



Matthew C. Moynihan
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February 5, 2026

Chairwoman Carol McEntee and Members
House Judiciary Committee
Rhode Island General Assembly
State House
82 Smith Street
Providence, Rhode Island 02903

Re: Opposition to H7289 – Amendments to Civil Forfeiture in Controlled Substance Cases

Dear Chairwoman McEntee and Members of the Committee,

I write to respectfully express my opposition to H7289, legislation that would significantly modify Rhode Island's civil forfeiture framework by conditioning forfeiture in controlled substance cases on the entry of a criminal conviction.

I recognize and respect the General Assembly's responsibility to ensure fairness, accountability, and due process within the criminal justice system. However, H7289, as drafted, would unintentionally weaken a lawful and well-established enforcement mechanism that is essential to disrupting drug trafficking organizations and protecting public safety.

Civil forfeiture is not punitive in nature. It is a remedial process focused on separating criminal actors from the property used to facilitate or profit from illegal drug distribution. Rhode Island's existing forfeiture statutes already provide meaningful due-process protections, including judicial oversight, notice requirements, and the opportunity for property owners to contest seizures. These safeguards strike an appropriate balance between individual rights and the need for timely intervention against criminal enterprises.

Requiring a criminal conviction as a prerequisite for forfeiture fails to account for how controlled substance cases are commonly resolved. In practice, many narcotics prosecutions conclude through negotiated dispositions that do not result in qualifying convictions, despite strong and credible evidence establishing a clear nexus between seized assets and illegal drug activity. Under H7289, assets demonstrably tied to drug trafficking could be returned solely because of the procedural outcome of a criminal case, rather than the role those assets played in facilitating criminal conduct.

This approach risks preserving the financial infrastructure of drug trafficking operations and enabling continued harm to communities already affected by substance abuse. Allowing traffickers to retain cash, vehicles, or other instrumentalities of distribution undermines deterrence and increases the likelihood of continued criminal activity.

H7289 may also create unintended pressures within the broader justice system. Conditioning forfeiture entirely on conviction could discourage reasonable plea resolutions, incentivize unnecessary litigation, and increase burdens on courts, prosecutors, defense counsel, and witnesses. These outcomes would not enhance fairness or efficiency and could delay accountability in cases that might otherwise be resolved appropriately.

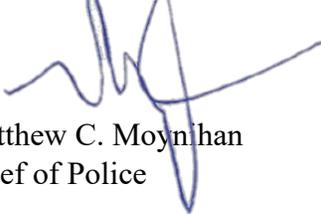
Additionally, civil forfeiture plays a critical role in supporting collaborative investigations involving local, state, and federal partners. Restricting its use in this manner may complicate joint enforcement efforts and weaken multi-agency strategies designed to dismantle organized drug trafficking networks that operate across jurisdictional boundaries.

Finally, forfeiture proceeds are reinvested directly into public safety initiatives, including training, equipment, technology, and investigative resources necessary to combat fentanyl and other dangerous substances. Reducing access to these funds would limit the ability of law enforcement agencies to respond effectively to evolving narcotics threats at a time when overdose deaths and drug-related harm remain serious concerns across Rhode Island.

For these reasons, I respectfully urge the House Judiciary Committee to oppose H7289 in its current form and to preserve a balanced legal framework that protects due process while maintaining effective tools to disrupt drug trafficking and safeguard our communities.

Thank you for your time and consideration. I would be pleased to provide additional information or testimony should it be helpful.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Matthew C. Moynihan', is written over the typed name and title.

Matthew C. Moynihan
Chief of Police