**A** **BILL**

TO AMEND SECTION 44-53-530(b) AND (c) OF THE 1976 CODE, RELATING TO THE SALE OF PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT SEIZED PROPERTY AND LAW ENFORCEMENT OFFICERS THAT WORK FOR THE LAW ENFORCEMENT AGENCY MAY NOT PURCHASE ANY OF THE PROPERTY AT A SALE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44-53-530(b) and (c) of the 1976 Code is amended to read:

“(b) If the property is seized by a state law enforcement agency and is not transferred by the court to the seizing agency, the judge shall order it transferred to the Division of General Services of the Department of Administration for sale. Proceeds may be used by the division for payment of all proper expenses of the proceedings for the forfeiture and sale of the property, including the expenses of seizure, maintenance, and custody, and other costs incurred by the implementation of this section. The net proceeds from any sale must be remitted to the State Treasurer as provided in subsection (g) of this section. The Division of General Services of the Department of Administration may authorize payment of like expenses in cases where monies, negotiable instruments, or securities are seized and forfeited. The state law enforcement agency that seized the property and law enforcement officers that work for the state law enforcement agency that seized the property may not purchase any of the property at the sale.

(c) If the property is seized by a local law enforcement agency and is not transferred by the court to the agency, the judge shall order it sold at public auction by the seizing agency as provided by law. Notwithstanding any other provision of the law, proceeds from the sale may be used by the agency for payment of all proper expenses of the proceeding for the forfeiture and sale of the property, including the expenses of the seizure, maintenance, and custody and other costs incurred by the implementation of this section. The net proceeds from the sale must be disposed of as provided by this section. The local law enforcement agency that seized the property and law enforcement officers that work for the local law enforcement agency that seized the property may not purchase any of the property at the sale.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