

# OC Today

## Vote to override forfeiture veto

January 21, 2016

As Democrats this week vote to override or attempt to override Gov. Larry Hogan's vetoes last year of several pieces of legislation, one measure stands out as deserving of such a reversal. As it happens, this legislation also is the least discussed of the laws that the governor killed last year – the modifications to the asset forfeiture law.

Most of the debate leading up to this week's votes concerned how to tax online travel services, whether convicted felons should be allowed to vote as soon as they are released from prison and whether smoking marijuana in public should be treated as a civil offense.

We think Hogan's vetoes in this case were justified, even if the marijuana law did contain one reasonable aspect – decriminalizing the possession of pot smoking paraphernalia.

The asset forfeiture law, however, is another matter, in that the burden of proof to justify law enforcement agencies' seizure of someone's money or property is too low.

As Maryland's law now reads, all law enforcement needs to confiscate, say, a large amount of cash found in one's car is a suspicion that the money is the product of criminal behavior. In a reverse of how things are supposed to work, it is then up to the individual whose cash was seized to prove his or her innocence, rather than for law enforcement to prove his or her guilt.

The bi-partisan bill Hogan vetoed last year took the sensible approach of shifting the burden of proof back on government, where it belongs. It would also require that a person be convicted of a crime before property can be seized.

Most of the objection to last year's bill came not from partisan factions, considering that entities as politically diverse as the libertarian Cato Institute, the conservative Right on Crime policy group and the American Civil Liberties Union back this reform, but from law enforcement, which argued that having to prove guilt would hamstring its war on drugs.

Unfortunately, the use of asset forfeiture laws to take property has grown beyond that area to include many other suspected felonies and incidents when, it sometimes turns out, there's been no crime at all.

Reforming the law just makes sense, as does overriding Hogan's veto of the legislature's attempt to do the right thing.