

LOUISIANA:

An Outlier in Civil Forfeiture



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Introduction

Imagine a world in which you are driving home from work only to be stopped and robbed of your vehicle and all the valuables in your possession. Now imagine the person doing this isn't a criminal vagrant but an officer of the law. For most Louisianans, such a scenario sounds dystopian and unfathomable. Unfortunately, this isn't a tall tale of urban legend or a twilight zone TV script. This is the very real upside-down world of Louisiana's civil asset forfeiture laws.

In a free society, the law should protect life, liberty, and property. When properly utilized, the law promotes social cohesion by deterring indiscriminate and detrimental acts against innocent citizens and their property. Louisianans, like all people, have the right to feel safe and secure in their persons and property. Unfortunately, Louisiana's system of civil asset forfeiture runs contrary to the core values of free society by degrading the law itself into a blunt instrument of theft and citizen exploitation. A system that places the burden on innocent private citizens to petition the state for a return of their possessions is

fundamentally unfair and antithetical to core ideas of Americanism.

Civil forfeiture laws allow the government to seize and take title to property that may be connected to criminal activity without charging or convicting the property owner of any crime.¹ While criminal forfeiture occurs during a criminal proceeding against the suspect and requires a criminal conviction,² civil forfeiture is an in rem proceeding against the property itself. It occurs in a civil court that operates separately from the criminal system.³ All told, civil forfeiture presents the government with fewer procedural hurdles and constitutional restraints than criminal forfeiture, and a much easier path to take ownership of everything from cash to cars to land at the expense of the property and due process rights of innocent owners.

Over the last several years, four states have abolished civil forfeiture and replaced it with criminal forfeiture. Another 32 states have reformed their laws by targeting problematic components of civil forfeiture.

Louisiana’s forfeiture laws, which date back to 1989,⁴ retain many components of civil forfeiture that other states have reformed, including:

1. a process in civil court as opposed to criminal court
2. allowing low-value forfeitures that often go uncontested
3. a built-in profit motive for the government to forfeit property, with proceeds directed to law enforcement
4. a lack of transparency in government reporting of seizures and forfeitures
5. the federal equitable-sharing loophole that allows the state to sidestep restrictions on forfeitures by involving the federal government
6. barriers to contesting forfeitures, such as no right of a prevailing claimant to recover attorney’s fees, costs or losses incurred by a wrongful seizure of property.

Louisiana must modernize its laws by replacing civil forfeiture with criminal forfeiture in a manner that deters criminal activity while protecting the property and due process rights of innocent people.

An Outlier on Civil Forfeiture

Other states’ sweeping reforms to civil asset forfeiture have rendered Louisiana’s “Seizure and Controlled Dangerous Substances Property Forfeiture Act of 1989” outdated. These reform efforts have crystalized the specific problems with Louisiana’s civil forfeiture laws and revealed a roadmap for reform in the Pelican State.



PROBLEM 1: THE WRONG PROCESS IN THE WRONG COURTROOM

Louisiana has a two-track system that litigates forfeiture against the seized property in civil court, rather than as part of the state’s prosecution against a suspect in criminal court. Stated differently, Louisiana’s current system places the suspect in the criminal system, while

placing the alleged instrument of the crime (e.g., vehicle) and fruit of the crime (e.g., cash) in the civil system, as if inanimate objects could infringe upon the law. This bifurcation may be appropriate in very limited circumstances, such as in the federal system where a suspect may be abroad or otherwise beyond the jurisdiction of the criminal court and cannot be arrested. But where the state criminal court has the jurisdiction to arrest, charge and convict the suspect, the process of civil asset forfeiture cannot be justified. In these cases, the same court that determines guilt should determine whether a vehicle, for example, was an instrument in the crime, and cash the fruit of the crime.

