



CONGRESSMAN
JIM SENSENBRENNER
PROUDLY SERVING WISCONSIN'S 5TH DISTRICT

Civil Asset Forfeiture Reform Necessary in the 115th Congress

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This week, the CATO Institute and YouGov released a [survey](#) that found 84 percent of Americans across the political and societal spectrums oppose the practice of civil asset forfeiture.

Civil asset forfeiture is a tool law enforcement officials and departments use to seize property that they believe has been involved in criminal activity. It isn't necessary for individuals to be found guilty of a crime before their property is seized. Rather, asset forfeiture proceedings charge the individual's property, such as a car, home, or money, of criminal involvement. The process to regain seized property is difficult, time-consuming, and expensive.

According to the survey, 86 percent of African Americans, 84 percent of whites, and 80 percent of Hispanics oppose the practice. Further, 87 percent of Independents, 86 percent of Democrats, and 76 percent of Republicans oppose civil asset forfeiture.

Earlier this year, Congressman Sensenbrenner introduced the [DUE PROCESS Act](#), legislation that builds upon changes made in the 2000 Civil Action Forfeiture Reform Act by increasing transparency in the civil asset forfeiture process, adding protections for innocent property owners, and implementing additional protections to ensure property owners have the opportunity to contest seizures. The legislation would also improve the notice that the government must give property owners and makes it easier for them to be heard by a judge.

Additionally, the DUE PROCESS Act entitles property owners to an initial hearing, where they can retrieve confiscated property immediately if it was not seized according to the law. It increases the availability of attorney fees for innocent owners, and places a higher burden of proof on the government.

Congressman Sensenbrenner: "Forfeiture is a critical tool in the fight against crime, but it is also vulnerable to abuse. The results found in the CATO Institute/YouGov survey express the broad dissatisfaction with our current system, and highlight the need for meaningful reform. Congress must address civil asset forfeiture in the upcoming session and move forward to enact purposeful and significant changes to curb abuse, restore confidence in law enforcement, and help citizens protect their property rights."