

ORDINANCE 18-O-19 amending the Murfreesboro City Code, Chapter 2, Administration, by adding a new Section 2-18, authorizing the City to accept proceeds of the sale of property seized and forfeited pursuant to Tennessee Code § 39-11-701 and limiting the use of such funds for law enforcement purposes.

WHEREAS, the Murfreesboro Police Department has seized and continues to seize, as authorized by state law, property acquired and accumulated through criminal activity; and,

WHEREAS, such property is subject to judicial forfeiture and sale at public auction pursuant to Tennessee Code § 39-11-701 *et seq.*; and,

WHEREAS, if the agency that seized the property is a municipal law enforcement agency, Tennessee Code § 39-11-713 authorizes the municipality to receive a portion of the proceeds of the sale of such property, provided the municipality's governing body has ratified Title 39, Chapter 11 of the Tennessee Code, has authorized the municipality to receive such funds, and has designated how such funds are to be distributed; and

WHEREAS, Tennessee Code §39-11-713(b)(3) and (d) together provide that all such funds shall be designated for law enforcement purposes, shall not be used to supplement salaries of any public employee or law enforcement officer, and shall not be used to supplant other local or state funds; and

WHEREAS, the City Council of the City of Murfreesboro approves the transfer of a percentage of all forfeited funds received by the City to the office of the District Attorney General for the 16th Judicial District in order to provide the resources needed by the District Attorney General's Office to assist in law enforcement efforts; and

WHEREAS, the City Council of the City of Murfreesboro believes that it is in the best interest of the City and its residents to ratify Title 39, Chapter 11 of the Tennessee Code and provide for the distribution of any forfeited funds.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The City Council hereby ratifies and adopts Title 39, Chapter 11 of the Tennessee Code in its entirety and authorizes the Chief of Police to accept, on behalf of the City, any proceeds and profits resulting from criminal activity seized by the Murfreesboro Police Department and subsequently forfeited pursuant to Tennessee Code § 39-11-701 *et seq.*

SECTION 2. Chapter 2, Administration, of the Murfreesboro City Code is hereby amended by adding Section 2-18 as a new section, which shall provide as follows:

"SECTION 2-18 ACCEPTANCE OF FUNDS — PROPERTY SEIZED BY LAW ENFORCEMENT AND FORFEITED PURSUANT TO STATE LAW

- A. The City is authorized to accept the distribution of funds from property forfeited pursuant to Tennessee Code § 39-11-701 *et seq.*, and awarded to the City by court order in accordance with Tennessee Code § 39-11-713.
- B. All funds accepted by the City pursuant to this section shall be accounted for in an account or accounts specifically designated exclusively for law enforcement purposes. Such funds shall be administered in keeping with the accounting procedures prescribed by the Tennessee Comptroller of the Treasury.
- C. Five percent (5%) of any funds accepted by the City pursuant to this section

shall be paid to the District Attorney General for the 16th Judicial District. The City shall make such payments on a quarterly basis.


- D. Any funds accepted by the City pursuant to this section shall be used exclusively for law enforcement purposes, provided, however, that no such funds may be used to supplement the salaries of any public employee or law enforcement officer or be used to supplant other local or state funds.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

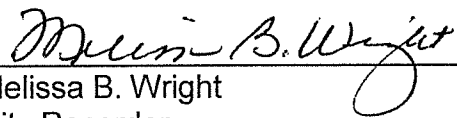
Passed:

1st reading April 12, 2018

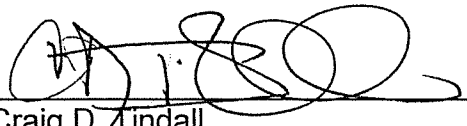
2nd reading April 19, 2018


Shane McFarland, Mayor

ATTEST:


Melissa B. Wright
City Recorder

APPROVED AS TO FORM:


Craig D. Tindall
City Attorney

SEAL