

Alaska small businesses support civil asset forfeiture reform

Mike Miller
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The National Federation of Independent Business is the largest small-business advocacy group in Alaska. We have one clear mission — to promote and protect the right of Alaskans to own, operate and grow their businesses.

It's for this reason that we are supporting House Bill 317 this legislative session. HB 317, introduced by Rep. Tammie Wilson, R-North Pole, would provide Alaska small business owners protection from having property seized if they are not being charged with or convicted of a crime.

Our current legal process in Alaska allows the state to seize property based on the basis of probable cause without a person even being charged or convicted of a crime. This practice, known as civil asset forfeiture, violates the ideals we hold as a state. We believe that Alaskans are entitled better due process than is provided in current law and that reform is desperately needed.

Under civil asset forfeiture, once property is seized, the business owner must appeal within a specified time frame at that person's cost in both time and dollars. The problem for the individual is compounded by the fact that law enforcement generates revenue for itself by disposing of the seized property. We agree that law enforcement and all professionals who put themselves in harm's way to protect the public must receive and secure appropriate levels of funding through the appropriate channels. Arbitrary seizure of assets taken from potentially innocent citizens who are never charged with a crime, however, is no way to fund public safety.

As the state deals with a historic budget shortfall and the prospect of significant belt-tightening across state and local agencies and departments, leaving these laws on the books is a recipe for disaster.

This issue is also a federal priority for NFIB, and our members across the country are in strong support of this reform. From 2001-2014, federal agencies increased their forfeiture deposits by 485 percent, with more than \$5 billion seized in 2014 alone. Passing HB 317 will correct Alaska's broken civil forfeiture laws, and it will also send a message to the rest of the country that this practice is wrong and must come to an end.

Rep. Wilson's proposed legislation contains provisions that will allow law enforcement the ability to pursue criminal activity while providing safeguards for individuals and a process for recovering seized property that should not have been seized. We appreciate the Legislature addressing this critical issue to protect innocent Alaskans from unfair seizure of their property and urge the passage of HB 317 this legislative session.

Mike Miller is the Northern Region Vice Chair of the National Federation of Independent Business Alaska. He lives in North Pole.