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AN ACT

RELATING TO FORFEITURE; REVISING DEFINITIONS; REVISING PROCEDURES RELATED TO FORFEITURE PROCEEDINGS; PROVIDING FOR DISTRIBUTION OF PROCEEDS FROM THE SALE OF FORFEITED OR ABANDONED PROPERTY; PROVIDING FOR DESTRUCTION OF CERTAIN SEIZED PROPERTY; REVISING PROCEDURES RELATED TO STORAGE, TRANSFER AND DESTRUCTION OF SEIZED PROPERTY; REVISING REPORTING REQUIREMENTS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-27-2 NMSA 1978 (being Laws 2002, Chapter 4, Section 2, as amended) is amended to read:

"31-27-2. PURPOSE OF ACT--APPLICABILITY--NO ADDITIONAL REMEDIES.--

A. The purposes of the Forfeiture Act are to:

(1) make uniform the standards and procedures for the seizure and forfeiture of property subject to forfeiture;

(2) protect the constitutional rights of persons whose property is subject to forfeiture and of innocent owners holding interests in property subject to forfeiture;

(3) deter criminal activity by reducing its economic incentives;

1 (4) increase the pecuniary loss from  
2 criminal activity;

3 (5) protect against the wrongful forfeiture  
4 of property; and

5 (6) ensure that only criminal forfeiture is  
6 allowed in this state and only pursuant to state law.

7 B. The Forfeiture Act:

8 (1) applies to all seizures, forfeitures and  
9 dispositions of property subject to forfeiture pursuant to  
10 laws that specifically apply the Forfeiture Act in this  
11 state; and

12 (2) does not apply to:

13 (a) contraband, which is subject to  
14 seizure pursuant to applicable state laws, but is not subject  
15 to forfeiture pursuant to the Forfeiture Act;

16 (b) animals that are subject to  
17 seizure, impoundment, alteration, permanent removal from  
18 custody or destruction for animal welfare, public health and  
19 safety or compliance and enforcement purposes pursuant to  
20 applicable state and local laws;

21 (c) real property or personal property  
22 that is located on that real property that is subject to  
23 destruction pursuant to state and local laws to protect  
24 public health and safety; and

25 (d) forfeiture that results from a lien

1 for charges or assessments that are provided for or fixed by  
2 state or local laws."

3 SECTION 2. Section 31-27-3 NMSA 1978 (being Laws 2002,  
4 Chapter 4, Section 3, as amended) is amended to read:

5 "31-27-3. DEFINITIONS.--As used in the Forfeiture Act:

6 A. "abandoned property":

7 (1) is not subject to the provisions of  
8 Section 29-1-14 NMSA 1978;

9 (2) means personal property the rights to  
10 which and the control of which an owner has intentionally  
11 relinquished; and

12 (3) does not mean real property;

13 B. "actual knowledge" means a direct and clear  
14 awareness of information, a fact or a condition;

15 C. "contraband" means goods that may not be  
16 lawfully imported, exported or possessed, including drugs  
17 that are listed in Schedule I, II, III, IV or V of the  
18 Controlled Substances Act and that are possessed without a  
19 valid prescription;

20 D. "conveyance" means a device used for  
21 transportation and:

22 (1) includes a motor vehicle, trailer,  
23 snowmobile, airplane, vessel and any equipment attached to  
24 the conveyance; but

25 (2) does not include property that is stolen

1 or taken in violation of a law;

2 E. "conviction" or "convicted" means that a person  
3 has been found guilty of a crime in a trial court whether by  
4 a plea of guilty or nolo contendere or otherwise and whether  
5 the sentence is deferred or suspended;

6 F. "crime" means a violation of a criminal statute  
7 for which property of the offender is subject to seizure and  
8 forfeiture;

9 G. "instrumentality" means all property that is  
10 otherwise lawful to possess that is used in the furtherance  
11 or commission of an offense to which forfeiture applies and  
12 includes land, a building, a container, a conveyance,  
13 equipment, materials, a product, a computer, computer  
14 software, a telecommunications device, a firearm, ammunition,  
15 a tool, money, a security and a negotiable instrument and  
16 other devices used for exchange of property;

17 H. "law enforcement agency" means the employer of  
18 a law enforcement officer who is authorized to seize or has  
19 seized property pursuant to the Forfeiture Act;

20 I. "law enforcement officer":

21 (1) means a state or municipal police  
22 officer, county sheriff, deputy sheriff, conservation  
23 officer, motor transportation enforcement officer or other  
24 state employee authorized by state law to enforce criminal  
25 statutes; but

