

ASSEMBLY RESOLUTION No. 60

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

SYNOPSIS

Urges New Jersey Supreme Court to study reasonableness of lowering court fees in civil asset forfeiture cases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ASSEMBLY RESOLUTION** respectfully urging the New Jersey
2 Supreme Court to study the reasonableness of court fees in
3 certain civil asset forfeiture cases.
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5 **WHEREAS**, A civil asset forfeiture proceeding is an action by the
6 government seeking ownership of personal property either used as
7 an instrumentality of a crime or the fruits of criminal activity; and
8 **WHEREAS**, New Jersey allows the practice of civil asset forfeiture
9 when law enforcement officers can meet the “preponderance of
10 evidence” standard that property was used in the commission of a
11 crime as opposed to the “beyond a reasonable doubt” standard,
12 which is necessary to convict a person for a crime; and
13 **WHEREAS**, The preponderance of the evidence standard allows
14 property to be seized from claimants regardless of whether they are
15 criminally charged or have had their criminal charges dismissed;
16 and
17 **WHEREAS**, Forfeiture proceeds are required to be used solely for law
18 enforcement purposes and are required to be designated for the
19 exclusive use of the law enforcement agency that contributed to the
20 surveillance, investigation, arrest, or prosecution resulting in the
21 forfeiture; and
22 **WHEREAS**, Certain civil liberty groups have criticized civil asset
23 forfeiture as an incentive for law enforcement entities to obtain
24 people’s personal property for the purpose of funding law
25 enforcement initiatives; and
26 **WHEREAS**, The American Civil Liberties Union-New Jersey recently
27 released data from civil asset forfeiture actions in New Jersey from
28 January through May of 2016 revealing that areas with greater
29 minority populations tend to have a higher number of property
30 seizures; and
31 **WHEREAS**, According to recent news reports, claimants in civil asset
32 forfeiture proceedings are unable to afford the court fees required to
33 file an action to reclaim their seized property; and
34 **WHEREAS**, In particular, New Jersey Advanced Media reported that
35 Hudson County is unique in that it combines numerous unrelated
36 forfeiture claims into a single action thereby requiring multiple
37 claimants to pay higher court filing fees; and
38 **WHEREAS**, This news report indicated that, in many cases, the court
39 filing fees cost more than the value of property or money seized by
40 law enforcement and, as a result, many people do not defend their
41 rights in a civil action to seek replevin of seized property; and
42 **WHEREAS**, This House respectfully urges the New Jersey Supreme
43 Court to study the reasonableness of court fees in certain civil asset
44 forfeiture cases in order to determine whether the fees in these cases
45 should be lowered and whether Rules of Court should be
46 promulgated to ensure uniform enforcement among the counties;
47 now, therefore,

AR60 MCKNIGHT, CHIARAVALLOTI

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1 **BE IT RESOLVED** *by the General Assembly of the State of New*
2 *Jersey:*

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1. This House respectfully urges the Supreme Court of New Jersey to study the reasonableness of court fees in certain civil asset forfeiture cases in order to determine whether the fees in these cases should be lowered and Rules of Court should be promulgated to ensure that civil asset forfeiture cases are uniformly enforced among the counties.

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2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the Administrative Director of the Administrative Office of the Courts.

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STATEMENT

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18 This resolution respectfully urges the New Jersey Supreme Court to
19 study the reasonableness of court fees in certain civil asset forfeiture
20 cases in order to determine whether the fees in these cases should be
21 lowered and Rules of Court should be promulgated to ensure uniform
22 enforcement among the counties.

23 A civil asset forfeiture proceeding is an action by the government
24 seeking ownership of personal property either used as an
25 instrumentality of a crime or the fruits of criminal activity. According
26 to recent news reports, claimants in civil asset forfeiture proceedings
27 are unable to afford the court fees required to file an action to reclaim
28 their seized property. These news reports indicate that, in many cases,
29 the court filing fees cost more than the value of property or money
30 seized by law enforcement and, as a result, many people do not defend
31 their rights in a civil action to seek replevin of seized property.