



MICHIGAN

To: Honorable Members of the Michigan Senate Judiciary

From: Amanda Fisher, Assistant State Director

Date: August 19, 2015

RE: Civil Forfeiture Reform Bills

We are writing to ask your support for House Bills: HB4499, HB4500, HB4503, HB4504, HB4506, and HB4507 that would begin the process of reforming civil forfeiture rules and laws in Michigan.

A recent survey of NFIB small business owners found overwhelming support for requiring law enforcement to provide a judge with clear and convincing evidence of a crime before seizing a small business' assets.

Current civil forfeiture laws lack due process: The government may seize private property from a small business owner without ever charging them with a crime or providing evidence prior to seizing assets. The government then pockets the proceeds while providing no prompt way to get a court to review the seizure. There is no incentive or requirement for the government to charge the business owner with a crime. Once the property is seized, the government is free to keep the property until the business owner pursues return of the property, which is often a costly and lengthy legal process.

Nationwide, many law enforcement agencies have abused the broad civil forfeiture rules as a means to self-fund their departments and budgets. In many cases police departments have made it a priority to seize cash during routine traffic stops. Many small business owners carry large cash sums to the bank and to other business locations for use in making change etc. Other small business owners still use cash to make large supply purchases. All of these and other scenarios create a situation where small business is exposed to the potential of civil forfeiture seizures by overzealous law enforcement agencies seeking to increase budget funding to their departments. Even in cases where these motivations may not be the circumstances for asset seizure, a higher burden of proof or conviction is more consistent with the protections of personal property guaranteed in the constitution

Again, we urge you to support these House Bills and we thank you for your support of small business!