

MARIE ALVARADO-GIL

4TH SENATE DISTRICT



SB 820 (Alvarado-Gil): Cannabis enforcement: seizure of property.

SUMMARY

SB 820 adapts the same asset forfeiture provisions currently applicable to unlicensed manufacturing of alcoholic beverages (i.e., moonshining), to cover unlicensed commercial cannabis activities.

BACKGROUND

Existing law authorizes the seizure of property used in conjunction with the unlicensed manufacture of hard liquor (i.e., moonshining). Unlike drug forfeiture statutes, these laws are adapted to the fact that alcoholic beverages are not inherently unlawful. No criminal conviction is required, and anyone with an interest in the property is given an opportunity to prove in a civil proceeding that the property was not used unlawfully. These laws do not currently apply to unlicensed production of cannabis.

PROBLEM

It is critical to ensure that the limited resources used to enforce against unlicensed cannabis operations be impactful. In addition to disrupting the operations themselves, asset forfeiture can also act as a deterrent to other illicit operators and promote entrance into the legal, regulated cannabis market.

In 2021, the California Department of Fish and Wildlife eradicated 2.6 million illegal cannabis plants, seized 794 firearms, removed over 32,000 pounds of trash from public lands, and removed 404 illegal water diversions.¹ Moreover, the Unified Cannabis Enforcement Taskforce seized a combined total of

\$9.5 million in cash, and a retail value of over \$1.3 billion in seized cannabis product in 2021 and 2022.² The reality, unfortunately, is that many illicit cannabis operations are able to quickly recover following enforcement actions due to complicit landlords, exploitation of workers, and remaining specialty equipment used for the cultivation and manufacturing of cannabis. State and local enforcement efforts have minimal impact without addressing the underlining infrastructure that enable these lucrative illegal operations to bounce back quickly.

SOLUTION

SB 820 would bolster enforcement efforts against illicit cannabis operations by authorizing the removal of the underlying infrastructure – such as specialized cultivation and manufacturing equipment – used for unlicensed cannabis activities. This bill allows law enforcement to disrupt the financial resources of unlicensed conspirators that allow illegal cannabis operations to thrive. SB 820 will also bolster safe access to the cannabis market by targeting enforcement against unlawful operators that undermine the legal marketplace and jeopardize the public's health and safety. In addition, SB 820 would invest enforcement proceeds in the Cannabis Control Fund to support equity programs. It's vital to not only shut down bad actors, but to support licensed cannabis businesses that enhance reliable access to regulated, tested cannabis in the legal market.

¹ <https://cannabis.ca.gov/2022/02/cdfw-releases-cannabis-enforcement-numbers-for-2021/>

² <https://cannabis.ca.gov/2023/03/enforcement-update/#:~:text=DCC%2Dled%20search%20warrant%20operations,2021%20and%2056%20in%202022.>

SUPPORT

Rural County Representatives of California
(sponsor)

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