**Justice Carolina**

**House Equitable Justice System and Law Enforcement Reform Committee**

**Civil Asset Forfeiture Reform Subcommittee**

**8-31-20**

Thank you for the opportunity to be here today.

My name is Kyle Michel. I am here today representing Justice Carolina.

Justice Carolina is a South Carolina non-profit formed in 2016 to advocate for criminal justice reform in South Carolina. Justice Carolina is supported by people and organizations that want to see realistic, meaningful criminal justice reform that allows more of our citizens to fully participate in our growing economy and reduces taxpayer dollars spent on people who unnecessarily fall into the criminal justice system.

This means we support reform that reduces the number of people who get entangled in the criminal justice system over minor infractions. We also support changes to the law that help people get past old mistakes and fully re-enter the workforce, such as the expungement legislation you passed two years ago.

We care about civil asset forfeiture reform because of the cascading effects abuses in the current system can and do have in people’s lives. As you know, many people live on the financial edge. Taking a gainfully employed person’s car or cash, that they happen to have on them when stopped by law enforcement, can lead to unemployment and financial calamity. It’s not a long fall from that point to becoming an expense for the taxpayer, either because we pay for the formerly employed person’s unemployment, healthcare and food benefits, or, even more expensive, we pay for that person to stay in jail for a few months awaiting trial – and then still pay the other costs when they get out.

We also care about civil asset forfeiture reform because it offends our due process laws for the government to be able to take a citizen’s property and leave the burden of proof on the citizen to prove it was not the instrumentality of, or the fruit of, criminal behavior.

But, we also understand there are circumstances where seizing assets is a legitimate function of law enforcement and can contribute to the community’s safety. Therefore, our hope is that you will craft a bill that balances the concerns we and others have with the current law with the concerns of law enforcement.

We see the essential elements of a bill as being:

* Ending civil asset forfeiture and making all seizures part of a criminal action in circuit court;
* Exempting cash and conveyances of less than a minimum amount from seizures in any circumstance (we suggest $5,000);
* Eliminating any form of “roadside waiver” that would allow a law enforcement officer to seize any assets with a written waiver from the owner;
* Providing a right to an expedited hearing before a judge to contest the validity of a seizure;
* Providing that a judge may order the return of seized property if it is necessary for the accused to keep their job or make a living or, in the case of a car, it is used for family needs;
* Limiting the ability of law enforcement agencies to use “federal adoption” to bypass state seizure and forfeiture law restrictions; and
* Creating a public, searchable database of all law enforcement seizures in the state, the outcome of the case, and what the proceeds of the seizure was used for.

Justice Carolina applauds the House Equitable Justice System and Law Enforcement Reform Committee and its Co-chairs, Mr. Simrill and Mr. Rutherford, for keeping this issue in the forefront, poised for the House’s action. We also applaud and appreciate the work of this subcommittee. We hope you will take the time and energy to craft a balanced civil asset forfeiture reform bill that can be considered and passed by the full House in 2021.

Thank you again for the opportunity to add Justice Carolina’s thoughts and concerns to the subcommittee’s deliberations on this important issue.