



AMERICANS
for TAX REFORM

Members of Pennsylvania General Assembly
Pennsylvania State Capitol
Harrisburg, Pennsylvania

September 27, 2016

Dear Members of the Pennsylvania General Assembly,

On behalf of Americans for Tax Reform and our supporters across Pennsylvania, I write today in strong support of Senate Bill 869 that, if passed, would advance the Fifth Amendment rights of your constituents.

While Senate Bill 869 does not solve the problem of civil asset forfeiture in its entirety, it does represent an important increase in due process rights for innocent property owners. Furthermore, these reforms preserve the ability of police officers to confiscate illicit profits of legitimate offenders.

On average, Pennsylvania police collect a substantial \$10.9 million per year on forfeitures alone; creating a tempting draw to use this questionable practice aggressively. Between 2000 and 2013 alone police seized over \$118 million. Unfortunately, civil asset forfeiture can prove to be a powerful incentive for some over-zealous officers.

Innocent property owners in Pennsylvania have had their entire homes seized based on accusations that their family members sold drugs in the property. Property rights are integral to liberty, they must be better protected.

To help curb these abuses, the new law would increase the standard of proof from “preponderance of the evidence” to “clear and convincing.” Though ultimately a conviction should be required of any asset forfeiture, this shift of the burden of proof balances the onus against the state in a positive way.

Moreover, these new reforms would simplify the asset forfeiture laws, placing them in one chapter of the Pennsylvania Code, which will help enhance transparency and rationalize the practice. SB 869 also requires increased reporting on seized assets, so that legislators in Harrisburg, and their constituents, can keep better track of the funding police agencies get from the sale of confiscated assets.

Police forces need the trust of their communities to do their jobs effectively. Civil asset forfeiture, erodes that trust and antagonizes innocent civilians. These reforms help to restore trust in local and state police by reassuring constituents that their civil liberties are paramount in Pennsylvania law.

I encourage you to extend your support for this important legislation. For more information, please contact Jorge Marin in my office at jmarin@atr.org.

Regards,

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President
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