Mr. Chair and Members of the Committee –

My name is Andrew Yates. I am the State Director of the South Carolina Chapter of Americans for Prosperity. Thank you for opportunity to be here today to testify in support of House Bill 3968, a bill that reforms South Carolina’s asset forfeiture laws.

Changes to South Carolina’s asset forfeiture laws are an important part of ongoing criminal justice reform efforts at both the state and federal level. We believe that an effective criminal justice system protects people and preserves public safety, respects human dignity, restores victims, removes barriers to opportunity for people who have earned a second chance and ensures equal justice for all under the law.

To that end, this bill you are debating today reflects extensive negotiation between an array of stakeholders across South Carolina. This broad coalition – made up of some unlikely or “non-traditional” allies –have devoted a significant amount of time and effort to get to this point. We believe this bill will focus law enforcement’s use of civil asset forfeiture on individuals who pose a legitimate threat to public safety and will better safeguard civil liberties and constitutional rights of South Carolinians. This bill would protect innocent property owners in South Carolina from losing their property through civil litigation by requiring a criminal conviction before forfeiture can take place.

According to the Institute for Justice, a public interest law firm, South Carolina earns a galling D- for our state’s civil forfeiture laws. Making matters worse, the Greenville News [found](https://www.greenvilleonline.com/in-depth/news/taken/2019/01/29/civil-forfeiture-south-carolina-errors-delays-property-seizures-exclusive-investigation/2460107002/) that one-third of cash forfeitures involved $500 or less – resulting in many people not even attempting to get their property back.

Criminals should be held accountable, and law enforcement should be able to seize property when they suspect it was used in a crime. But taking that property permanently through forfeiture is a serious matter, and it is essential that property owners’ due process rights are protected

Policing practices must build community trust and foster collaboration in order to protect public safety. That trust grows when law enforcement focuses resources on preventing and solving serious crime – and this bill ensures that they retain the tools to do so. But continuing in a broken status quo perpetuates structural barriers to good policing, contributes to a negative perception of law enforcement, and disproportionately impacts low-income and economically disadvantaged communities across the state.

This much needed reform to civil asset forfeiture will allow innocent property owners in South Carolina to regain some of their fundamental liberties and create opportunity for everyone by protecting the private property rights that are so vital to a free society. Our organization endorses this bill and urge its swift passage in the legislature.

Andrew Yates

State Director

Americans for Prosperity-South Carolina