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Support Civil Asset Forfeiture Reform in Pennsylvania

On behalf of the FreedomWorks activist community in Pennsylvania, I urge you to support the amended version of Senate Bill 869, sponsored by state Sen. Mike Folmer (R-Lebanon). The bill reforms the Commonwealth's civil asset forfeiture laws to provide more protections for innocent property owners.

Section 1 of the Pennsylvania Constitution states that “[a]ll men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of **acquiring, possessing and protecting property** and reputation, and of pursuing their own happiness.”

Unfortunately, Pennsylvania's current civil asset forfeiture laws fail to offer adequate protections for innocent property owners. Property can be seized without arresting, charging, or convicting an individual of a crime.

According to the Institute for Justice, a nonpartisan public interest law firm, “Pennsylvania has some of the worst civil forfeiture laws in the country.” The evidentiary standard to subject property to forfeiture is “a preponderance of the evidence,” an incredibly low bar to reach, and, in a perversion of justice, the burden of proof falls on the property owner, not the government.

SB 869 corrects these problems with Pennsylvania's forfeiture laws by raising the evidentiary standard to “clear and convincing evidence,” the highest standard needed in civil court, and puts the burden of proof on the government, where it belongs. These two reforms are much-needed steps forward.

The bill promotes transparency by requiring more detail provided in the annual audits every county in the Commonwealth must provide about seized property, including whether the seized property was tied to a criminal case. It also streamlines Pennsylvania forfeiture laws, puts in place procedural protections for innocent property owners, and implements a new presumption in favor of returning property to an owner who is cleared of suspected criminal activity in a separate criminal case.

There is support in Pennsylvania for forfeiture reform, and state lawmakers should act accordingly. A September 2015 survey showed that nearly 80 percent of Pennsylvania voters, including 75 percent of Republicans, say that the Commonwealth's forfeiture laws are in need of reform. Only 8 percent believe that the current forfeiture laws are working.

For these reasons, FreedomWorks supports SB 869 and urges its passage in both chambers of the Pennsylvania General Assembly, which would make the Commonwealth the latest to pass a law that restores due process and protects private property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized, flowing script.

Adam Brandon
President and CEO, FreedomWorks