

# Banking Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5398

AN ACT PROHIBITING STATE AND LOCAL LAW ENFORCEMENT AGENCIES FROM PROVIDING CERTAIN PROPERTY TO A FEDERAL AGENCY FOR THE

**Title:** PURPOSE OF SUCH PROPERTY'S FORFEITURE.

**Vote Date:** 3/20/2018

**Vote Action:** Joint Favorable

**PH Date:** 3/6/2018

**File No.:**

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## **SPONSORS OF BILL:**

Banking Committee

## **REASONS FOR BILL:**

Under current law, law enforcement agencies can exploit a loophole which allows them to refer or transfer seized property to a federal agency, resulting in the property's forfeiture. This bill would prohibit this activity, and would also prohibit Connecticut law enforcement agencies from collaborating with the federal government to accept payment or distribution of the proceeds of civil asset forfeiture.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Division of Criminal Justice**

The Division of Criminal Justice recommended that the committee take no action on the bill. The bill is an attempt to kill the federal asset sharing system that benefits Connecticut law enforcement and municipal police departments. This system also incentivizes local law enforcement to collaborate with federal agencies to undertake resource-intensive narcotics investigations.

## **NATURE AND SOURCES OF SUPPORT:**

### **Joe Horvath, Yankee Institute for Public Policy**

A growing number of states are shifting away from the civil asset forfeiture model. Connecticut has distinguished itself by being the first state to unanimously pass legislation requiring a criminal conviction before the title or proceeds of seized property can pass to the government. The bill is largely a technical fix that should be non-controversial, and the purpose of civil asset forfeiture reform is to simplify proceedings and keep a defendant and their property in the same legal channels.

### **David McGuire, American Civil Liberties Union of Connecticut**

Civil asset forfeiture allows police to take and keep someone's property, without due process of law. This bill prohibits Connecticut law enforcement agencies from referring, transferring or otherwise relinquishing possession of property seized under state law to a federal agency unless the case exceeds \$100,000. This threshold allows Connecticut law enforcement to work with federal officials on large multi-jurisdictional task forces.

### **Amir Rezvani, Student, Yale University**

Civil asset forfeiture violates due process. "According to a report by the Congressional Research Service, the majority of forfeiture cases end administratively", meaning that the original property owner doesn't challenge the seizure within a certain period of time, resulting in automatic forfeiture. In cases where the property owner does contest seizure, they face a lengthy legal battle that often results in them being unable to recover their property.

### **INDIVIDUALS WHO ALSO EXPRESSED SUPPORT:**

**Philip Hinkes**  
**Bailey Owen**

### **NATURE AND SOURCES OF OPPOSITION:**

#### **Connecticut Conference of Municipalities**

CCM expressed concern with the bill and its potential negative impact on ongoing police investigations. Specifically, CCM is concerned with the issue that police often make arrests and seize assets that become larger parts of investigations. They also argued that "proceeds from drug trafficking that are part of a larger investigation should be forfeited and shared in a single proceeding consistent with federal law". Additionally, this bill may prohibit municipalities from accepting benefits that are part of federal task force wages.

**Reported by: Sara LeMaster**

**Date: 4/2/2018**