1 (2) does not mean a correctional officer;

2 J. "owner" means a person who has a legal or  
3 equitable ownership interest in property;

4 K. "property" means tangible or intangible  
5 personal property or real property;

6 L. "property subject to forfeiture" means property  
7 or an instrumentality declared to be subject to forfeiture by  
8 the Forfeiture Act or a state law outside of the Forfeiture  
9 Act; and

10 M. "secured party" means a person with a security  
11 or other protected interest in property, whether the interest  
12 arose by mortgage, security agreement, lien, lease or  
13 otherwise; the purpose of which interest is to secure the  
14 payment of a debt or protect a potential debt owed to the  
15 secured party."

16 SECTION 3. Section 31-27-4 NMSA 1978 (being Laws 2002,  
17 Chapter 4, Section 4, as amended) is amended to read:

18 "31-27-4. FORFEITURE--CONVICTION REQUIRED--SEIZURE OF  
19 PROPERTY--WITH PROCESS--WITHOUT PROCESS.--

20 A. A person's property is subject to forfeiture  
21 pursuant to state law if:

22 (1) the person was arrested for an offense  
23 to which forfeiture applies;

24 (2) the person is convicted by a criminal  
25 court of the offense; and

1                   (3) the state establishes by clear and  
2 convincing evidence that the property is subject to  
3 forfeiture as provided in Subsection B of this section.

4                   B. Following a person's conviction for an offense  
5 to which forfeiture applies, a court may order the person to  
6 forfeit:

7                   (1) property the person acquired through  
8 commission of the offense;

9                   (2) property directly traceable to property  
10 acquired through the commission of the offense; and

11                   (3) any instrumentality the person used in  
12 the commission of the offense.

13                   C. Nothing in this section shall prevent property  
14 from being forfeited by the terms of a plea agreement to a  
15 felony that is approved by a court or by other agreement of  
16 the parties to a criminal proceeding.

17                   D. Subject to the provisions of Section 31-27-5  
18 NMSA 1978, at any time, at the request of the state, a court  
19 may issue an ex parte preliminary order to seize property  
20 that is subject to forfeiture and for which forfeiture is  
21 sought and to provide for the custody of the property. The  
22 execution on the order to seize the property and the return  
23 of the property, if applicable, are subject to the Forfeiture  
24 Act and other applicable state laws. Before issuing an order  
25 pursuant to this subsection, the court shall make a

1 determination that:

2 (1) there is a substantial probability that:

3 (a) the property is subject to  
4 forfeiture;

5 (b) the state will prevail on the issue  
6 of forfeiture; and

7 (c) failure to enter the order will  
8 result in the property being destroyed, removed from the  
9 state or otherwise made unavailable for forfeiture; and

10 (2) the need to preserve the availability of  
11 the property through the entry of the requested order  
12 outweighs the hardship to the owner and other parties known  
13 to be claiming interests in the property.

14 E. Property subject to forfeiture may be seized at  
15 any time, without a prior court order, if:

16 (1) the seizure is incident to a lawful  
17 arrest for a crime or a search lawfully conducted pursuant to  
18 a search warrant and the law enforcement officer making the  
19 arrest or executing the search has probable cause to believe  
20 the property is subject to forfeiture and that the subject of  
21 the arrest or search warrant is an owner of the property;

22 (2) the property subject to seizure is the  
23 subject of a previous judgment in favor of the state; or

24 (3) the law enforcement officer making the  
25 seizure has probable cause to believe the property is subject

1 to forfeiture and that the delay occasioned by the need to  
2 obtain a court order would result in the removal or  
3 destruction of the property or otherwise frustrate the  
4 seizure."

5 SECTION 4. Section 31-27-4.1 NMSA 1978 (being Laws  
6 2015, Chapter 152, Section 5) is amended to read:

7 "31-27-4.1. RECEIPT FOR SEIZED PROPERTY--REPLEVIN  
8 HEARING.--

9 A. When a law enforcement officer seizes property  
10 that is subject to forfeiture, the officer shall provide an  
11 itemized receipt to the person possessing the property or, in  
12 the absence of a person to whom the receipt could be given,  
13 shall leave the receipt in the place where the property was  
14 found, if possible.

15 B. Within five business days of the seizure, the  
16 law enforcement officer shall provide notice by personal  
17 service or first class mail to all owners of record of the  
18 seized property.