One main problem with this two-track system is that the vast majority of civil forfeiture cases are uncontested. In Minnesota, for example, 94 percent of Minnesotans do not answer a civil forfeiture complaint and do not engage at all in civil court to contest the forfeiture;⁵ title thus transfers to the state automatically. In uncontested civil forfeitures in Louisiana, the state may forfeit property by establishing mere probable cause.⁶ Contesting a forfeiture in civil court would require the claimant to navigate and incur the costs of an entirely separate process

in a separate court system, without any right to counsel or other due process protections available in criminal proceedings.

Allowing forfeiture through civil proceedings also allows the government to seize property using a lower standard of proof. In a civil action, the state's standard of proof is a mere "preponderance of the evidence."⁷ This is

a vastly lower standard than "clear and convincing evidence" or the "beyond a reasonable doubt" standard used in criminal cases.⁸ Even acquittal of all criminal charges is not sufficient for the property owner to prevail in a civil forfeiture proceeding.⁹ Simply stated, it is too easy for the government to forfeit property

this way. A low burden for forfeiture undermines the property rights of all Louisianans. As the United States Supreme Court has stated, the standard of proof "reflects the value society places on individual liberty."¹⁰

Other states, as part of their respective comprehensive civil forfeiture reform efforts, have raised the burden of proof to forfeit non-contraband property, and four states require a criminal conviction as a prerequisite to the forfeiture litigation in the same courtroom.¹¹

“But where the state criminal court has the jurisdiction to arrest, charge and convict the suspect, the process of civil asset forfeiture cannot be justified.”



PROBLEM 2: LOW-VALUE PROPERTY SEIZURES

Another barrier to challenging forfeitures is the lack of a minimum value for the forfeiture of property. Most seizures and forfeitures are small—the median currency forfeiture is less than \$1,300 nationwide. Contesting seizures of low-value property may cost more than the property itself, particularly in a civil proceeding, where property owners have no right to an attorney.¹² The lack of any minimum value for forfeitures disincentivizes claimants from contesting forfeitures.

The U.S. Department of Justice has a policy of not participating in adoptive forfeitures unless the value of the property meets certain thresholds—\$5,000 for a vehicle or \$2,000 for currency¹³—though the DOJ may waive these requirements if there is a “compelling law enforcement interest” that is explained in the case file by a supervisory official.¹⁴ Some states have adopted similar measures. Alabama’s 2021 reform, for example, sets a minimum value for forfeitures: Cash seizures must be at least \$250 and vehicle seizures must be valued at a minimum of \$5,000.¹⁵ Civil asset forfeiture was designed to incentivize the pursuit of drug lords. Civilly forfeiting small amounts of cash and low-value property does not further this end.¹⁶



PROBLEM 3: THE GOVERNMENT’S PROFIT MOTIVE TO FORFEIT PROPERTY

This distribution creates a conflict of interest and an incentive to prioritize forfeiture cases over other public safety measures. Federal courts have noted that civil forfeiture presents law enforcement with a “built-in conflict of interest.”¹⁹ One federal court explained that civil forfeiture “inevitably gives the government an incentive to investigate criminal activity in situations involving valuable property, regardless of its seriousness, but to ignore more serious criminal activity that does not provide financial gain for the government.”²⁰ Even the United States Supreme Court has stated that financial gain drives civil asset forfeiture.²¹

Nationally, law enforcement officials have acknowledged this conflict. As former New York City Police Commissioner Patrick Murphy stated, “The large monetary value of forfeitures . . . has created a great temptation for state and

The government profits from forfeiture. In Louisiana, the proceeds from forfeited property are split three ways:¹⁷

- 60 percent goes to the seizing law enforcement agency
- 20 percent goes to district attorney’s offices involved in the forfeiture
- 20 percent goes to the criminal court fund.¹⁸

local police departments to target assets rather than criminal activity.”²² Numerous reports also reveal that that law enforcement devotes more resources to interdicting cash than contraband in order to collect civil forfeiture proceeds.²³ Another report discussing Utah’s civil asset forfeiture reform found that “[w]ith the financial incentive gone, civil forfeitures almost entirely stopped.”²⁴ **The current status quo promotes policing for profit over policing to prevent and stop serious crime.**

