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Testimony  
In Support of

LD 1521  
AN ACT TO STRENGTHEN PROTECTIONS AGAINST CIVIL  
ASSET FORFEITURE

**Good Morning Senator Carney, Representative Harnett, and members of the Committee On Judiciary.** I am Representative Billy Bob Faulkingham and I am here to present LD 1521 “**An Act To Strengthen Protections against Civil Asset Forfeiture**”.

This bill requires that, for property to be forfeited under the criminal forfeiture laws, the owner of the property be convicted of a crime in which the property was involved, and it prohibits a law enforcement agency or other entity from entering into an agreement to transfer or refer the property seized to a federal agency. This bill also requires that the records of forfeited property be posted by the Department of Public Safety on a publicly accessible website. This bill completely ends civil forfeiture, and moves all forfeiture to the criminal forfeiture category.

It's a very simple concept; you don't lose your property unless you used it in the commission of a crime, or knowingly allowed someone else to use it in the commission of a crime. For example, you shouldn't lose your truck because your brother borrowed it and did a drug deal without your knowledge. Granny shouldn't lose her house, because little Johnny was peddling crack out of the basement door.

The 5th Amendment says: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

If District Attorneys aren't getting a criminal conviction or seeking one pertaining to property taken into their possession, than it needs to be returned. It is that simple. It is time to end this work around that makes people prove innocence, rather than prosecutors proving guilt. This is one of the founding principles of our country.

Please vote OTP on LD 1521. Thank you for your consideration. I will answer any questions you may have.

Respectfully,

Representative Billy Bob Faulkingham