



Conservative organizations: Administrative Forfeiture In Mississippi Should Not Be Renewed

Governor Phil Bryant, Lieutenant Governor Tate Reeves, and Speaker Philip Gunn:

As you know, during the last legislative session the Mississippi legislature allowed legislative authority for administrative forfeiture to expire at the end of June. This was a significant and important step in addressing problems with civil asset forfeiture and continuing Mississippi's path in being a national leader in criminal justice reform.

Conservatives rightly understand that private property rights are the bedrock of a free society, and the bar must be high for a government to seize property from its citizens and transfer ownership to the state through forfeiture litigation. Civil forfeiture is controversial because it often means innocent people losing their property to the state in processes that are complex and divorced from the prosecution of the crime that was the basis for the initial seizure.

While *criminal* forfeiture can and should be used to deprive criminals of their ill-gotten gains, cases of abuse throughout the country show that *civil* forfeiture—particularly when done administratively and not before a judge—has resulted in untold numbers of innocent property owners losing their vehicles, guns, cash, and other property without ever being charged with or convicted of a crime and the proceeds going to supplement law enforcement agencies' budgets.

A growing number of states have crafted legislation to rein in the process of civil asset forfeiture and protect private property owners, and the leaders in reforms, New Mexico and

Nebraska, have ended civil forfeiture and replaced it with criminal forfeiture, to address the legitimate needs of law enforcement to confiscate the fruit of crime.

Administrative forfeiture is particularly worrisome. This particular practice has come under increasing scrutiny due to its circumvention of judicial safeguards. Administrative forfeiture allowed agents of the state to take property valued under \$20,000 and forfeit it by merely providing the individual with a notice. In order to appeal the ruling, an individual was required to file a petition in court and incur significant legal fees. For these reasons, administrative forfeiture was viewed as a particularly pernicious policy that placed lower-income property owners in the impossible situation of deciding whether to pay a large legal bill to get their property back.

For these reasons, we are asking you to oppose reinstatement of administrative forfeiture in Mississippi.

Sincerely,



Jon Pritchett, CEO
Mississippi Center for Public Policy



Grant Callen, President
Empower Mississippi



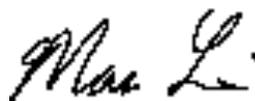
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