Other states’ reform efforts have addressed this conflict of interest by directing forfeiture proceeds to a neutral fund, rather than to law enforcement. New Mexico and Maine require that proceeds from the sale of forfeited assets be placed in the state’s general fund.^{25,26} Arizona’s 2021 reform includes a prohibition on the state attorney general’s office’s use of forfeiture funds to pay salaries.²⁷

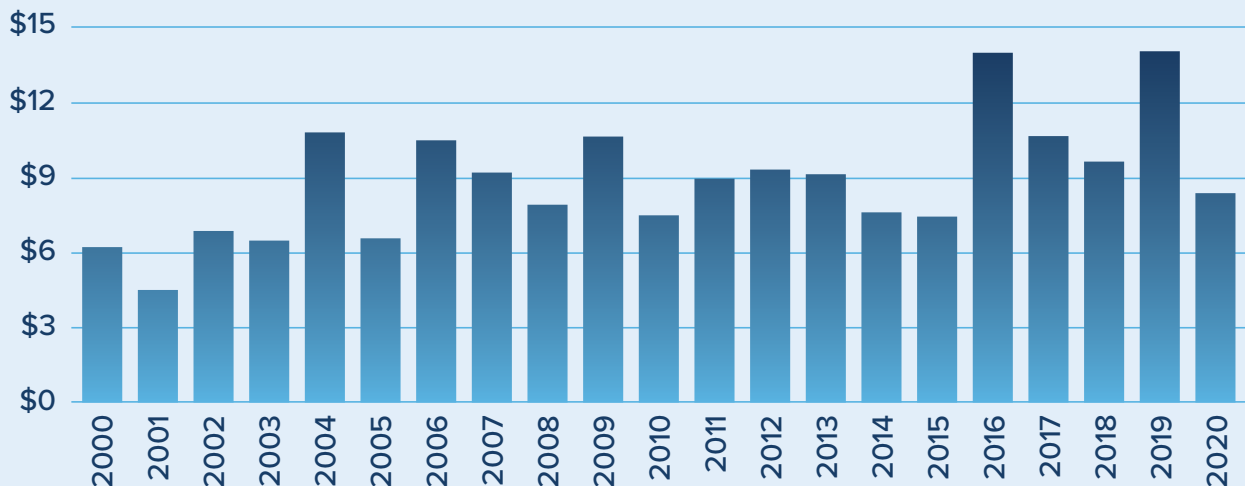


PROBLEM 4: A LACK OF TRANSPARENCY IN FORFEITURE REPORTING

Louisiana law requires that district attorneys submit an annual report of the amount of funds and estimated value of property seized in the district attorney’s jurisdiction.²⁸ But the reports are not easily available—a public records request is required to obtain them.²⁹ Moreover, the reports lack key information such as the type of property seized, whether an arrest accompanied the seizure and how forfeiture funds were spent.³⁰ **These reports also vary in format by district. Transparency is important to reveal to track and monitor the extent to which forfeiture is being utilized and spotting abuses.**

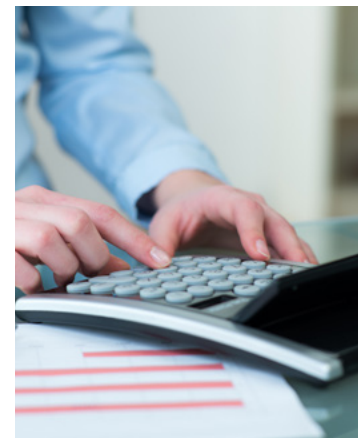
Louisiana used civil forfeiture to seize more than \$186 million from 2000 to 2020 for an average of \$8,904,387 per year:³¹

Louisiana Local Forfeiture Total (Inflation Adjusted Total 2020\$, in millions)



