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## ACLU OF RI POSITION: SUPPORT

### TESTIMONY ON 25-H 5363, RELATING TO UNIFORM CONTROLLED SUBSTANCES ACT February 25, 2025

The ACLU of Rhode Island strongly supports this bill's aim to address the fundamental due process problems with the state's civil forfeiture law and its blatant unfairness to property owners who are often themselves victims as a result of this process.

Under current law, Rhode Island's law enforcement agencies can confiscate the property of any person suspected of having committed certain drug offenses, whether or not that person is ever convicted or *even charged* with a crime. This property can range from cash and cell phones to cars and even homes. Getting that property back is exceedingly difficult, even when the person under suspicion is not ultimately the owner of the property. Owners of the property must prove that their assets were not obtained as the result of criminal activity – a threshold that is virtually impossible for many to meet.

Since 2014, at least 24 states and Washington, D.C. have restricted their civil forfeiture laws.<sup>1</sup> Rhode Island is one of only a handful of states where probable cause is all that is necessary for assets to be confiscated, and according to a nationwide study by the Institute for Justice, our state remains one of the worst in the nation in terms of its civil asset forfeiture law.<sup>2</sup> A 2014 WPRI report found that over \$1.2 million in assets were seized in 306 cases in 2013, but fewer than half of those cases resulted in convictions, and in more than a few dozen cases the charges were dismissed or dropped.

By instead focusing on the use of *criminal* forfeiture, this legislation would ensure that there is appropriate judicial oversight and that law enforcement agencies cannot confiscate a person's belongings even when they know they cannot make out a criminal case against them.

In short, this legislation commendably seeks to restore due process and allow innocent Rhode Islanders to retain their belongings without the unfair burdens that a civil forfeiture process imposes on them. The ACLU urges the committee's support of this bill.

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<sup>1</sup> <https://theappeal.org/understanding-civil-asset-forfeiture-e803c59e633b/>

<sup>2</sup> <https://ij.org/report/forfeiture-transparency-accountability/>