

February 16, 2015

Dear Members of the Virginia Senate Finance Committee,

We write today in support of Delegate Mark Cole's House Bill 1287, which reforms Virginia's civil asset forfeiture laws. This important piece of legislation would require a criminal conviction before law enforcement authorities may seize and keep individuals' private property.

Virginia's civil asset forfeiture laws fail to protect property owners. Local law enforcement officials are only required to show that money or property was probably related to a drug offense in order to seize it. The burden then is placed on property owners to prove that their assets were obtained lawfully. **This is the primary reason the Institute for Justice gave Virginia a D- in their Asset Forfeiture Report.**

Virginia's civil asset forfeiture laws are ripe for abuse. A Washington Post investigation revealed that hundreds of millions of dollars in cash has been seized from U.S. motorists and others who were never charged with crimes. From Richmond to Fairfax and other reaches of Virginia, there are horror stories of tens of thousands of dollars being seized without evidence of criminal wrongdoing. Businesses and lives have been destroyed as a result of current asset forfeiture laws.

Civil asset forfeiture laws create a financial incentive for local law enforcement agencies to seize large sums of money and property, regardless of any evidence of wrongdoing. Because law enforcement agencies get to keep 90 percent of their seized assets, there is a significant amount of pressure to target cash in seizures, even if no drugs are present. Policing should be based on public safety, not supplementing local law enforcement department budgets.

The quest to win the War on Drugs is often cited as a justification for the need to preserve civil asset forfeiture laws. This goal, however, cannot impede on important protections to private property rights, one of the most fundamental rights in Virginia.

We urge the legislature to support H.B. 1287 because Virginia's civil asset forfeiture laws violate some of the most important values of Virginians: personal property rights, due process, and the presumption that a person is innocent until proven guilty. The burden of proof for wrongdoing and asset seizures should be on law enforcement agencies, not the other way around.

Sincerely,

**Grover Norquist, Americans
for Tax Reform**

**Claire Guthrie Gastañaga,
ACLU of Virginia**

**Darpana M. Sheth and Lee
McGrath, Institute for
Justice**