Source: Institute for Justice & Louisiana District Attorney’s Annual CAF Reports

Other states have increased their transparency through heightened reporting requirements. The Minnesota state auditor, for example, details each of the approximately 8,000 annual forfeitures.³² Alabama’s 2019 reform improved transparency by requiring seizing agencies to report an extensive amount of information, including the date and location of the seizure; a general description of the property; and the suspected criminal activity which led to the seizure.³³ Alabama requires the state to release an annual report of all forfeiture activity.³⁴ New Mexico’s reform similarly requires law enforcement to report detailed information regarding seized and forfeited property.³⁵ Arizona’s 2017 reform also provides for increased oversight of the spending of forfeiture proceeds by law enforcement agencies³⁶ and implements new transparency requirements.³⁷



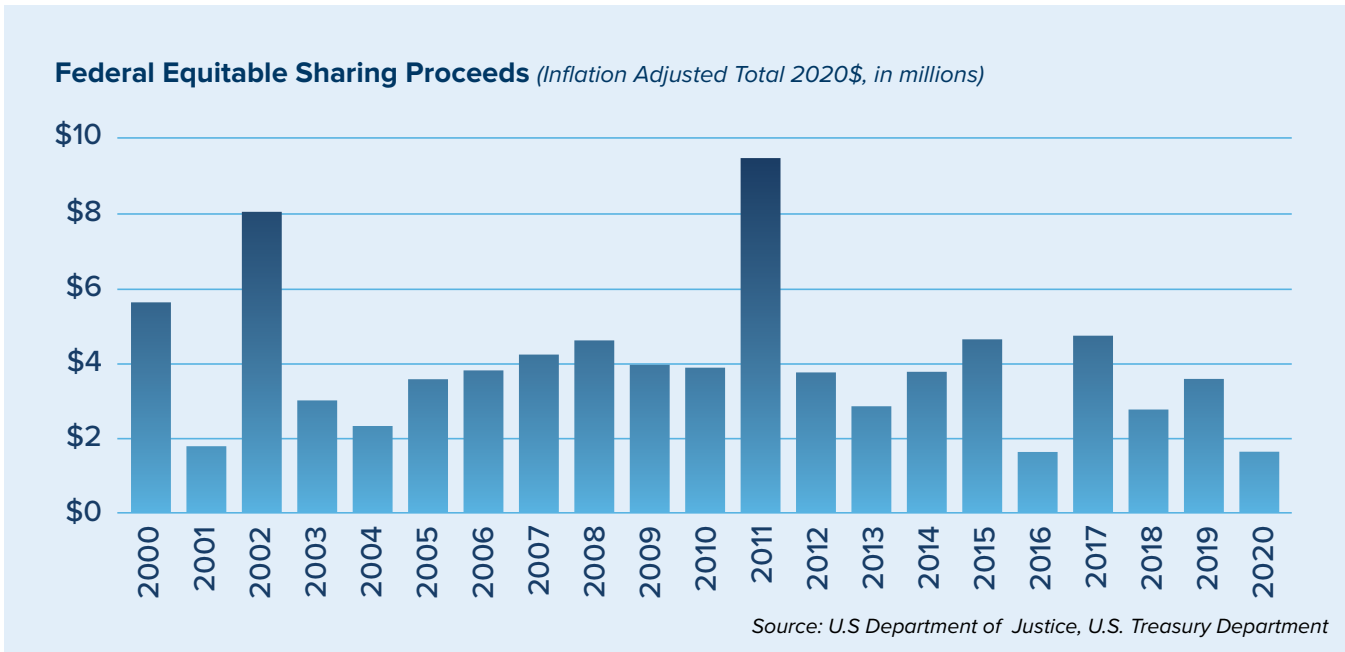


PROBLEM 5: THE FEDERAL EQUITABLE-SHARING LOOPHOLE

Louisiana law enforcement can obtain proceeds from civil forfeitures by partnering with federal law enforcement through the Equitable Sharing Program. This can be achieved through a joint investigation with the federal government,³⁸ or by independently seizing property under

state law and then requesting that the federal government “adopt” the seizure.³⁹ Adoptive forfeitures are usually allowed only if the property exceeds a value threshold: \$5,000 for vehicles; \$2,000 for currency; and firearms regardless of their value.⁴⁰

Louisiana collected more than \$82,000,000 in federal equitable sharing proceeds from 2000 to 2020:⁴¹

