



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

**H.B. No. 7146 (RAISED) AN ACT REQUIRING A CRIMINAL CONVICTION
OFFENSES BEFORE ASSETS SEIZED IN A LAWFUL ARREST OR LAWFUL
SEARCH MAY BE FORFEITED IN A CIVIL PROCEEDING.**

JOINT COMMITTEE ON BANKING

March 2, 2017

The Division of Criminal Justice opposes H.B. No. 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, and respectfully recommends the Committee take NO ACTION on this bill.

Requiring a criminal conviction as a pre-requisite for the forfeiture of fruits or instrumentalities of a crime would allow certain offenders to profit from their crimes while depriving municipal and state law enforcement agencies of needed money and assets. Many cases that involve the forfeiture of the proceeds of narcotics or property crimes might be appropriate for a diversionary program – particularly Accelerated Rehabilitation. This is often granted to first-time offenders despite ample proof that the defendant committed the charged offense, particularly selling, or intending to sell, narcotics. While there are good policy reasons to give such offenders a second chance by avoiding a criminal conviction, there is no reason to allow them to profit from their crime by keeping the proceeds.

A few publicly reported cases from other jurisdictions have rightfully caused concern about government's ability to seize and forfeit property from innocent owners. The Division is unaware of any such case in Connecticut. This is undoubtedly so because our current forfeiture statutes exempt from forfeiture any property that the state cannot prove, by clear and convincing evidence, was derived from or related to criminal activity or that belongs to an innocent owner. These standards, along with the robust notice requirements that our statutes impose, provide ample protections against government overreach while sensibly depriving offenders of criminal proceeds.

For these reasons, the Division of Criminal Justice respectfully recommends the Committee take NO ACTION on H.B. No. 7146. We would be happy to provide any additional information the Committee might require or to answer any questions that you might have.