



Testimony on Senate Bill 970 (an act concerning the confidentiality of evidence seized in a criminal investigation)

Submitted by Scott Shepard, Policy Director

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Good afternoon. My name is Scott Shepard. I am the Policy & Research Director for the Yankee Institute for Public Policy, Connecticut's free-market think tank. I submit this note to suggest that **Senate Bill 970** be amended and expanded to include language that will strengthen Connecticut's protections against civil-asset forfeiture in some instances.

The General Assembly unanimously passed **H.B. 7146** in 2017. That salutary legislation prohibited prosecutors from using civil-asset forfeiture unless the party against whom forfeiture is claimed has actually been convicted of a crime, and unless the property to be forfeited is materially related to the relevant crime.

Following the passage of **H.B. 7146** it became clear that the purpose of the legislation had been undermined in part by an unfortunate loophole. Under **H.B. 7146**, otherwise prohibited civil-asset forfeiture could still continue by cooperation between local and state officials and the federal government by the process of "adoption" under the federal asset-forfeiture program.

We hope that this proposed bill might be used to close the loophole. Further, we hope that it might serve as the vehicle by which the state forecloses the option of forfeiture entirely in cases in which the value of the property to be seized is small and its character would render it of little value to the state in any event.

We have been working with the ACLU of Connecticut and the Institute for Justice to craft language that could be added to this bill to achieve these important ends. We understand that the ACLU of Connecticut will be making that language available to interested committee members in the near future. We hope that the committee will use this opportunity to achieve these important goals for fairness in Connecticut.