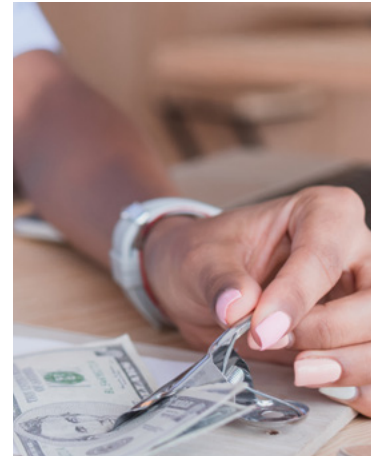


Other states have taken measures to close this loophole. New Mexico’s 2015 reform prevents state officers from teaming up with the federal government to circumvent the state’s forfeiture laws except under limited circumstances.⁴² Alabama’s 2021 reform prevents transfers to the federal government of forfeitures under \$10,000.⁴³ This minimum threshold limits the ability of local agencies to circumvent

state forfeiture restrictions by using federal adoption. This limitation, however, applies only to forfeitures in which the federal government was not initially involved.⁴⁴ Arizona’s 2017 reform likewise banned local agencies from transferring seized property to federal agencies “unless the seized property includes more than one hundred thousand dollars in United States currency.”⁴⁵



“ Louisiana law discourages property owners from contesting a civil forfeiture by making it cumbersome and expensive to challenge the state.



PROBLEM 6: BARRIERS TO CONTESTING CIVIL FORFEITURES

Louisiana law discourages property owners from contesting a civil forfeiture by making it cumbersome and expensive to challenge the state. Generally, there are three different types of property owners who could be involved: the suspect, an affiliated person (e.g., spouse, partner, neighbor, or other innocent owner) or a creditor (e.g., bank or rent-a-car company). To contest civil forfeitures, these claimants must navigate a separate process in civil court and incur the associated costs and burdens without the constitutional right to counsel.

Claimants who prevail against the government in a civil forfeiture action by proving that they did not consent or know about the criminal activity involving their property have no right to attorney's fees and court costs.⁴⁶ Further, civil forfeiture claimants are not provided the right to recoup losses from a wrongful seizure, (e.g., lost income from the wrongful seizure of an income-generating asset). The vast majority of forfeiture proceedings go uncontested because of these barriers.

Other states have implemented measures to remove barriers for claimants. New Mexico, for example, protects innocent owners by placing the burden on the government when a person claims to be an innocent owner and shows an ownership interest; in such a case, the government must prove by clear and convincing evidence that the person had actual knowledge of the crime giving rise to the forfeiture.⁴⁷ Florida's 2016 reform provides that courts shall award a prevailing claimant attorney's fees and costs,⁴⁸ and shall "require the seizing agency to pay to the claimant any loss of income directly attributed to the continued seizure of income-producing property during the trial or appellate process."⁴⁹ Florida also requires that law enforcement agencies seeking a civil forfeiture pay a \$1,000 filing fee and post a \$1,500 bond, which must be paid to a prevailing civil asset forfeiture claimant.⁵⁰

Seven Policy Recommendations for State Lawmakers

In recent years, 35 states have repealed or reformed their civil asset forfeiture laws. **Louisiana must modernize forfeiture laws to protect due process and property rights** or risk falling further behind. A few commonsense reforms will achieve this.



END CIVIL FORFEITURE AND REPLACE IT WITH CRIMINAL FORFEITURE.

Louisianans are due a better process. Louisiana can and should replace civil forfeiture with criminal forfeiture. Louisiana can abolish civil forfeiture by providing that:

- there shall be no civil forfeiture
- the criminal court that has jurisdiction in the related criminal matter shall have jurisdiction over the forfeiture proceeding
- the forfeiture proceeding shall be part of the trial of the related crime
- that the forfeiture proceeding shall follow a finding of the defendant's guilt or otherwise be conducted at the court's discretion.