19 C. Following the seizure of property, the  
20 defendant in the related criminal matter or another person  
21 who claims an interest in the seized property may, at any  
22 time before the one-hundred-twentieth day following the  
23 filing of the forfeiture action in court, claim an interest  
24 in the seized property by a motion requesting the court to  
25 issue a writ of replevin. A motion filed pursuant to this



1 section shall include facts to support the person's alleged  
2 interest in the seized property.

3 D. A person who makes a timely motion pursuant to  
4 this section shall have a right to a hearing on the motion  
5 before the resolution of any related criminal matter or  
6 forfeiture proceeding and within sixty days of the date on  
7 which the motion is filed.

8 E. At least ten days before a hearing on a motion  
9 filed pursuant to this section, the state shall file an  
10 answer or responsive motion that shows probable cause for the  
11 seizure.

12 F. A court shall grant a claimant's motion if the  
13 court finds that:

14 (1) it is likely that the final judgment  
15 will require the state to return the property to the  
16 claimant;

17 (2) the property is not reasonably required  
18 to be held for investigatory reasons; or

19 (3) the property is the only reasonable  
20 means for a defendant to pay for legal representation in a  
21 related criminal or forfeiture proceeding and the law  
22 enforcement agency did not make a prima facie showing that  
23 the property was stolen or proceeds from or is an  
24 instrumentality of a crime.

25 G. In its discretion, the court may order the

1 return of funds or property sufficient for a defendant to  
2 obtain legal counsel but less than the total amount seized.  
3 If the court makes such an order, it shall require an  
4 accounting. An accounting report of reasonable legal fees  
5 held before the resolution of the relevant criminal and  
6 forfeiture proceedings shall be held in camera. If the court  
7 finds in favor of the state in both the criminal and  
8 forfeiture proceedings, the court shall:

9 (1) hear arguments by the parties as to what  
10 portion of the funds or property should be paid to the  
11 defendant's counsel and what portion should be forfeited; and

12 (2) issue an order on how the funds or  
13 property shall be distributed.

14 H. In lieu of ordering the issuance of a writ of  
15 replevin, a court may order:

16 (1) the state to give security or written  
17 assurance for satisfaction of any judgment, including  
18 damages, that may be rendered in a related forfeiture action;  
19 or

20 (2) any other relief the court deems to be  
21 just; provided that the relief does not prejudice an innocent  
22 owner, including a secured lienholder."

23 **SECTION 5.** Section 31-27-5 NMSA 1978 (being Laws 2002,  
24 Chapter 4, Section 5, as amended) is amended to read:

25 "31-27-5. NOTICE OF INTENT TO FORFEIT--SERVICE OF

1 PROCESS.--

2 A. Within thirty days of making a seizure of  
3 property or simultaneously upon filing a related criminal  
4 indictment, the state shall file a notice of intent to  
5 forfeit or return the property to the person from whom it was  
6 seized. The notice shall include:

7 (1) a description of the property seized;

8 (2) the date and place of seizure of the  
9 property;

10 (3) the name and address of the law  
11 enforcement agency making the seizure;

12 (4) the specific statutory and factual  
13 grounds for the seizure;

14 (5) whether the property was seized pursuant  
15 to an order of seizure, and if the property was seized  
16 without an order of seizure, an affidavit from a law  
17 enforcement officer stating the legal and factual grounds why  
18 an order of seizure was not required; and

19 (6) in the notice, the names of persons  
20 known to the state who may claim an interest in the property  
21 and the basis for each person's alleged interest.

22 B. The notice shall be served upon the person from  
23 whom the property was seized, the person's attorney of record  
24 and all persons known or reasonably believed by the state to  
25 claim an interest in the property. A copy of the notice

1 shall also be published on the sunshine portal until the  
2 forfeiture proceeding is resolved."

3 SECTION 6. Section 31-27-6 NMSA 1978 (being Laws 2002,  
4 Chapter 4, Section 6, as amended) is amended to read:

5 "31-27-6. FORFEITURE PROCEEDINGS--DETERMINATION--  
6 SUBSTITUTION OF PROPERTY--CONSTITUTIONALITY--APPEAL.--

7 A. A person who claims an interest in seized  
8 property shall file a response within thirty days of the date  
9 of service of the notice of intent to forfeit. The response  
10 shall include facts to support the claimant's alleged  
11 interest in the property.

12 B. The district courts have jurisdiction over  
13 forfeiture proceedings, and venue for a forfeiture proceeding  
14 is in the same court in which venue lies for the criminal  
15 matter related to the seized property.

