

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1488

Short Title: DOJ Forfeiture Section.

(Public)

Sponsors: Representative Moore.

Referred to: Appropriations.

May 17, 1993

A BILL TO BE ENTITLED  
AN ACT TO CREATE WITHIN THE DEPARTMENT OF JUSTICE THE ASSET  
FORFEITURE ENHANCEMENT SECTION AND TO APPROPRIATE FUNDS  
TO THE DEPARTMENT OF JUSTICE FOR THE ASSET FORFEITURE  
ENHANCEMENT SECTION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 114 of the General Statutes is amended by adding a new  
Article to read:

**"ARTICLE 3B.**

**"ASSET FORFEITURE ENHANCEMENT SECTION.**

**"§ 114-11.7. Creation of Section; powers and duties.**

There is hereby established in the Office of the Attorney General the Asset  
Forfeiture Enhancement Section. There shall be assigned to the Section by the Attorney  
General duties as follows:

- (1) To prosecute all actions brought by the Attorney General under the  
North Carolina Racketeer Influenced and Corrupt Organizations Act  
and provide assistance to district attorneys authorized to prosecute  
actions under the North Carolina Racketeer Influenced and Corrupt  
Organizations Act;
- (2) To prosecute all other State forfeiture actions as authorized by law;
- (3) To be available to prosecute or assist in the prosecution of State  
criminal forfeiture actions when requested by a district attorney and  
approved by the Attorney General;

- 1           (4)    To be available to prosecute or assist in the prosecution of federal  
2               forfeiture actions which are based upon investigations or arrests made  
3               by State or local law enforcement agencies when requested by a  
4               United States Attorney and approved by the Attorney General;  
5           (5)    To be available to provide legal advice concerning asset forfeiture  
6               issues and procedures to State law enforcement agencies when  
7               requested by the head of an agency and approved by the Attorney  
8               General;  
9           (6)    To initiate and participate in joint State and federal forfeiture actions;  
10               and  
11           (7)    Perform additional duties as may be assigned by the Attorney General.

12   **"§ 114-11.8. Employment of attorneys, paralegals, investigators, and clerical help.**

13       The Attorney General is authorized to staff the Asset Forfeiture Enhancement  
14       Section by employing or assigning from the Attorney General's staff the number of  
15       assistant attorneys general and support staff as he or she shall deem necessary to  
16       perform the duties assigned to the Section. Staff assigned to the Section shall be subject  
17       to the State Personnel Act."

18           Sec. 2. There is appropriated from the General Fund to the Department of  
19 Justice the sum of two hundred eighty five thousand two hundred forty dollars  
20 (\$285,240) for the 1993-94 fiscal year and the sum of two hundred eighty-five thousand  
21 two hundred forty dollars (\$285,240) for the 1994-95 fiscal year for establishment of the  
22 Asset Forfeiture Enhancement Section.

23           Sec. 3. Section 1 of this act is effective upon ratification. Section 2 of this  
24 act becomes effective July 1, 1993.