



April 25, 2017

House Judiciary Committee Members  
Colorado State Capitol  
200 East Colfax Avenue  
Denver, CO 80203

Dear Members of the House Judiciary Committee:

We write to you today to demonstrate our strong opposition to HB17-1313, Civil Forfeiture Reform. This bill aims to add transparency to and limit the use of civil forfeitures. While we support increases in transparency, we oppose any bill that eliminates resources that we use to protect our communities. We also oppose the use of unprecedented fines to enforce reporting requirements because, by law, payment will fall solely on local taxpayers.

CCI supports an increase in transparency for civil forfeiture because we strongly believe that the data will demonstrate the benefits of civil forfeiture and seizing agencies' compliance with federal law. However, we oppose the use of coercive fines that threaten the loss of all civil forfeiture funds collected during a reporting period. Because strict federal forfeiture law specifies how forfeiture funds may be used, civil forfeiture proceeds cannot be used to pay any of the fines. Instead, these fines must come out of the general fund of taxpayer dollars. The bill fines local jurisdictions immediately without any warnings or opportunity for appeal. The bill does not explain what "good cause" for a delay would include, and does not provide reassurance that fines would not be assessed inappropriately.

The fines are also an unprecedented level of enforcement for reporting requirements of local agencies. We are unaware of any other reporting requirement of local governments that results in a fine. We have been told that the fines were developed with consideration of campaign finance reporting fines. However, the issue of campaign finance reporting is drastically different from this bill. Campaign finance laws punish private citizens while civil forfeiture reporting fines will come directly from public taxpayer dollars. This is an inappropriate use of these dollars and set a new precedent for reporting requirements of local government.

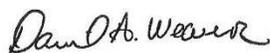
Additionally, since there has been so little data collection from civil forfeiture actions in Colorado so far, any attempt to limit forfeiture is premature and unnecessary. No problem has been identified specifically in Colorado and our state policy should not be determined by anecdotes and information from out-of-state groups like the Institute for Justice. Instead, this bill should focus solely on transparency and data collection so that we can further understand whether/how civil forfeiture should be reformed in Colorado.

The bill's forfeiture limitation also fails its goal to limit civil forfeiture because it attempts to use state law to affect federal law. The federal government, whether on its own or in intergovernmental task forces, will continue to use civil forfeiture as a crime prevention tool. This bill will not change our involvement in these task forces but will only prevent us from being reimbursed for the work that we do to protect our citizens. Whether you believe that civil forfeiture is inappropriate or not, this bill will not change the volume of civil forfeitures in our community.

Finally, civil forfeiture funds are currently used to contribute to many crime prevention programs and giving that money to the federal government or giving it back to criminals is not good policy and will hurt our communities. Some counties use the funds for additional training that protects our law enforcement officers. We also work closely in taskforces with the federal government to end the use of gangs, drug trafficking, and human trafficking. For example, just last week an intergovernmental task force made up of the Drug Enforcement Administration and the Aurora Police Department, arrested nine suspected members of a Mexican organization accused of establishing a "multi-kilogram cocaine and methamphetamine distribution network" in Colorado.<sup>1</sup> Civil forfeiture funds are also used locally for programs such as Alive at 25, Crime Stoppers, and other prevention and awareness programs. Public safety not only means properly handling criminal activity, but it also means intervention, education, and prevention. It means outreach within our community to instill health habits to shape a better, safer community. Civil forfeiture allows us to remove the tools of crime in our community and use those resources to keep our citizens safe.

We urge you to vote 'NO' on HB17-1313. Thank you for your consideration of this letter, and please let us know if you have any questions.

Sincerely,



Commissioner David Weaver  
Chair, JPS Steering Committee  
Colorado Counties Inc.



Commissioner Nancy Jackson  
Vice Chair, JPS Steering Committee  
Colorado Counties, Inc.

cc:

Governor John Hickenlooper  
Kevin J. Grantham, President of the Senate  
Crisanta Duran, Speaker of the House  
Lucia Guzman, Senate Minority Leader  
Patrick Neville, House Minority Leader  
Kurt Morrison, Legislative Affairs Director for the Governor's Office  
Lauren Lambert, Deputy Legislative Director for the Governor's Office

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<sup>1</sup> <http://www.9news.com/news/crime/9-arrested-in-cocaine-meth-bust-in-aurora-/432710314>