16 C. The forfeiture proceeding shall begin after the  
17 conclusion of the trial for the related criminal matter in an  
18 ancillary proceeding that relates to a defendant's property  
19 before the same judge and jury, if applicable, and the court,  
20 and the jury, if applicable, may consider the forfeiture of  
21 property seized from other persons at the same time or in a  
22 later proceeding. If the criminal defendant in the related  
23 criminal matter is represented by the public defender  
24 department, the chief public defender or the district public  
25 defender may authorize department representation of the

1 defendant in the forfeiture proceeding.

2 D. Discovery conducted in an ancillary forfeiture  
3 proceeding is subject to the rules of criminal procedure.

4 E. An ancillary forfeiture proceeding that relates  
5 to the forfeiture of property valued at less than twenty  
6 thousand dollars (\$20,000) shall be held before a judge only.

7 F. If the state fails to prove, by clear and  
8 convincing evidence, that a person whose property is alleged  
9 to be subject to forfeiture is an owner of the property:

10 (1) the forfeiture proceeding shall be  
11 dismissed and the property shall be delivered to the owner,  
12 unless the owner's possession of the property is illegal; and

13 (2) the owner shall not be subject to any  
14 charges by the state for storage of the property or expenses  
15 incurred in the preservation of the property.

16 G. The court shall enter a judgment of forfeiture  
17 and the seized property shall be forfeited to the state if  
18 the state proves by clear and convincing evidence that:

19 (1) the seized property is subject to  
20 forfeiture;

21 (2) the criminal prosecution of the owner of  
22 the seized property resulted in a conviction; and

23 (3) the value of the property to be  
24 forfeited does not unreasonably exceed:

25 (a) the pecuniary gain derived or

1 sought to be derived by the crime;

2 (b) the pecuniary loss caused or sought  
3 to be caused by the crime; or

4 (c) the value of the convicted owner's  
5 interest in the property.

6 H. A court shall not accept a plea agreement or  
7 other arrangement by which a defendant contributes or donates  
8 property to a person, charity or other organization in full  
9 or partial fulfillment of responsibility established in the  
10 court's proceeding.

11 I. Following a person's conviction, the state may  
12 make a motion for forfeiture of substitute property owned by  
13 the person that is equal to but does not exceed the value of  
14 the property that is subject to forfeiture but that the state  
15 is unable to seize. The court shall order the forfeiture of  
16 substitute property only if the state proves by a  
17 preponderance of the evidence that the person intentionally  
18 transferred, sold or deposited property with a third party to  
19 avoid the court's jurisdiction and the forfeiture of the  
20 property.

21 J. A person is not jointly and severally liable  
22 for orders for forfeiture of another person's property. When  
23 ownership of property is unclear, a court may order each  
24 person to forfeit the person's property on a pro rata basis  
25 or by another means the court deems equitable.

1           K. Within the time period for filing an appeal  
2 following the conclusion of a forfeiture proceeding, the  
3 person whose property was forfeited may petition the court to  
4 determine whether the forfeiture was unconstitutionally  
5 excessive pursuant to the state or federal constitution.

6           L. At a non-jury hearing on the petition, the  
7 petitioner has the burden of establishing by a preponderance  
8 of the evidence that the forfeiture was grossly  
9 disproportional to the seriousness of the criminal offense  
10 for which the person was convicted.

11           M. In determining whether the forfeiture is  
12 unconstitutionally excessive, the court may consider all  
13 relevant factors, including:

14                 (1) the seriousness of the criminal offense  
15 and its impact on the community, the duration of the criminal  
16 activity and the harm caused by the defendant;

17                 (2) the extent to which the defendant  
18 participated in the offense;

19                 (3) the extent to which the property was  
20 used in committing the offense;

21                 (4) the sentence imposed for the commission  
22 of the crime that relates to the property that is subject to  
23 forfeiture; and

24                 (5) whether the criminal offense was  
25 completed or attempted.

1           N. In determining the value of the property  
2 subject to forfeiture, the court may consider relevant  
3 factors, including the fair market value of the property and  
4 the hardship from the loss of a primary residence, motor  
5 vehicle or other property to the defendant's family members  
6 or others if the property is forfeited, in addition to any  
7 non-monetary intrinsic value of property that would cause the  
8 defendant to suffer if the forfeiture is realized.

9           O. The court shall not consider the value of the  
10 property to the state when it determines whether the  
11 forfeiture of the property is constitutionally excessive.

12           P. A party to a forfeiture proceeding may appeal a  
13 district court's decision regarding the seizure, forfeiture  
14 and distribution of property."

