

March 20, 2019



TO: RI House Judiciary Committee
FROM: RI Center for Freedom & Prosperity, Mike Stenhouse
SUBJECT: Written Testimony re. Civil Asset Forfeiture reform (H5721)

Chairman Craven and Committee Members: As CEO for the *RI Center for Freedom & Prosperity*, a non-partisan research and advocacy organization, I would like to provide some background re. H5721, which is before your committee today. As a 501-C-3 organization, our Center is not advising you whether or not to support this legislation. However, we are allowed to discuss our research and perspectives with regard to pros and/or cons of the underlying issue.

Criminal Justice Reform: This legislation, which we co-wrote with the *Stephen Hopkins Center for Civil Rights*, is a continuation of the successful Justice Reinvestment Initiative (JRI). Our Center was proud to be part of that coalition and once again we join with friends from the left and right to support this common sense reform. Given that Rhode Island's existing "Asset Forfeiture" laws were rated at a **D-** by the Institute for Justice, it is clear that in order to protect residents from unjust government seizure of their private property, that significant reforms are required. *Please also refer to the 1-pager our Center co-published on this topic.*

In seeking to improve our state's current D- minus national ranking for its weak asset forfeiture laws, the legislation completely re-writes related statutes, similar to how dozens of other states across the nation have done in recent years. The legislation seeks to enhance due-process guarantees to prevent unjust forfeitures, provide protections for the property of innocent third parties, and improve transparency in the process and monitoring of the use of asset forfeitures.

We listened – and amended the legislation: Throughout 2018, advocates of forfeiture reform met with and listened to the feedback from the executive and legislative branches, the law enforcement community, and from grassroots activists. With the changes specified on the 1-pager incorporated into the 2019 legislation it is the hope of those advocating for further criminal justice reforms that Rhode Island can realize a fair and just asset forfeiture system that will allow reformers to build a greater consensus to keep our state in line with the majority of other states in the nation.

Minorities disparately impacted: Research out of Chicago suggests that minority neighborhoods may be hit the hardest, as most forfeitures were found to be happening in poorer neighborhoods. H5721 helps to correct some of these imbalances and dangers, while advancing criminal justice reform in our state.

<http://reason.com/blog/2017/06/13/poor-neighborhoods-hit-hardest-by-asset>

Bi-partisan & National Trends: The *Justice Reinvestment Initiative* referenced earlier is the name of movement from the liberal-left to help usher through criminal justice reforms. The *Right on Crime* movement from the conservative-right has very similar goals. As a result of this bi-partisan agreement, asset forfeiture laws in states across the country are undergoing significant reform. In 2017, Connecticut passed related legislation.

In Rhode Island, Randall Rose from Occupy Providence, the RI ACLU and the nonpartisan RI Families Coalition, co-founded by myself and **Ray Rickman**, support this legislation ... as do other business and advocacy groups from across the political spectrum..

Protecting our State Against Constitutional Challenges: The proposed legislation is also legally consistent with the February 2019 US Supreme Court ruling in *Timbs v. Indiana*, as well as with a number of other successful state-based lawsuits, where outdated state forfeiture laws, including the issue of "proportionality", where Rhode Island law may be vulnerable, have been ruled to be unconstitutional.

In conclusion, **Representative Knight** of the 2018 House Judiciary committee may have said it best: ***"It's a matter of public trust"*** ... we agree. Rhode Island residents must know that their government will not unjustly, or disproportionately, seize their property and profit from it.

Thank you. If I can answer any questions, please contact me at mstenhouse@RIFreedom.org or 401.429.6115.