

HCS HB 444 -- ASSET FORFEITURE

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 10 to 0.

This bill prohibits law enforcement agencies and prosecuting authorities from referring, transferring, or otherwise relinquishing possession of seized property to a federal agency for the purpose of the property's forfeiture under federal law. Law enforcement agencies that participate in a multijurisdictional collaboration must transfer responsibility for the seized property to the state prosecuting authority. If federal law requires transfer of the property to a federal agency, the transferring law enforcement agency is prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the federal agency. This bill does not restrict a law enforcement agency from acting alone or collaborating with another agency, including a federal agency, to seize contraband or property a law enforcement agency has probable cause to believe is the proceeds or instrument of an offense.

PROPONENTS: Supporters say that it is wrong for people's land and assets to be seized because they are civil assets and not connected to criminal behavior. Missouri already has pretty good seizure laws, but this bill closes a loophole to make sure local agencies are not intentionally seizing property and transferring to a federal agency so that they receive payment or some sort of benefit from the federal agency for the transfer. This bill is a moderate and balanced approach to this issue. This reestablishes a person's right to retain his or her property, and many other states have done this already.

Testifying for the bill were Representative Dogan; Institute For Justice; American Civil Liberties Union; Americans For Prosperity; and Empower Missouri.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that there are only concerns because there are many law enforcement agencies in the state that use this process responsibly.

Testifying on the bill was St Charles County.