15           **SECTION 7.** Section 31-27-7 NMSA 1978 (being Laws 2002,  
16 Chapter 4, Section 7, as amended) is amended to read:

17           "31-27-7. TITLE TO SEIZED PROPERTY--DISPOSITION OF  
18 FORFEITED PROPERTY AND ABANDONED PROPERTY--PROCEEDS.--

19           A. The state acquires provisional title to seized  
20 property at the time the property was used or acquired in  
21 connection with an offense that subjects the property to  
22 forfeiture. Provisional title authorizes the state to hold  
23 and protect the property. Title to the property shall vest  
24 with the state when a trier of fact renders a final  
25 forfeiture verdict and the title relates back to the time



1 when the state acquired provisional title; provided that the  
2 title is not subject to claims by third parties that are  
3 adjudicated pursuant to the Forfeiture Act.

4 B. Unless possession of the property is illegal or  
5 a different disposition is specifically provided for by law  
6 and except as provided in this section, forfeited property  
7 that is not currency shall be delivered along with any  
8 abandoned property to the state treasurer or the state  
9 treasurer's designee for disposition at a public auction.

10 Forfeited currency and all proceeds of the sale of forfeited  
11 or abandoned property shall be distributed by the state  
12 treasurer as follows:

13 (1) first, to reimburse the reasonable  
14 expenses related to the storage, protection and transfer of  
15 the property incurred by a law enforcement agency or the  
16 state treasurer;

17 (2) second, to pay any reasonable expenses  
18 incurred to dispose of the property by a law enforcement  
19 agency or the state treasurer; and

20 (3) third, any remaining balance shall be  
21 deposited in the general fund.

22 C. Proceeds from the sale of forfeited property  
23 received by the state from another jurisdiction shall be  
24 deposited in the general fund.

25 D. A law enforcement agency or public body that

1 receives reimbursement pursuant to Subsection B of this  
2 section shall inform the state auditor of that fact at the  
3 time of the agency's or body's annual audit.

4 E. A forfeited property interest is subject to the  
5 interest of a secured party unless, in the forfeiture  
6 proceeding, the state proves by clear and convincing evidence  
7 that the secured party had actual knowledge of the crime that  
8 relates to the seizure of the property.

9 F. Abandoned property shall be disposed of in the  
10 same manner as provided in Subsection B of this section.

11 G. Property subject to forfeiture that is in a law  
12 enforcement agency's possession becomes abandoned property  
13 and may be disposed of as such without a conviction if:

14 (1) there is no innocent owner; and

15 (2) the criminal prosecution of the owner of  
16 the seized property cannot proceed because for a period in  
17 excess of one year and one day:

18 (a) a bench warrant has been pending as  
19 a result of the defendant failing to appear; or

20 (b) the owner fugitates."

21 **SECTION 8.** Section 31-27-7.1 NMSA 1978 (being Laws  
22 2015, Chapter 152, Section 9) is amended to read:

23 "31-27-7.1. INNOCENT OWNERS.--

24 A. The property of an innocent owner, as provided  
25 in this section, shall not be forfeited.

1           B. A person who claims to be an innocent owner has  
2 the burden of production to show that the person:

3                   (1) holds a legal right, title or interest  
4 in the property seized; and

5                   (2) held an ownership interest in the seized  
6 property at the time the illegal conduct that gave rise to  
7 the seizure of the property occurred or was a bona fide  
8 purchaser for fair value.

9           C. The state shall immediately return property to  
10 an established innocent owner who has an interest in  
11 homesteaded property, a motor vehicle valued at less than ten  
12 thousand dollars (\$10,000) or a conveyance that is encumbered  
13 by a security interest that was perfected pursuant to state  
14 law or that is subject to a lease or rental agreement, unless  
15 the secured party or lessor had actual knowledge of the  
16 criminal act upon which the forfeiture was based.

17           D. If a person establishes that the person is an  
18 innocent owner pursuant to Subsection B of this section and  
19 the state pursues a forfeiture proceeding with respect to  
20 that person's property, other than property described in  
21 Subsection D of Section 31-27-7 NMSA 1978, to successfully  
22 forfeit the property, the state shall prove by clear and  
23 convincing evidence that the innocent owner had actual  
24 knowledge of the underlying crime giving rise to the  
25 forfeiture.

1           E. A person who acquired an ownership interest in  
2 property subject to forfeiture after the commission of a  
3 crime that gave rise to the forfeiture and who claims to be  
4 an innocent owner has the burden of production to show that  
5 the person has legal right, title or interest in the property  
6 seized under this section.

