

From: Danny Varat <DannyVarat@scstatehouse.gov>
To: Kevin L. BryantKevinBryant@scstatehouse.gov
Date: 10/9/2017 2:12:04 PM
Subject: Re: a few questions

From Catherine:

The overall system does seem to incorporate some due process however there is the underlying concern that by allowing LEAs to keep a substantial portion of the proceeds from forfeitures incentivizes seizing property. There is also a concern that the burden to prove lawful ownership disconnected from illegal activity is placed heavily on the owner of the property. A concern I came across is that the one statute that provides detailed forfeiture procedure is in the illegal drug laws and only applies to crimes relating to drugs. However many other criminal statutes have their own individual forfeiture process or reference the process in the drug laws.

Possible changes:

- Where an owner prevails against the LEA in a forfeiture proceeding the LEA be responsible for attorney's fees.
- Place the proceeds into the general fund to eliminate the conflict of the potential incentive to LEAs. (accompany this with detailed required reports, reports are currently only upon request and records don't seem to be in order)
- For the two above I would say that one or the other but not both should be done.
- Consolidate forfeitures into one law not spread out through the code.
- Require that there at least be a criminal charge (preferably conviction) for forfeiture to be finalized.

There's a House bill (Clemmons and Rutherford) on this subject, but it appears stuck in committee. Shall we find someone in the Senate to propose this?

2- According to the NIH - No a pharmacist cannot legally dispense it without putting their DEA license in jeopardy and risking federal prosecution. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3875249/>

From: Kevin L. Bryant
Sent: Sunday, October 8, 2017 3:20 PM
To: Danny Varat
Subject: a few questions

Can you or Catherine work on a few things

1-What can SC do to address this issue? The article below is a federal issue, do we have any similar situations in SC and should it be addressed?

<http://targetfreedom.com/cfr/government-on-the-take/>

2-If/When SC allows any type of medical marijuana, can a SC pharmacist dispense? Would this put the DEA license in jeopardy?