A conviction requirement with common sense exceptions should be enacted to allow forfeitures where the defendant has died, was deported by the U.S. government, abandoned the property or fled the jurisdiction. Lastly, the law should not prevent forfeitures as part of a plea agreement or a grant of immunity or reduced punishment in exchange for testifying or assisting a law enforcement investigation or prosecution.



BAN SMALL SEIZURES AND FORFEITURES.

Louisiana should exempt low-value property from seizure and forfeiture, such as setting a floor of \$200 for currency and \$2,000 for motor vehicles. The prosecuting authority should have authority to establish higher minimum values in the interests of justice and efficient use of governmental resources.



REMOVE THE GOVERNMENT'S PROFIT MOTIVE.

Louisiana should remove the profit motive ingrained in civil forfeiture by redirecting the proceeds to a neutral account, such as the state's general fund or an education fund.

4

IMPROVE TRANSPARENCY THROUGH REPORTING REQUIREMENTS.

Louisiana should improve its civil forfeiture reporting by requiring detailed, public-facing disclosures about the seizures, including (among other information):

- the value of the seized property
- the law enforcement agency conducting the seizure
- the suspected criminal activity leading to the seizure
- any related arrests and charges
- any known claimants or title or lien holders of record
- a detailed accounting of the property, including any proceeds received through equitable sharing
- the costs incurred by the agency for storage, maintenance and transportation of seized property.

5

CLOSE THE FEDERAL LOOPHOLE.

Louisiana can ensure the integrity of civil forfeiture reform by preventing state law enforcement from partnering with the federal government to circumvent it. This can be achieved by prohibiting adoptions and limiting forfeiture of assets from joint task forces to seizures above \$50,000.

6

REMOVE BARRIERS TO CONTESTING FORFEITURES.

In addition to ending civil forfeiture, Louisiana can remove the disincentive for property owners to challenge a forfeiture by granting a prevailing claimant the statutory right to recover attorney's fees, court costs and any loss of income attributable to the seizure of income-producing property. Replacing civil forfeiture with criminal forfeiture would also provide the right to counsel throughout the criminal proceeding.

7

IMPROVE THE PROCESS FOR INNOCENT OWNER CLAIMANTS.

Louisiana should add protections for secured interest holders and innocent property owners by providing that property of an innocent owner or property encumbered by a security interest (e.g., mortgage, lien, leasehold, lease, rental agreement or other agreement) shall not be forfeited and by providing a specific process for petitioning the court to establish such ownership or a security interest.