7           F. If a person establishes that the person is an  
8 innocent owner as provided in Subsection B of this section  
9 and the state pursues a forfeiture proceeding against the  
10 person's property, to successfully forfeit the property, the  
11 state shall prove by clear and convincing evidence that at  
12 the time the person acquired the property or an interest in  
13 the property, the person:

14                   (1) had actual knowledge that the property  
15 was subject to forfeiture; or

16                   (2) was not a bona fide purchaser who was  
17 without notice of any defect in title and who gave valuable  
18 consideration.

19           G. If the state fails to meet its burdens as  
20 provided in Subsections C and D of this section, the court  
21 shall find that the person is an innocent owner and shall  
22 order the state to relinquish all claims of title to the  
23 innocent owner's property without delay and the property  
24 shall be released without assessment of fees or costs.

25           H. Seized property that is firearms, ammunition or

1 explosives subject to forfeiture under the protections of  
2 this section and that is not returned to an innocent owner  
3 shall be destroyed upon a motion by the law enforcement  
4 agency and an order of the court."

5 SECTION 9. Section 31-27-8 NMSA 1978 (being Laws 2002,  
6 Chapter 4, Section 8, as amended) is amended to read:

7 "31-27-8. SAFEKEEPING OF SEIZED PROPERTY PENDING  
8 DISPOSITION.--With regard to seized property in the state  
9 courts:

10 A. seized currency alleged to be subject to  
11 forfeiture shall be deposited with the clerk of the district  
12 court in an interest-bearing account;

13 B. seized property other than currency or real  
14 property, not required by federal or state law to be  
15 destroyed, shall be placed under seal at a place designated  
16 by the district court;

17 C. seized property shall be kept by the custodian  
18 in a manner to protect it from theft or damage and, if  
19 ordered by the district court, insured against those risks;  
20 and

21 D. unless it is returned to an owner, a law  
22 enforcement agency shall dispose of forfeited or abandoned  
23 property as provided in Section 31-27-7 NMSA 1978."

24 SECTION 10. Section 31-27-9 NMSA 1978 (being Laws 2015,  
25 Chapter 152, Section 11) is amended to read:

1 "31-27-9. REPORTING.--

2 A. Within sixty days following the conclusion of  
3 each fiscal year, every law enforcement agency shall prepare  
4 on a form approved by the department of public safety an  
5 annual report of the agency's seizures and forfeitures  
6 conducted pursuant to applicable state law, and seizures and  
7 forfeitures conducted pursuant to federal forfeiture law, and  
8 the report shall include:

9 (1) the total number of seizures of currency  
10 and the total amount of currency seized in each seizure;

11 (2) the total number of seizures of property  
12 and the number and types of items seized in each seizure;

13 (3) the market value of each item of  
14 property seized;

15 (4) the total number of occurrences of each  
16 class of crime that resulted in the agency's seizure of  
17 property;

18 (5) the costs incurred by the agency for  
19 storage, maintenance and transportation of seized property;  
20 and

21 (6) any proceeds received through equitable  
22 sharing, along with the federal case number and the final  
23 disposition of the case.

24 B. A law enforcement agency shall submit its  
25 annual reports to the department of public safety and to the

1 district attorney's office in the agency's district. An  
2 agency that did not engage in seizure or forfeiture pursuant  
3 to the Forfeiture Act or local, state or federal forfeiture  
4 law shall report that fact in its annual report.

5 C. The department of public safety shall compile  
6 the reports submitted by each law enforcement agency and  
7 issue an aggregate report of all forfeitures in the state.

8 D. By November 1 of each year, the department of  
9 public safety shall publish on its website the department's  
10 aggregate report and individual law enforcement agency  
11 reports submitted for the previous fiscal year."

12 SECTION 11. TEMPORARY PROVISION.--The New Mexico  
13 supreme court shall issue procedural court rules to implement  
14 the provisions of this act.

15 SECTION 12. TEMPORARY PROVISION.--Abandoned property in  
16 the possession of a law enforcement agency or the state  
17 treasurer on the effective date of this act shall be disposed  
18 of pursuant to Section 29-1-14 NMSA 1978.

19 SECTION 13. APPLICABILITY.--The provisions of this act  
20 apply to seized and abandoned property in the possession of a  
21 law enforcement agency or the state treasurer on and after  
22 the effective date of this act.

23 SECTION 14. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect  
25 immediately. \_\_\_\_\_