

HB 231 -- ASSET FORFEITURE

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 13 to 0.

This bill prohibits law enforcement agencies and prosecuting authorities from entering into agreements to transfer or refer seized property to a federal agency unless the seized property includes more than \$100,000 in United States currency. If the seized property includes more than \$100,000 in U.S. currency, the law enforcement agency may transfer the property to a federal agency for forfeiture litigation under federal law or to a local or state agency for forfeiture litigation under state law.

PROPONENTS: Supporters say that civil asset forfeiture is an assault on the constitutional rights of Missourians. Unchecked it constitutes an unreasonable seizure. Because of past abuses Missouri changed its laws to require a criminal conviction or guilty plea before the government can keep the seized assets and then the assets go to Missouri schools rather than the law enforcement agency that initially seized the property, which reduces any conflict of interest. However, law enforcement agencies can still work with federal task forces, through an equitable sharing process, whereby the federal government keeps approximately 80% of the seized assets and the local law enforcement agency gets to keep 20%. This bill prevents any such collaboration when the amount of property in question is less than \$100,000. If the seized amount is higher than \$100,000 the owner of the property is more likely to be able to get an attorney to go to court to recover the seized property but for amounts less than \$100,000 it can cost more than the value of the property to actually recover it, even if there was never any criminal conviction associated with the seizure.

Testifying for the bill were Representative Dogan; Institute For Justice; ACLU Missouri; and Dan Viets.

OPPONENTS: There was no opposition voiced to the committee.