About the Author



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REFERENCES

- 1 See Stefan D. Cassella, *Asset Forfeiture Law In The United States* § 3-3, at 104–05 (2d ed. 2013).
- 2 *How Crime Pays: The Unconstitutionality of Modern Civil Asset Forfeiture as a Tool of Criminal Law Enforcement*, 131 *Harv. L. Rev.* 2387 (June 8, 2018), available at <https://harvardlawreview.org/2018/06/how-crime-pays-the-unconstitutionality-of-modern-civil-asset-forfeiture-as-a-tool-of-criminal-law-enforcement/> (last visited September 2021).
- 3 See Adam Creppelle, *Probable Cause to Plunder: Civil Asset Forfeiture and the Problems It Creates*, 7 *Wake Forest J.L. & Pol'y* 315, 334 (2017) (“Today, civil asset forfeiture routinely targets those who have never been charged with a crime.”).
- 4 See La. R.S. 40:2601 et seq. (Seizure and Controlled Dangerous Substances Property Forfeiture Act of 1989).
- 5 CITE.
- 6 La. R.S. 40:2612(G).
- 7 La. R.S. 40:2612(G) (“In a forfeiture case . . . the burden of proof required to forfeit the defendant’s property shall be a preponderance of the evidence.”).
- 8 See Alex Stein, *Evidence, Probability, and the Burden of Proof*, 55 *ARIZ. L. REV.* 557, n. 52 (2013) (“Probability thresholds for these burdens can be set at any appropriate level, for example: 0.95 (‘beyond a reasonable doubt’) and 0.75 (‘clear and convincing evidence’)”); Lavinia M. Weizel, *The Process That is Due: Preponderance of the Evidence as the Standard of Proof for University Adjudications of Student-on-Student Sexual Assault Complaints*, 53 *B.C.L. REV.* 1613, 1639–40 (2012) (“The clear and convincing standard falls between preponderance of the evidence and beyond a reasonable doubt in the certainty it requires of the fact-finder.”); Brent Ashley, *Uncivil Asset Forfeiture: An Analysis of Civil Asset Forfeiture and Virginia H.B. 48*, 20 *RICH. PUB. INT. L. REV.* 293, 301–02 (2017).
- 9 La. R.S. 40:2611(J) (“An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Chapter”); *State v. Johnson*, 667 So. 2d 510, 518 (La. 1996) (holding civil asset forfeiture does not violate double jeopardy because “the civil forfeiture of contraband per se or derivative contraband is not ‘punishment’ for the purposes of double jeopardy analysis. The government’s taking of property in which the ‘owner’ has never actually had a legal interest does not deprive the individual of property or any other rights without compensation and thus is not deemed ‘punishment’ within the ambit of double jeopardy protections.”).
- 10 *Addington v. Texas*, 441 U.S. 418, 425 (1979).
- 11 E.g., N.M. Stat. Ann. § 31-27-4; N.C. Gen. Stat. §§ 75D-5, 90-112; Neb. Rev. Stat. §§ 28-416(18), -431(6), 813.01(5), -111, -1462.06, -1601.
- 12 David Benjamin Ross, *Civil Forfeiture: A Fiction That Offends Due Process*, 13 *Regent U. L. Rev.* 259, 267 (2001) (noting the property at issue is often worth less than the cost of hiring an attorney and other procedural hurdles one encounters when contesting a civil asset forfeiture); Louis S. Rulli, *On the Road to Civil Gideon: Five Lessons from the Enactment of a Right to Counsel for Indigent Homeowners in Federal Civil Forfeiture Proceedings*, 19 *J.L. & Pol’y* 683, 729 (2011) (noting that citizens are often deprived of their property because “[t]he cases [are] often too expensive to litigate in relation to the value of property at stake”).
- 13 U.S. Dept. of Justice, *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* (July 2018) at 7, available at <http://www.justice.gov/criminal-afmls/file/794696/download>.
- 14 *Id.*
- 15 Ala. Code § 20-2-93(c)(1) (eff. Jan. 1, 2022).
- 16 See Adam Creppelle, *Probable Cause to Plunder: Civil Asset Forfeiture and the Problems It Creates*, 7 *Wake Forest J.L. & Pol’y* 315, 358 (2017) (“a major goal of forfeiture laws is encouraging the pursuit of drug kingpins. Forfeiting small amounts of money and low-value property do not advance this objective.”).
- 17 La. R.S. 40:2616(B). The proceeds are distributed after the satisfaction of any bona fide security interest or lien and the payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. *Id.*
- 18 *Id.*
- 19 *United States v. That Certain Real Property*, 798 F.Supp. 1540, 1551 (N.D. Ala. 1992).
- 20 *United States v. 6625 Zumirez Drive*, 845 F.Supp. 725, 735 (C.D. Cal. 1994).
- 21 *United States v. James Daniel Good Real Property*, 510 US 43, n. 9 (1993).
