

# Wisconsin Institute for Law and Liberty: Makes case for civil forfeiture reform

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Milwaukee, WI - A new policy brief from the Wisconsin Institute for Law & Liberty, "Civil Forfeiture 101," explains why Wisconsin's civil forfeiture laws are in urgent need of reform. Through research and open records requests, the brief, authored by WILL Research Fellow Collin Roth, shows that Wisconsin law has three fundamental flaws:

1. No criminal conviction requirement for property seizure,
2. A low burden of proof to justify a seizure; police only need "preponderance of evidence," and
3. No requirement for the government to track civil forfeiture.

"For Wisconsinites concerned about civil liberties and property rights, Wisconsin's civil forfeiture laws present a major opportunity for government abuse," said Collin Roth, Research Fellow at WILL. "Moving Wisconsin from a state with civil forfeiture to criminal forfeiture and instituting reforms that require transparency will better safeguard civil liberties in the Badger State."

Civil forfeiture is a procedure whereby a law enforcement agency can seize and retain certain assets, like cash or a car, if there is reasonable suspicion that those assets were employed in the commission of a crime. In many states, including Wisconsin, no criminal charges or convictions are necessary to seize property. This

has prompted civil liberties advocates from the American Civil Liberties Union (ACLU) to the Institute for Justice (IJ) to encourage reform.

A bipartisan civil forfeiture reform bill under consideration in the legislature, SB 61, addresses the concerns in the policy brief. SB 61, championed by State Senator Dave Craig, adds a criminal conviction requirement, raises the burden of proof to justify a seizure, and creates a new transparency requirement that would require uniform reporting posted on the Department of Administration website.