

**10 GCA HEALTH AND SAFETY
CH. 79 SPECIAL ASSETS FORFEITURE FUND**

**CHAPTER 79
SPECIAL ASSETS FORFEITURE FUND**

SOURCE: This Chapter was added by P.L. 26-120:2 (Aug. 14, 2002). The Compiler has renumbered this Chapter so that it begins with the standard § cc101 rather than § xx000.

- § 79101. Creation of Fund.
- § 79102. Assets Forfeited.
- § 79103. Deposit.
- § 79104. Expenditure.
- § 79105. Report.

§ 79101. Creation of Fund.

(a) There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the ‘Special Assets Forfeiture Fund’ (‘Fund’), which shall be divided into two (2) accounts; one account to be known as the ‘Local Assets Forfeiture Account’ (‘LAFA’), and the other account to be known as the ‘Federal Shared Assets Forfeiture Account’ (‘FSAFA’).

(b) The Fund shall not be commingled with the General Fund and shall be kept in a separate bank account, administered by the Chief of Police of the Guam Police Department (‘Chief’).

(c) Expenditure from the Fund shall be authorized by legislative appropriation exclusively for the purposes pursuant to §§ 79104(a) and (b) of this Chapter.

2018 NOTE: Subsection designation added pursuant to authority by 1 GCA § 1606.

§ 79102. Assets Forfeited.

Whenever property is forfeited under any local law enforced or administered by the Guam Police Department, the Guam Police Department may:

- (a) retain the property for official use;
- (b) subject to any other applicable laws, sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

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(c) require the property to be taken into custody and removed for disposition in accordance with law.

§ 79103. Deposit.

(a) There shall be deposited into the LAFA all proceeds from the sale of property forfeited under any local law enforced or administered by the Guam Police Department, including, but not limited to, 16 GCA § 18108 [repealed]; 10 GCA § 69207; and 9 GCA § 67.502.1.

(b) All proceeds from the sale of forfeited property received by the Guam Police Department from any cooperative agreement or memorandum of understanding between the Guam Police Department and any other government of Guam entity shall also be deposited into the LAFA.

(c) All proceeds from the sale of forfeited property received by the Guam Police Department from any cooperative agreement or memorandum of understanding between the Guam Police Department and the Federal government shall be deposited into the FSAFA.

2018 NOTE: The repeal of 16 GCA § 18108 by P.L. 34-107:3 (June 5, 2018), has been indicated in subsection (a).

§ 79104. Expenditure.

(a) The LAFA, as appropriated by I Liheslaturan Guåhan [Guam Legislature], shall be exclusively used for the following purposes:

(1) the payment, upon the approval of the Chief, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, sell or dispose of property under seizure, detention or forfeited pursuant to any law enforced or administered by the Guam Police Department, or of any other necessary expense incident to the seizure, detention, forfeiture or disposal of such property;

(2) for the purchase of new police vehicles;

(3) for the purchase of equipment for the Guam Police Department, as deemed necessary by the Chief; or

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(4) for the payment of training expenses for the police officers of the Guam Police Department.

(b) The FSAFA shall be expended as authorized by the Federal government guidelines that govern the acquisition, use and reporting of forfeited assets.

§ 79105. Report.

The Chief shall transmit to I Maga'láhen Guåhan [Governor] and to I Liheslaturan Guåhan [Guam Legislature], no later than thirty (30) days after the end of each fiscal year, a detailed report of each account of the Fund as follows:

(a) the estimated total value of property forfeited under any law enforced or administered by the Guam Police Department with respect to which funds were not deposited into the Fund;

(b) each account's beginning balance on October 1 of each year;

(c) sources of receipts (seized cash, conveyances and others);

(d) the net amount realized from the year's operations, amount of seized cash being held as evidence, and the amount of money legally allowed to be carried over the following year;

(e) year-end of each account balance;

(f) a report for such fiscal year, containing financial statements, reviewed by the Public Auditor, and an audited report every three (3) years, including profit and loss information with respect to forfeited property (by category), and financial information on forfeited property transactions; and

(g) any other pertinent information.
