CITY OF MANCHESTER

*Police Department*

HB 331-FN – Relative to a forfeiture of personal property

Dear Chairman Gordon and Members of the Committee:

My name is John Cunningham; I am a Lieutenant with the Manchester Police Department Special Enforcement Division. I have been a NH resident for the past 25 years, and I have served my community in law enforcement for over 20 years. I am currently assigned as the executive officer for the Special Enforcement Division that encompasses our Special Investigations Unit (our drug investigations unit) and our Street Crime Unit (our drug interdiction unit). I am providing testimony in **opposition** to HB 331-FN on behalf of my department.

Our mission is to stop illegal drugs from entering our community and hold those that traffic and distribute them accountable. We are part of the solution to combat this epidemic that spans across all communities and all facets of society.

We are opposed to HB 331-FN because if passed, it will have a negative and lasting impact on our ability to fund drug enforcement operations. This bill cuts funding that was intended to support drug enforcement. If this bill should pass you would dramatically decrease our ability to operate effectively. You would take away our already limited funding and hamper our investigations. Make no mistake – if law enforcement cannot be operationally effective and have the necessary funding to conduct our investigations you will allow drugs into our communities. By supporting this bill you will have a direct role in defunding drug enforcement operations and increase the supply of drugs into our communities.

The passage of this bill will not only affect the citizens of Manchester it will have a much broader state wide impact. Manchester is a source city for statewide drug distribution and a supply line for cross boarder drug traffickers. We are constantly targeting those responsible for distributing the illegal drugs. We work closely with our state, local and federal partners but it comes with a high cost. The Manchester Police Department has 7 task force officers assigned to federal agencies. We routinely

Michael L. Briggs Public Safety Building  
405 Valley Street • Manchester, New Hampshire 03103 • (603) 668-8711 • FAX: (603) 668-8941  
E-mail: [ManchesterPD@manchesternh.gov](mailto:ManchesterPD@manchesternh.gov) • Website: [www.manchesterpd.com](http://www.manchesterpd.com)

A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



conduct joint investigations that protect Granite Staters. We conduct joint investigations that target drug traffickers and violent offenders that have a direct community impact.

In order to properly fund drug enforcement we rely on the federal Equitable Sharing Program (asset forfeiture funding). Since 2018, the Manchester Police Department has received over \$330,000 from the federal Equitable Sharing Program. This funding allows us to operate a full time Special Enforcement Division. By slashing our funding you will adversely affect our ability to stop drug traffickers. We rely on these funds to be successful, we rely on these funds to operate and we rely on these funds to stop drugs from entering our communities. The fact is we cannot be effective and protect Granite Staters without proper funding.

The federal process of asset forfeiture (Equitable Sharing Program) ensures a high level of due process for defendants. The process allows for facts to be presented before a Federal judge who determines the validity and probable cause for the case to move forward. Both the prosecution and defense are allowed the opportunity to present arguments in the case before a ruling is made. The Equitable Sharing Program is well vetted with strict guidelines that protect all parties. My understanding is there is a concern regarding due process, however, this bill has put a threshold of a \$100,000 limit. Does due process become less of a concern at \$100,000? This argument does not seem valid and/or to have merit. The vast majority of our seizures are under \$100,000. Please do not have a misconception that the seriousness of the offender is based upon the amount of proceeds seized during an investigation – this is a mistaken notion and a myth.

Our federal task force officers expand investigations across borders, they share intelligence, enhance agency capabilities and target those distributing illegal drugs into NH. Our federal, state and local partners work jointly to better serve the Granite State. Our investigations result in the legal seizures of profits and assets from drug traffickers. This law would make it cost prohibitive to participate in the federal task forces. Because we have officers assigned, we would not be able to take any forfeiture through Equitable Sharing because of their distribution restrictions. The federal Equitable Sharing Program does not allow local agencies to take its portion and go through the state.

If passed, this bill would have a negative impact on the majority of law enforcement agencies throughout the state. Should our federal asset forfeiture funding become unavailable the burden for funding drug enforcement could shift away from drug traffickers and to lawful tax payers. The Equitable Sharing Program seizes and redistributes money directly to NH law enforcement agencies. The money goes back to NH communities and allows us to carry out our drug enforcement mission.

The Manchester Police Department Special Enforcement Division relies on our federal asset forfeiture funding to remain operational. This is the bottom line - losing federal asset forfeiture funding would promote defunding our drug enforcement and allow drug traffickers to distribute more drugs into our communities. Please allow us to continue our mission and keep the drugs out of the communities and preserve the safety of the Granite State.

In closing, I ask that you find this bill **Inexpedient to Legislate**.

Thank you for your consideration.

