

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2541. Law Enforcement Assistance Funds; Established.

There is hereby established two separate accounts to be administered by the Secretary of Finance, said accounts to be known as “The Division of Customs Law Enforcement Assistance Fund” and, “The Department of Public Safety Law Enforcement Assistance Fund”, respectively. Funding of these separate accounts shall be exclusively from asset forfeitures derived from federal and Commonwealth sources; specifically, 50 percent of any and all funds derived or received from any local or federal asset forfeiture shall be deposited in each of these two funds. Funds in these accounts shall be not be commingled with any other accounts or with the General Fund. Funds from these accounts shall be used exclusively to supplement the budgets of the law enforcement activities of the Division of Customs and the Department of Public Safety, respectively, and no law enforcement activity, division, or department shall have its budget reduced as a result of receiving assistance from these accounts. Funds in these accounts shall be exclusively managed and controlled by and under the responsibility of the government of the Commonwealth, and specifically, by the Secretary of Finance as the custodian of such funds. Disbursements, expenditures, obligations, encumbrances and other uses of funds in these accounts shall not require further legislative appropriation provided that funds from said accounts are used only for law enforcement purposes, and provided further that the Division of Customs and the Department of Public Safety shall provide a full accounting of the use of any and all funds from such accounts to the presiding officers of the legislature within 30 days of the end of each fiscal year. In accordance with the above, the Secretary of Finance shall disburse available funds from these accounts as requested by either the Director of the Division of Customs or the Commissioner of the Department of Public Safety for law enforcement purposes only. Accordingly, the Secretary of Finance shall be the custodian of such funds, while the Director of the Division of Customs and the Commissioner of the Department of Public Safety shall have expenditure authority over funds properly released by the Secretary of Finance from these funds. The Secretary of Finance shall file an annual report to the Governor and the presiding officers of the legislature setting forth all obligations and disbursements in relation to these two funds. In the case in which currency is ordered forfeited by the court, or where funds are produced as a result of the sale of forfeited property pursuant to title 6 of this code, all of the amount so received shall be deposited into these Law Enforcement Assistance Funds, 50 percent to each, to be used only for the purposes and in the manner set forth in this article.

Source: PL 10-59, § 3.

Commission Comment: PL 10-59 took effect May 15, 1997. In addition to a severability clause, PL 10-59 stated:

Section 1. Short Title. This Act may be cited as the “Law Enforcement Assistance Fund Act of 1997.”

Section 2. Findings. Federal law provides for the sharing of forfeitable assets in cases where federal and local authorities cooperate in law enforcement activities. Prior to distributing such assets to local authorities, federal authorities require that arrangements be made to insure that such assets will be used solely for law enforcement purposes and will not diminish the budget of any enforcement group. To assure compliance with the requirements and be eligible for federal asset sharing programs, the following law enforcement assistance fund is established. This fund shall consist solely of federal and local funds derived from asset forfeiture and shall be used solely for law enforcement purposes without further legislative appropriation.