



Rhode Island General Assembly

Office of the House Minority Caucus

NEWS

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FOR IMMEDIATE RELEASE

Asset Forfeiture Reform Finds Bi-Partisan Support in R.I House of Representatives

Representative Brian C. Newberry (District 48 – North Smithfield, Burrillville) is introducing legislation to reform asset forfeiture laws in Rhode Island. The legislation comes in light of a recent report in *Institute for Justice*, awarding Rhode Island a D- for its asset forfeiture laws. The legislation is co-sponsored by Majority Leader Joseph Shekarchi, Judiciary Committee Chairman Craven, Municipal Government Chairman Joseph Solomon and Minority Leader Blake Filippi.

Rep. Newberry’s legislation aims to reform these laws by focusing on seizures, due process, and transparency. The current Rhode Island asset forfeiture law allows the government to seize property merely on the basis of criminal suspicion and for non-criminal regulatory violations. Without a lawyer to initiate a process to reclaim their own property citizens can lose it with no recourse. Rhode Island also sets a high bar for innocent property owners to reclaim what is rightfully theirs.

Rep. Newberry commented, saying: “It’s past time for these laws to be updated and amended. The current asset forfeiture laws are overreaching and infringe on individuals’ rights to their property during an investigation. This is a ‘good government’ bill and I’m proud to be championing its passage during the 2019 legislative session.”

In March of 2018, the Rhode Island Center for Freedom & Prosperity and the Stephen Hopkins Center for Civil Rights collaborated on a report illustrating why Rhode Island’s asset forfeiture laws require such reforms, including research on the best practices in other states that have adopted reforms, and drafted new criminal forfeiture language that is supported by the RI Public Defenders Office, the Rhode Island ACLU, and the Rhode Island Public Defenders Office.

The 2019 legislation has been crafted to address concerns raised by law enforcement, the Attorney General’s Office and the Treasurer’s Office.

The primary changes to the 2019 legislation include the elimination of \$10,000 vehicular minimum seizure threshold, elimination of property value caps, aligning the asset forfeiture system with General Treasurer Magaziner's current program to manage abandoned and lost property, maintaining the current administrative management of funds, and providing Attorney General Peter Neronha the tools necessary to ensure municipalities comply with enhanced reporting and transparency requirements under the law.

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