Respectfully,

Lieutenant John Cunningham  
Manchester Police Department  
Special Enforcement Division

Chairman Gordon and House Judiciary committee members,

I am Mike Sylvia representing Belknap 6, the town of Belmont. I'm introducing HB 331, a bill that will reinforce our state's **criminal** asset forfeiture law. I am proud of this committee's work that took our civil asset forfeiture law and added a requirement of a conviction in most cases. This was a great step toward assuring our citizen's due process rights were protected.

We have more work to do to extend those protections embodied in our state law. The Federal government has a program dealing with civil asset forfeiture called Equitable Sharing. This program does not require a conviction as our state law requires. Equitable Sharing allows our police to by-pass the due process built into our laws.

Civil asset forfeiture has a number of problems beside the lack of due process. It sets up perverse incentives which has had law enforcement, at times, making arrests when dealers are carrying cash, as opposed to when they are hauling drugs. Drugs get destroyed after trail (note that there is a criminal action), but assets can be forfeited and the cash goes to prosecutors and law enforcement. You will hear, 'it's not about the money'; you can form your own opinion.

The Equitable Sharing program returns 80% of the value to law enforcement. Our state's criminal forfeiture gives 45% to the Attorney General's fund, 45% to the local department, and 10% to DHHS. As you can see, that is another incentive to use the Equitable Sharing program.

The Institute for Justice, just released the 3rd edition of *Policing for Profit; The Abuse of Civil Asset Forfeiture*. Their report states that half of all currency forfeitures are worth less than \$1,300. At that level their is no way a person can hire an attorney to fight to get it back. These are not drug kingpins.

This brings me to the subject of the \$100,000 leap to access Equitable Sharing. This level of seizure may be more indicative of an organized criminal operation. In this case, the Federal program also brings with it the legal resources that might be needed to prosecute the case. If the committee would prefer, I'd be happy to remove or adjust this limit.

Finally, it is the duty of legislative bodies to fund the services they wish to prioritize. When we incentivize or allow executive branch agencies to seek their own funding, we are sowing seeds that will tend to grow weeds.

I ask for your support in recommending ought to pass on HB 331.

Rep. Mike Sylvia  
Belmont  
603 707 8594

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Testimony  
before the House Judiciary Committee  
January 26, 2021

HB 331-FN – Relative to a forfeiture of personal property



Dear Chairman Gordon and Members of the Committee:

My name is Josh Albert; I am a Detective Lieutenant with the Nashua Police Department. I have been a NH resident all of my life, and I have been in law enforcement for 19 years. I currently serve as the divisional commander of the Narcotics Unit. Seven of those years have been directly combatting the trafficking of narcotics within Nashua and New England. I am here to testify in **opposition** to HB 331-FN on behalf of my department and also, the NH Association of Chiefs of Police.

We feel this bill is unclear and does not make sense. Supporters claim that this bill is necessary in order to respect the due process standard put in place by the state, yet it has a \$100,000 limit. Why is there suddenly due process after \$100,000? The fact is that there is a high level of due process in the Equitable Sharing Program. The facts of the case MUST be presented to a Federal judge who decides whether or not there is probable cause to move forward. Both sides have an opportunity to present their case before a decision is made.

This bill, if passed, would seriously restrict our ability to fund a drug unit. Many state agencies have officers assigned to joint Federal task forces. Nashua has 3. We work many of our cases in conjunction with these officers because our drug supplies come from across the border. By taking the fight into source cities in Massachusetts, we keep it out of Nashua, and all the surrounding towns. This law would make it cost prohibitive to participate in a Federal task force. Because we have officers assigned, we would not be able to take any forfeiture through Equitable Sharing because of their distribution restrictions. The federal Equitable Sharing Program does not allow local agencies to take its portion and go through the state. It is a Federal program with well vetted and strict guidelines.

This bill would have a huge impact on all agencies throughout the state. The vast majority of our seizures are under \$100,000. It would significantly shift the financial burden from the drug dealer to the tax payer. The Equitable sharing program seizes and redistributes money. That money goes back to NH agencies that conducted the investigations which allows us to reinvest in future drug investigations. Losing these funds would mean we would not have enough money to conduct undercover drug operations, buy safety and surveillance equipment, or function in a safe and efficient manner. It could lead to the eventual elimination of our narcotics unit. In Nashua last year, members of our narcotics unit were responsible for almost half of all the Department's narcotics arrests for the year. We regularly interview people, and they have repeatedly said that because of our enforcement efforts, they have had a very difficult time buying drugs in Nashua. They are forced to go to Lawrence. This high level enforcement is also going on in Manchester, Concord, Hudson, Hillsborough County and the State Police. They, too, will not be able to function with such a purposeless reduction in funding.

