

Good and Bad News

March 29, 2017

On the issue of “civil asset forfeiture” — police seizing property from folks merely on suspicion, without a criminal conviction — there is good news.

In Idaho, House Bill 202a just passed both legislative chambers overwhelmingly. “Among other changes, HB 202a would no longer allow civil forfeiture of the vehicle of a person who merely possessed a controlled substance,” explained a *Spokesman Review* report, “without using the vehicle in connection with trafficking offenses or obtaining it with drug-trafficking proceeds. . . .” It also puts off the table “property that’s merely in proximity to illegal drugs” and the mere possession of cash.*

Even with the new Idaho law and the enactment of the Arizona legislation, police in both states will continue to take people’s stuff without a criminal conviction.

Legislation is moving forward in Arizona, too. House Bill 2477 passed to the Senate Judiciary Committee last week — which unanimously cleared it despite what the *Arizona Republic* called “strong opposition from . . . primarily people representing law-enforcement and prosecutors’ groups that benefit



from the funds.”

The bill heightens the standard of proof required for making seizures stick from “preponderance of the evidence” to “clear and convincing evidence.” HB 2477 also increases reporting requirements, and creates a process police must follow to spend seized funds.

Unfortunately, there is also bad news.

Even with the new Idaho law and the enactment of the Arizona legislation, police in both states will continue to take people’s stuff without a criminal conviction. The level of abuse would be diminished, but not ended.

Citizens in both states can and should use the ballot initiative process to end this injustice. In total.

We must restore the bedrock principle of innocent-until-proven-guilty.

This is Common Sense. I’m Paul Jacob.

** Other provisions include a court determination on “whether a property seizure is proportionate to the crime alleged,” absolving “innocent owners from having to pay the state’s costs associated with an attempted seizure,” and some required record-keeping.*