



January 12, 2017

Support Civil Asset Forfeiture Reform in Texas, SB 380

On behalf of FreedomWorks' activist community in Texas, I urge you to contact your senators and urge him or her to support SB 380, introduced by State Sen. Konni Burton (R-Ft. Worth), which would reform the Lone Star State's civil asset forfeiture laws.

Civil asset forfeiture laws throughout the country grant law enforcement authorities the power to take property from individuals who have not been convicted of a crime. Although the stated intent is to fight crime, all too often, individual rights are threatened and government entities profit off property that is not definitively connected to a crime.

Texas' current civil forfeiture laws trample over Fifth Amendment rights by violating due process rights. Property owners are left without many options and are burdened with the cost to fund a trial to retrieve their property. Unfortunately, legal costs are frequently too high for the average citizen. Since civil forfeiture places the property on trial, property owners are not entitled to representation.

Eighty-eight (88) percent of Texans oppose the current application of the state's civil asset forfeiture laws. SB 380 can help reverse this level of discontent.

SB 380 reforms civil asset forfeiture procedures in the state of Texas by amending Chapter 59 of the Code of Criminal Procedure to clarify that property subject to forfeiture may be permanently seized only upon an instance of criminal conviction, unless an owner is unavailable or fails to claim the property. It will help prevent abuse of power and restore a level of control back in the hands of citizens.

The bill aims to restore protections for innocent owners by placing the burden of proof on the state. It even goes so far as to exempt specific property from forfeiture, such as homestead property, a motor vehicle valued at less than \$10,000, and U.S. currency totaling less than \$200.

SB 380 also addresses the Federal Equitable Sharing Program loophole by restricting use of this alternative to very specific instances, thereby preventing agencies from circumventing the state's asset forfeiture laws. Additionally, the bill curbs profit incentives by requiring that proceeds acquired through asset forfeiture be turned over to the county treasurer of the county in which the property was seized.

Between 2001 and 2013, Texas acquired approximately \$41.6 million, annually, through forfeited assets. In 2014, alone, approximately \$5 billion in assets were seized by law enforcement at all levels within the United States. Providing property owners additional safeguards to stop abuse and the erosion of property rights within Texas is a firm step toward reestablishing our country's foundational liberty principles.

For these reasons, FreedomWorks supports the passage of S. 380. Continued effort throughout the country is necessary to help eliminate due process violations. By prioritizing citizens' rights, we can reverse the damage left in the wake of this severely unjust practice.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President and CEO, FreedomWorks