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Upcoming legislation

“Tennessee Just Compensation for Property Owners Act”

“Tennessee Civics Education Act”

“Tennessee Religious Freedom Act”

Real Estate Transfer Tax Bill, SB1080 / HB649

Please watch for updates from me on critical committee votes.

East Tennessee Freedom was instrumental in helping persuade the legislature to pass the “Tennessee Property Rights Protection Act”

Civil Asset Forfeiture

Disclaimer Statement

- 1) Support for Police**
- 2) Solution at End of Presentation**

Sources of Information:

Tennessee Department of Safety, Institute for Justice, News Channel 5 Nashville, Tennessee Code Annotated, Tennessee Advisory Committee on Civil Rights, and interviews with officers

Questions for Thought:

- 1) In our system of justice, when does a person become a criminal?**
- 2) If a gun is used to assault a person, is the gun guilty or is the person who used it to commit the assault?**

Text from: A Report of the Tennessee Advisory Committee to the U.S. Commission on Civil Rights, 2018

Civil asset forfeiture is a legal process that permits law enforcement officials to seize and retain private property if they suspect that the property is related to criminal activity. Although civil forfeiture is contingent upon suspected criminal conduct, civil forfeiture proceedings are considered civil actions against property itself, rather than criminal actions against a property owner.

Tennessee's civil asset forfeiture law assigns responsibility over forfeiture proceedings to Tennessee's Department of Safety and Homeland Security. Under Tennessee's forfeiture law, law enforcement agents may seize a person's property if they have probable cause to believe that the property was involved in illegal activity. Tenn. Code Ann. § 40-33-204(3); Tenn. Code Ann. § 40-33-204(6)(c)(1).

**[Reby Video] Time Stamp 3:20 to 8:15 (News Channel 5,
Nashville, Special Report)**

Seizure / Forfeiture Process

Step 1 Seizure (Acquisition by Authorities)

Step 2, Forfeiture Warrant Hearing (Probable Cause Hearing)

**Step 3 Administrative Judge Decides Fate of Seized Property
(Knox, Davidson, Shelby) See Regional Map on Tennessee
Department of Safety Web Page**

Step 4 Appeal to Chancery or Circuit Court (Certain Counties)

Negotiations

CLAIMANT UNDERSTANDS THAT BY ENTERING INTO THIS SETTLEMENT AGREEMENT, AND SIGNING BELOW, HE/SHE: Voluntarily waives his/her constitutional right to be free from excessive fines or cruel and unusual punishment under the federal and state constitutions as it may apply to any future criminal prosecution for those acts giving rise to this forfeiture action, or to this forfeiture proceeding;

Step 4 Appeal, Circuit or Chancery Court Davidson, Washington, Knox, Hamilton, Putnam, Madison, Dyer, Lawrence, or Shelby County T.C.A. § 40-33-213

Tennessee Department of Safety, Forfeitures and Seizures Web Page

<https://www.tn.gov/content/tn/safety/tnhp/forfeit.html#results>

States that have ended civil forfeiture: Maine, Nebraska and New Mexico

Sources of Information

Scott Bullock, Institute for Justice

https://www.youtube.com/watch?v=vtHqS8T_mUQ

Institute for Justice

<https://www.youtube.com/watch?v=KhAa2vep1z0>

Institute for Justice Video

<https://ij.org/report/policing-for-profit-3/>

News Channel 5 (Institute for Justice)

<https://www.youtube.com/watch?v=rJd4Q4u5cqU>

News Channel 5, Nashville, (Part 1)

<https://www.youtube.com/watch?v=X9sZSuk09Gg>

News Channel 5, Nashville, Ronnie and Lisa Hankins (Part 2)

<https://www.youtube.com/watch?v=Zh6ZhwJkK2U>

News Channel 5, Nashville, Ronnie and Lisa Hankins (part 3)

[NewsChannel 5 Investigates: Policing for Profit \(2014\) - Part 3](#)

News Channel 5, Nashville, (Part 4)

https://www.youtube.com/watch?v=kvBWRAzTw_8

News Channel 5, Nashville, George Reby (Part 5) (Putnam County) (\$22,000.00)

<https://www.youtube.com/watch?v=yxkJJ9KMcoQ>

News Channel 5, Nashville, (Part 6)

<https://www.youtube.com/watch?v=tM9jvog18FQ>

Institute for Justice

https://www.youtube.com/watch?v=_NJOTMszsJI

Institute for Justice

Tennessee State Forfeiture Data, Pages 145-146

[Policing for Profit - Institute for Justice](#)

Prelude to Timbs vs Indiana Decision, *Jefferson County Post*

[Civil Asset Forfeiture Has Courts Weighing Eighth Amendment | The Jefferson County Post](#)

Timbs vs Indiana, *Jefferson County Post*

[United States Supreme Court Incorporates Eighth Amendment to the States in Civil Forfeiture Case | The Jefferson County Post](#)

South Carolina Court Rules CAF Unconstitutional, *Jefferson County Post*

[State Court Rules Civil Asset Forfeiture Unconstitutional, Tennessee Legislative Committee to Study Issue | The Jefferson County Post](#)

Bill of Rights Event Knoxville, *Jefferson County Post*

[Civil Asset Forfeiture, Topic of Recent Statewide Forum in Knoxville Local Activist Participating | The Jefferson County Post](#)

Civil Asset Forfeiture Reform Attempted, Jefferson County Post

[VITAL POLICY- State Representative Jerry Sexton \(R-Bean Station\) Introduces Legislation Aimed at Reforming Tennessee's Forfeiture Laws | The Jefferson County Post](#)

Maine Adopts Criminal Asset Forfeiture, Abandons "Civil Asset Forfeiture", Jefferson County Post

[VITAL POLICY – Maine Repeals Civil Asset Forfeiture, Tennessee Struggles to Protect Property Rights | The Jefferson County Post](#)

A Report of the Tennessee Advisory Committee to the U.S. Commission on Civil Rights
Code Numbers and Citations of Law, Summary and Analysis of Tennessee Civil Forfeiture
<https://www.usccr.gov/files/pubs/2018/09-12-TN-Civil-Laws.pdf>

Joe Biden, Designer of Modern Civil Asset Forfeiture

[Joe Biden: Father of the Drug War's Asset Forfeiture Program | Mises Institute](#)

T.C.A. § 40-33-204 (b) (3) (A) Forfeiture Warrant, No Arrest

(A) If no arrest was made at the time of the seizure, the officer making the seizure shall present to the court, at the date and time specified on the notice of forfeiture warrant hearing, the application for a forfeiture warrant, the affidavit in support, the notice of seizure, and the notice of forfeiture warrant hearing. At the hearing on the forfeiture warrant application, the court shall:

(i) Review the application for a forfeiture warrant and the affidavit in support and take testimony from the seizing officer regarding the probable cause to issue a forfeiture warrant, including any testimony as may be required in this section; and

(ii) Review any evidence presented by and take testimony from the person in possession at the time of the seizure regarding why no probable cause exists to issue a forfeiture warrant.