According to the agencies that are required to report to the NH Intelligence Analysis Center, state and local agencies with established drug units account for a number of arrests. This demonstrates how important the local drug units are and how well they are being run. They can't afford to lose a majority of their funding. The results of their work are also a benefit to all the surrounding smaller towns that may not have the resources to deal with the problem.

This bill, if passed, would force us to terminate all education and diversion programs currently supported by our use of Federal Equitable sharing funds. The Nashua Youth Council would lose \$10,000, the Child Advocacy Center would lose \$10,000, we would no longer be able to use these funds to provide drug abuse prevention and awareness every year to the public and private students of Nashua. We would also no longer be able to lend financial support the Hillsborough County Drug Court.

In closing, I ask that you find this bill **Inexpedient to Legislate**.

Thank you for your consideration.

Respectfully,

Lt. Josh Albert

Nashua Police Department

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1/25/21, 10:28 a.m.

Good Morning Judiciary Committee,

I am writing you today to ask you to support HB331 - Relative to Forfeiture of Personal Property.

I am a co-sponsor of this bill and I believe we need to put some limits as to what can and cannot be seized by our law enforcement with regard to personal property, especially as it relates to the practice of transferring assets to federal agencies.

By setting the bar of forfeiture high and of a specific nature, we will make it more worthwhile for law enforcement to concentrate on the real drug kingpins and high value criminals, rather than those of lesser importance.

It might be useful to note that 95% of forfeitures are below \$10,000, hitting particularly hard those disadvantaged members of society (not drug kingpins). Those kinds of asset forfeitures need to be taken care of by our own Attorney General and not tossed off to the federal government. Persons in lower income brackets find it particularly more difficult and costly to recover their assets if they are wrongly accused or wrongly convicted, especially when the federal government is involved.

I believe it is time to reform our asset forfeiture practices and this is a good place to start.

Thank you,

Judy Aron  
NH State Representative  
Sullivan County District 7  
(Acworth, Goshen, Langdon, Lempster, Washington)  
Environment and Agriculture Committee, Vice-Chair  
Transportation, Member  
266 Forest Road, South Acworth, NH 03607  
603-843-5908

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Dear Representatives/House Judiciary Committee Members,

My name is Dawn Reams and I am the Executive Director at Bridges in Nashua, which serves 2,400 adults and children annually.

It came to my attention that you recently held a hearing on HB331, relative to a forfeiture of personal property, which seeks to limit the conditions under which seized property may be transferred to a federal agency. This would change the existing forfeiture law in New Hampshire by raising the threshold

on the amount that can be forfeited. This would have an immediate negative impact on Bridge's ability to provide shelter services to adult and child victims of domestic violence.

Through the state forfeiture law, we receive \$10,000 from the Nashua Police Department annually. This may not seem like a lot of money, but we use it to ensure that the housing needs of victims who are fleeing violence are met, and to ensure that they have a safe and secure place to stay. Shelter services have become increasingly critical for victims and their children under the pandemic, and the loss of this money would limit the number of people we would be able to serve. Over the last 8 months, Bridges has been placing 5 families in a hotel every week. This is in addition to the adults and children that have are being housed in our shelter. Housing continues to be an unmet need in Nashua, and through the funding we receive from forfeitures, we are able to invest in members of our community.

We hope that you will consider voting ITL on this bill. Please let me know if you have any questions. Thank you for your service to the state of New Hampshire.

Sincerely,

Dawn Reams  
Dawn L. Reams, M.Ed.  
Pronouns: She/Her/Hers (learn more [here](#))  
Executive Director  
Bridges: Domestic & Sexual Violence Support Services, Inc.  
**28 Concord St. - Please note our new address. We've moved!**  
PO Box 217  
Nashua, NH 03061-0217  
603-889-0858 extension 202  
[www.bridgesnh.org](http://www.bridgesnh.org)

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**Dear Chairman Gordon and Members of the Committee:** Good afternoon, I am Chief Allen D. Aldenberg of the Manchester Police Department. I am writing to all of you in reference to HB 420 and HB 331. I have attached two documents for your consideration which were authored by Lieutenant John Cunningham, who is a supervisor within my Special Enforcement Division (Drug Unit), which articulate very well our concerns with these two bills. I ask that you please take a moment to read them as they provide some valuable insight into how these two bills will negatively impact our drug enforcement actions, not just in Manchester but statewide. I respectfully ask that you vote ITL on these bills I am happy to meet with any of you to discuss this very important matter further. My contact information is below. Thank you for your time and for your service to the State of NH.

