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## Support Civil Asset Forfeiture Reform in Virginia

Civil asset forfeiture laws throughout the country are in need of substantial reform in order to protect citizens' basic rights. Asset forfeiture practice consistently tramples over the Fifth and Fourteenth Amendments to the U.S. Constitution by violating due process rights. Not only does this practice violate crucial provisions of the Bill of Rights, but it also violates Article 1, Section 11 of the Virginia Constitution which states, "That no person shall be deprived of his life, liberty, or property, without due process of law."

Prior to November 1990, funds acquired through asset forfeiture in Virginia were submitted to the State Literary Fund. Following this period, Virginia citizens voted for the adoption of laws that allowed local law enforcement agencies to benefit from civil asset forfeiture by receiving proceeds from forfeited items, thus creating a profit incentive. From 2008 through 2014, 227 law enforcement agencies within Virginia seized assets valued at a total of \$62.2 million, or an average of \$10.3 million a year, according to the Virginia Department of Criminal Justice Services. In addition, Virginia acquired \$62 million in forfeited cash and assets through the federal equitable sharing program.

SB 457 seeks to insert language that clearly indicates what standard of proof is required for both the defendant and plaintiff in a civil asset forfeiture trial proceeding. While the Commonwealth of Virginia already places the burden of proof on the state to prove that a person's property is subject to forfeiture in a court proceeding, SB 457 aims to clarify the state's burden to a *clear and convincing* standard of proof. Additionally, it provides the property owner the opportunity to prove only by a *preponderance of the evidence* that his or her interest in his or her property is exempt from forfeiture.

Providing property owners the advantage in a trial setting is an important step in the process to rectify the slow erosion of property rights in the Commonwealth of Virginia. FreedomWorks stands behind SB 457 because it assists in this objective by tightening loosely worded legal language that currently places citizens at a disadvantage. While further improvements can certainly be made throughout the country, localized effort to improve any aspect of civil asset forfeiture practice is highly necessary and accordingly laudable.

Sincerely,

Adam Brandon  
CEO, FreedomWorks