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Civil Forfeiture Now Requires A Criminal Conviction In Montana And New Mexico

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Innocent until proven guilty, has been a hallmark of the American Judicial system; until the civil forfeiture laws were enacted. That police can seize your property, without a trial, and keep it for their benefit, (in many cases), has been a travesty of justice. Thank goodness Montana and New Mexico have some sense, (and a commitment to the Constitution). Shame on those States that have civil forfeiture laws on their books that allow these practices. – Shorty Dawkins, Associate Editor

[This article comes from Forbes.com](#)

by Nick Sibilla

Just in time for the Fourth of July, states are declaring their independence from civil forfeiture.

Enabled by [civil forfeiture](#) laws, police can seize and keep property without the government ever filing criminal charges. Innocent Americans actually must prove their own innocence in court if they ever hope to regain their property. Local, state and federal law enforcement agencies routinely seize property and pad their budgets with forfeiture revenue. Outlets as diverse as [The New Yorker](#) and [Last Week Tonight](#) with John Oliver have detailed this travesty of justice.

But thankfully, civil forfeiture's days may soon be numbered. Starting July 1, two major reforms from Montana and New Mexico will go into effect.

Earlier this year, Montana Gov. Steve Bullock [signed a law](#) that requires the government to first obtain a criminal conviction before taking and keeping someone's property through civil forfeiture. This legislation also shifts the burden of proof onto the government—where it belongs—when spouses, neighbors and other innocent owners try to get back property used by a suspect without their knowledge. Montana's civil forfeiture reforms are vital to restore due process and protect the property rights of the innocent.

New Mexico went even further and [abolished civil forfeiture outright](#). As in Montana, law enforcement can only forfeit property after a criminal conviction. Crucially, this new law requires that all forfeiture money be deposited in the general fund, preventing it from becoming a police slush fund. Without a single vote cast against it, Gov. Susana Martinez (and a former prosecutor) [signed](#) this landmark reform on April 10.

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