



Wyoming Moves To Reform Police Seizures

By Casey Harper

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In Wyoming, police can take your property even if you don't commit a crime. Now the state plans to change that.

A new bill on the verge of passing would require a felony drug conviction with a penalty of one year in prison before police could seize citizens' personal property. Currently, if police believe the property is used for drug activity, they can seize your assets without convicting or even charging you with a crime.

The bill passed the Senate and the House Monday and should come before Gov. Matt Mead this week after the Senate reviews it one last time.

Steve Klein, a counsel at Wyoming Liberty Group, told The Daily Caller News Foundation that if police believe your car, cash or any other property is connected to drug activity they can seize it. If you want your property back, you must go through the difficult process of proving that your property is "not guilty" of being associated with a crime, all without being appointed an attorney.

When a person is charged with a crime, they must be found guilty "beyond a reasonable doubt," a tough burden for prosecutors. But with civil asset forfeitures, a prosecutor only needs to achieve a "preponderance of the evidence," which means that he only has to prove that it is more likely that your property is guilty than not guilty.

Citizens are not appointed a public defender in these cases. Since most people can't afford an attorney, or the cost would outweigh what the property is worth, they are forced to navigate a legal minefield alone.

That is a large reason most people don't get their money back. From 2008 to 2012, Wyoming authorities seized \$2,841,522 and refunded \$1,041,577, according to a report from Wyoming Liberty Group using data from the attorney general. That number is a bit skewed, though. Of the \$1,041,577 returned, most was from a single \$774,506 seizure that was refunded. Meanwhile, dozens of smaller amounts did not get returned.

Klein told TheDCNF that in Wyoming the money is split, with 70 percent going to the state and 30 percent to local police.

The Institute for Justice has previously given Wyoming a grade of “F” on civil asset forfeiture laws.

“I’m very excited that the house passed this bill to protect the rights of our citizens,” Wyoming State Rep. Kendell Kroeker told TheDCNF. “I believe that someone is innocent until proven guilty and changing our laws to reflect that is the right thing to do.”

Trevor Burrus, a legal expert at the Cato Institute, said this bill is “ahead of the curve” as more states move to limit and even eliminate civil asset forfeiture.

“I think that there is a huge move now to change this,” Burrus told TheDCNF. “We have a little bit of momentum going.”

Mead’s office did not respond to request for comment in time for publication.