

SB 838 – Senator Kyle D. Loveless

Civil Asset Forfeiture

What is Civil Asset Forfeiture



How Did We Get Here

- Colonial Roots
- Prohibition Era
- RICO / Organized Crime Era
- 1980's War on Crime Era
- 9/11 Terrorism / IRS



Bill of Rights

Fourth Amendment -

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fifth Amendment –

...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Current Law

- Institute for Justice: D
- FreedomWorks : D-
- Up to property owner to petition the government to get their property back
- Average Forfeiture is \$1,000 while to hire lawyer = \$3,000 to \$5,000
- Not Transparent
- Abuse is easily seen

Examples of Abuse

- ADA living in a house that was seized for FOUR years without paying rent and CAF funds used to “spruce” the place up
- ADA paid law school loans – then the DA’s Council reimbursed so that the ADA didn’t pay
- Donuts, Retirement Parties, Plaques, Personal Workout Gym
- OHP – 1 out of every 4 dollars spent was spent on NON approved items

- All funds are to be spent 100% on Drug Interdiction

State of Oklahoma vs. \$18,007

Two men driving, law enforcement said drug proceeds, no drugs, no drug residue, months later AFTER they got a lawyer a judge made them give the money back

State Of Oklahoma vs. \$15,555

William Cicco, was paying his cancer treatments in cash, drug dog alerted to the cash

Goss family

Drug bust gone bad – wrong house, police had them in jail for three days, used all savings to get out, didn’t have money to get truck out of impound, and boat was damaged ---- NO DRUGS

PROPOSED LAW – SB838

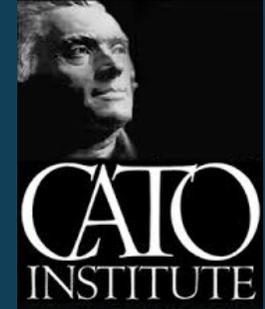
- Innocent until proven guilty
- Raise the evidence level so that it ties it directly to a crime
- Appeals Process – uniform, simple, and if government can't prove a case, they have to make the person whole
- MONEY –
 - Neutral Account spent on three things – 1) Drug Interdiction (Budget Appropriate) 2) Rural Drug Treatment Centers 3) Drug Courts

Supporters of Status Quo

- Need funds for budget reasons
- System is perfect needs no reform
- Renamed my bill – “The Organized Criminal Asset Protection Act”
- Claimed my efforts will help Al-Quaeda and ISIS make Oklahoma a drug kingpin’s playground

Supporters

- OK Policy
- OCPA
- OK2A
- ACLU
- ACLJ
- Heritage Foundation
- FreedomWorks
- Institute for Justice
- Faith and Family Coalition
- Charles Koch Institute
- CATO Institute
- NFIB
- Americans for Prosperity



Supporters

70 %

Oklahomans Agree Government Should Only Keep Property IF there is a Conviction

57%

Disagree with Law Enforcement Would be Greatly Hampered by CAF Reform

IF IT CAN HAPPEN TO THEM IT CAN HAPPEN TO YOU

HOW CAN I HELP?

CALL , WRITE, EMAIL your State Representatives and Senators and ask them to support CAF Reform, SB 838

Tell Others about this issue, Facebook, Twitter -- @STOPOklahoma

Become a Citizen Cosponsor of the bill – looking for people of all ages, background, party affiliation, and geographic location – sign up here today!!