



February 11, 2016

Dear Chairman Vallario,

State leaders from New Mexico, to Michigan, to North Carolina have been rolling back the confiscatory practice known as “civil asset forfeiture.” Now, Maryland is set to become a national standard in property rights protection. Americans for Tax Reform is proud to endorse SB 161—a bipartisan bill designed to ensure the protection of Fifth Amendment Rights for Marylanders.

Passage of this bill would build on the recent gains from the enactment of SB 528, which rightly increased the burden of proof on civil asset forfeiture cases. Ensuring the guilt of an accused individual before depriving them of their property is the bare-minimum requirement for any nation with adherence to the rule of law. Sadly, the current asset forfeiture regime leaves the door open to abuse and uncertainty. This is a problem that only the Maryland legislature can rectify.

Civil asset forfeiture, like the overcriminalization of normal every-day activities and the use of excessive fines and fees casts a shadow of our nation’s police. The sad truth is that by leaving the door open to arbitrary abuse, the trust between communities and the men and women tasked to protect them is eroded. There is simply no justification for relying on men and women who have not been convicted of a crime to either fund the government or simply give up their property without proof of guilt.

Furthermore, the perverse incentive created by property gained through civil asset forfeiture creates an imperative to profit from the community rather than fight crime or protect civilians.

Senate Bill 161, sponsored by senators Michael Hough, Jamie Raskin, and Bobby Zirkin allows for asset forfeiture but under the necessary conditions required to protect the rights of the innocent. The new law would require both a conviction of a crime and proof that the property in question was connected to the crime.

Moreover, reporting requirements are strengthened so that legislators can better track where and how forfeited assets are used by the police. Together, these provisions move Maryland towards a system that codifies the primacy of individual rights and due process.

I encourage the both the committee and the legislature to support SB 161. Civil asset forfeiture was an old idea poorly implemented and damaging to both police departments and communities. With this legislation, Maryland can be considered a national leader in due process and civil rights. If you have any questions, please contact ATR’s criminal justice manager Jorge Marin at jmarin@atr.org.

Sincerely,

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