

HOUSE BILL 616

By Kerr

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2, relative to proceeds from sale of forfeited vehicles.

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

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

(c) Notwithstanding the provisions of subsections (a) and (b) to the contrary, the revenue derived from the sale of vehicles forfeited under the authority of § 55-10-504(h) shall be distributed as follows:

(1) Fifty percent (50 %) of the revenue shall be retained by the entity, either the state or local government, which was responsible for the seizure. Such revenue shall be used during each fiscal year to compensate the entity for the reasonable and direct expenses involved in the confiscation, towing, storage, and sale of the forfeited vehicles. Any revenue remaining after recouping such expenses shall be used by the seizing entity for law enforcement purposes; and

(2) The remaining fifty percent (50%) of the revenue shall be transmitted to the department of health no later than June 30 of each fiscal year. This revenue shall be placed in a special fund to be known as the "alcohol and drug addiction treatment fund" and shall be available for use after July 1, 1998, to pay the cost of alcohol and drug addiction treatment for persons certified for such treatment by order of either general sessions or criminal court judges, pursuant

to a plan and procedures developed by the department of health and submitted to the general assembly prior to July 1, 1998. Any moneys in the alcohol and drug addiction treatment fund administered by the state treasurer shall be transferred to the alcohol and drug addiction treatment fund administered by the department of health on April 8, 1998.

SECTION 2. Tennessee Code Annotated, Section 40-33-211, is further amended by deleting subsection (f) and substituting instead the following:

(f) Notwithstanding the provisions of subsections (a) and (b) to the contrary, the revenue derived from the sale of vehicles forfeited under the authority of § 55-10-403(k) shall be distributed as follows:

(1) Fifty percent (50%) of the revenue shall be retained by the entity, either the state or local government, which was responsible for the seizure. Such revenue shall be used during each fiscal year to compensate the entity for the reasonable and direct expenses involved in the confiscation, towing, storage, and sale of the forfeited vehicles. Any revenue remaining after recouping such expenses shall be used by the seizing entity for law enforcement purposes; and

(2) The remaining fifty percent (50%) of the revenue shall be transmitted to the department of health no later than June 30 of each fiscal year. This revenue shall be placed in a special fund to be known as the "alcohol and drug addiction treatment fund" and shall be available for use after July 1, 1998, to pay the cost of alcohol and drug addiction treatment for persons certified for such treatment by order of either general sessions or criminal court judges, pursuant to a plan and procedures developed by the department of health and submitted to the general assembly prior to July 1, 1998. Any moneys in the alcohol and drug addiction treatment fund administered by the state treasurer shall be

transferred to the alcohol and drug addiction treatment fund administered by the department of health on April 8, 1998.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.