

Opinion

Ohio Now Requires Criminal Convictions For Many Civil Forfeiture Cases



Institute For Justice

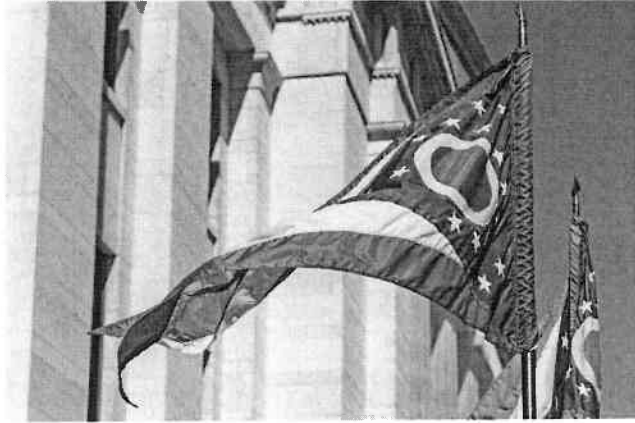
Ohio Gov. John Kasich signed a bill today that will require a criminal conviction before law enforcement can permanently confiscate property for many civil forfeiture cases. Only 11 other states have similar or stricter requirements.

“Civil forfeiture is one of the most serious assaults on due process and private property rights in the United States today,” Institute for Justice Legislative Counsel Lee McGrath said in a statement. “Ohio’s new law should protect many from this abuse of power.”

Under the legislation, HB 347, Ohio will set a new threshold for civil forfeiture.



To forfeit properties valued at under \$15,000, the government must first convict the property's owner in criminal court.



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Speaking on the floor of the Ohio Senate, Sen. Kris Jordan said that while abolishing civil forfeiture would be “ideal,” the bill still “moves us in the right direction.” Although data for Ohio is spotty (the state gutted a forfeiture reporting requirement in 2012), records from other states suggest Ohio’s threshold should protect many property owners. According to a 2015 report by the Institute for Justice, half of all forfeitures in Illinois and Minnesota were under \$530 and \$451, respectively. Those relatively small sums are a far cry from targeting drug kingpins or dismantling criminal enterprises.

HB 347 also enacts better safeguards to protect private property rights. The legislation shifts the burden of proof from innocent owners onto the state—where it belongs. Ohioans will no



longer have to prove their innocence. Moreover, HB 347 will raise the standard of proof to forfeit property in civil court from “preponderance of the evidence” to the tougher standard of “clear and convincing evidence.”

Ohio lawmakers also had the foresight to close a pernicious loophole to prevent law enforcement from bypassing the new reform. Through “equitable sharing,” local and state agencies that cooperate with the federal government can forfeit property under federal law and receive up to 80% of the proceeds. Since 9/11, Ohio agencies seized cash, “without warrants or indictments,” from more than 1,900 people, a blockbuster *Washington Post* investigation into equitable sharing found. Collecting nearly \$140 million in equitable-sharing funds from the U.S. Department of Justice, Ohio law enforcement has spent federal forfeiture funds on salaries, overtime, even a face-painting clown.

Policing for Profit Visualized: Ho...