Respectfully,  
Allen D. Aldenberg  
Chief of Police  
Manchester, NH Police Department  
405 Valley Street  
Manchester, NH 03101  
(603) 792-5400  
aaldenbe@manchesternh.gov

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Rep Kurt Wuelper



Bill as  
Introduced

HB 331-FN - AS INTRODUCED

2021 SESSION

21-0409  
08/10

HOUSE BILL **331-FN**

AN ACT relative to a forfeiture of personal property.

SPONSORS: Rep. Sylvia, Belk. 6; Rep. T. Lekas, Hills. 37; Rep. Bean, Belk. 2; Rep. Greene, Hills. 37; Rep. Aron, Sull. 7; Rep. Spillane, Rock. 2; Rep. A. Lekas, Hills. 37

COMMITTEE: Judiciary

ANALYSIS

This bill limits the conditions under which seized property may be transferred to a federal agency.

Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0409  
08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to a forfeiture of personal property.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Section; Forfeiture of Personal Property. Amend RSA 617 by inserting after section 12 the following new section:

617:13 Limiting Federal Forfeiture Litigation under Equitable Sharing to Seizures That Include More than \$100,000 in Currency.

I. No state, county or municipal law enforcement agency or prosecuting authority may enter into an agreement to transfer or refer seized property to a federal agency directly, indirectly, by adoption, through an intergovernmental joint task force or by other means for the purposes of forfeiture litigation unless the seized property includes United States currency in excess of \$100,000.

II. All state, county or municipal law enforcement agencies shall refer seized property to the appropriate state, county or municipal prosecuting authority for forfeiture litigation under this chapter unless the seized property includes United States currency in excess of \$100,000. If seized property includes United States currency in excess of \$100,000, the state, county or municipal law enforcement agency has the option but is not required to refer or transfer the seized property to a federal agency for forfeiture litigation under federal law.

III. Nothing in paragraph I or II shall be construed to restrict state, county or municipal law enforcement agencies from collaborating with a federal agency to seize contraband or property that the law enforcement agency has probable cause to believe is the proceeds or instruments of a crime through an intergovernmental joint task force.

2 New Section; Anti-Circumvention of State Forfeiture Jurisdiction. Amend RSA 318-B by inserting after section 17-f the following new section:

318-B:17-g Limiting Federal Forfeiture Litigation under Equitable Sharing to Seizures That Include More than \$100,000 in Currency.

I. No state, county or municipal law enforcement agency or prosecuting authority may enter into an agreement to transfer or refer seized property to a federal agency directly, indirectly, by adoption, through an intergovernmental joint task force or by other means for the purposes of forfeiture litigation unless the seized property includes United States currency in excess of \$100,000.

II. All state, county or municipal law enforcement agencies shall refer seized property to the appropriate state, county or municipal prosecuting authority for forfeiture litigation under this chapter unless the seized property includes United States currency in excess of \$100,000. If seized property includes United States currency in excess of \$100,000, the state, county or municipal law enforcement agency has the option but is not required to refer or transfer the seized property to a federal agency for forfeiture litigation under federal law.

III. Nothing in paragraph I or II shall be construed to restrict state, county or municipal law enforcement agencies from collaborating with a federal agency to seize contraband or property that the law enforcement agency has probable cause to believe is the proceeds or instruments of a crime through an intergovernmental joint task force.

3 Effective Date. This act shall take effect January 1, 2022.

LBA  
21-0409  
12/15/20

**HB 331-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to a forfeiture of personal property.

**FISCAL IMPACT:**     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill limits the conditions under which seized property may be transferred to a federal agency. The Department of Justice indicates the bill prohibits state and local law enforcement agencies from entering into agreements with the federal government to allow the federal government to take custody of property valued at less than \$100,000.00 for the purposes of forfeiting that property pursuant to federal law. In the context of drug-related crimes, the Attorney General’s Office handles all forfeiture proceedings. This bill would increase the number of forfeiture proceedings the Attorney General’s Office must handle because state and local law enforcement would no longer be able to work with the federal government to forfeit money or property. It is not clear how many additional forfeiture cases this bill would create. Therefore, this bill’s fiscal impact is indeterminable.

The New Hampshire Municipal Association states this legislation bars state, county, and municipal law enforcement agencies from entering into agreements with federal agencies to allow the federal government to

engage in “adoptive forfeiture”; the process by which the federal government brings a forfeiture case without being involved in building the case except where \$100,000 in U.S. currency is involved, and unless the seizure of the property took place under the auspices of an intergovernmental joint task force. The Association indicates the bill would, presumably, cut some portion of the incoming equitable share due to the restriction on how municipal law enforcement agency may turn over property to the federal government. The impact on county revenue and expenditures cannot be determined.

**AGENCIES CONTACTED:**

Departments of Justice, Administrative Services and New Hampshire Municipal Association