- 22 See Adam Creppelle, *Probable Cause to Plunder: Civil Asset Forfeiture and the Problems It Creates*, 7 *Wake Forest J.L. & Pol’y* 315, 339 (2017). He went on to state the New York City Police Department “has a financial incentive to impose roadblocks on the southbound lanes of I-95, which carry the cash to make drug buys, rather than the northbound lanes, which carry the drugs. After all, seized cash will end up forfeited to the police department, while seized drugs can only be destroyed.” *Id.*
- 23 *Id.* (referencing the numerous reports of police targeting assets rather than crime).
- 24 Libertas Institute, *Civil Asset Forfeiture: The Legalization of Theft*, available at https://libertasutah.org/policy-papers/civil_asset_forfeiture.pdf at 3.
- 25 N.M. Stat. § 31-27-7(B-C).
- 26 Me. State. Tit 15 §§ 5822(4), 5824.
- 27 Ariz. Rev. Stat. § 13-2314.01(G) (eff. Sept. 29, 2021).
- 28 La. R.S. 40:2616(D) (“each district attorney shall, no later than March first of each year, submit . . . a report which lists the total amount of seized funds or estimated value of property seized and the amounts of funds or property distributed to any entity, agency, or fund, pursuant to the provisions of this Chapter during the previous calendar year.”).
- 29 See <http://ij.org/pfp-state-pages/pfp-Louisiana/>.
- 30 *Id.*
- 31 *Id.*
- 32 See <https://www.osa.state.mn.us/reports-data-analysis/reports/asset-forfeitures/>.
- 33 Ala. Code § 41-9-655.01 (the report must include: “(1) The date of the seizure. (2) The address of the seizure. (3) The name of the law enforcement agency that conducted the seizure. (4) The type of property seized. (5) A general description of the property seized. (6) The name of the person or entity, if known, from whom the property was seized. (7) A description of the suspected underlying criminal activity which led to the seizure. (8) Any known arrest, including the date and charge, related to the seizure which occurred prior to a forfeiture final judgment of the seized property. (9) Any and all civil case action numbers assigned in state court. (10) Any known claimants, including title holders of record or lien holders of record. (11) The disposition of the property, including the date of any order. (12) The name of each entity receiving all or any portion of the seized property subject to the forfeiture disposition. If the forfeiture order requires the selling of the property, all proceeds from the sale shall be accounted for by the recipient.”).
- 34 Ala. Code § 41-9-655.03.
- 35 N.M. Stat. § 31-27-9 (the report shall include: “(1) the total number of seizures of currency and the total amount of currency seized in each seizure; (2) the total number of seizures of property and the number and types of items seized in each seizure; (3) the market value of each item of property seized; (4) the total number of occurrences of each class of crime that resulted in the agency’s seizure of property; (5) the costs incurred by the agency for storage, maintenance and transportation of seized property; and (6) any proceeds received through equitable sharing, along with the federal case number and the final disposition of the case.”).
- 36 Ariz. Rev. Stat. § 13-2314.01(E) (eff. Sept. 29, 2021).
- 37 Ariz. Rev. Stat. § 13-2314.01(J) (eff. Sept. 29, 2021). See also Ariz. Rev. Stat. §§ 13-2314.01(G)–(H), (I), (K)–(L).
- 38 U.S. Dept. of Justice, *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* (July 2018) at 6, available at <http://www.justice.gov/criminal-afmls/file/794696/download>.
- 39 *Id.*
- 40 *Id.* at 7.
- 41 See <http://www.ij.org/pfp-statepages/pfp-Louisiana/>.
- 42 N.M. Stat. § 31-27-11 (“A. A law enforcement agency shall not directly or indirectly transfer seized property to a federal law enforcement authority or other federal agency unless: (1) the value of the seized property exceeds fifty thousand dollars (\$50,000), excluding the potential value of the sale of contraband; and (2) the law enforcement agency determines that the criminal conduct that gave rise to the seizure is interstate in nature and sufficiently complex to justify the transfer of the property; or (3) the seized property may only be forfeited under federal law. B. The law enforcement agency shall not transfer property to the federal government if the transfer would circumvent the protections of the Forfeiture Act that would otherwise be available to a putative interest holder in the property.”).
- 43 Ala. Code § 20-2-93(x)(1).
- 44 Ala. Code § 20-2-93(x)(2).
- 45 Ariz. Rev. Stat. § 13-4306(I) (eff. Sept. 29, 2021).
- 46 La. R.S. 40:2611(L).
- 47 N.M. Stat. Ann. § 31-27-7.1(D).
- 48 Fla. Stat. § 932.704(10) (eff. Jan. 1, 2022).
- 49 Fla. Stat. § 932.704(9)(b) (eff. Jan. 1, 2022).
- 50 Fla. Stat. § 932.704(4) (eff. Jan. 1, 2022).



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