



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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**Testimony of the Judicial Branch  
Banking Committee Public Hearing  
March 2, 2017**

**H.B. 7146, An Act Requiring a Criminal Conviction for Certain Offenses  
Before Assets Seized in a Lawful Arrest or Lawful Search  
May Be Forfeited in a Civil Proceeding**

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch concerning *H.B. 7146, An Act Requiring a Criminal Conviction for Certain Offenses Before Assets Seized in a Lawful Arrest or Lawful Search May Be Forfeited in a Civil Proceeding*. The Branch has several concerns with the bill as drafted.

This bill would, among other things, require a criminal conviction prior to the forfeiture of seized assets. While this matter is ultimately a policy issue within the discretion of the Legislature, there would be some resource implications if this bill passed in its current form. Currently, if the State's Attorney petitions the court for an asset forfeiture during a pending criminal case, it is possible for these actions to be handled within the existing criminal case. Under this bill, a civil case, in addition to the criminal case, would need to be initiated to address the forfeiture of seized assets. This would result in an increased volume of civil cases.

Sections 1 (f), 2 (f), and 3 (g) would create a new process for the return of seized property. The Branch would point out that a mechanism already exists in section 54-36a for the return of seized property. The new process proposed by this bill raises several questions. First, this process would allow anyone claiming a right to *possess* the property to petition for its return, as opposed to allowing anyone with an *ownership* right to make

such a petition. It is not clear why this distinction has been made. Second, the new process seems to contradict itself by both requiring the return of money or property upon certain findings, but also permitting the court to return only enough to cover attorney's fees. Third, it is not clear what is meant in lines 113, 202 and 278 by "require an accounting of such property," nor is it clear who would perform such an accounting. If it is intended that the clerk's offices would perform the accounting, it would further strain our scarce resources.

Finally, Section 1 (c) would require all money related to the commission of a criminal offense that is forfeited to be deposited in the General Fund. This change would negatively impact the Criminal Injuries Compensation Fund (CICF), which currently receives twenty percent of such money. The CICF is used to assist victims of crime with expenses including medical bills and therapy, and we believe that the allocation to this fund should not be diminished.

Thank you for your time and attention to this matter. We stand ready to work with the proponents of this bill on the above issues.