

# HILL ALERT



## DUE PROCESS INSTITUTE

### **Vote YES on Amendment #13 (Division A) to H.R. 3055 to Limit Civil Asset Forfeiture**

Amendment #13 (Division A) on H.R. 3055 (the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act), introduced by **Rep. Tim Walberg**, curbs the use of "federal adoption" of state and local law enforcement seizures of money and property except in limited circumstances. The Due Process Institute urges you to **vote YES on this amendment**.

The amendment would be one important step in limiting the abuse of civil asset forfeiture, a practice that allows law enforcement to seize money and property from individuals under a mere suspicion of unproven unlawful activity. Neither criminal charges nor an arrest is required for law enforcement to execute this type of seizure. The owners of the property have no right to counsel to challenge the seizure, making it difficult to recover property that law enforcement have wrongly seized, and the legal procedures that govern civil asset forfeiture are inadequate to protect innocent property owners.

This amendment specifically limits the specific unfair practice of "federal adoption," which is a procedure used by state and local law enforcement agencies to evade any state or local legal restrictions on civil asset forfeiture by allowing the federal government to "adopt" the property, but then return much of the financial proceeds from the seizure back to the state or law enforcement agency anyway—this allows law enforcement to profit from a seizure even in cases where their own laws would have prevented such a direct seizure.

It is important to realize that this amendment would not do anything to change current criminal forfeiture law. Law enforcement would still have the ability to seek *criminal* forfeiture of money and property when someone is convicted of a crime and the property is found to be part of criminal enterprise.

The Due Process Institute supports Amendment #13 (Division A) and urges you to vote **YES**.