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**Assemblyman Bill Quirk**  
**Chair, Assembly Committee on Public Safety**  
**California State Assembly**

**July 14, 2015**

**Re: S.B. 443 (Mitchell) - Forfeiture: controlled substances**

R Street Position: **Support**

Chairman Quirk,

The R Street Institute is a nonprofit, free-market think tank based in Washington, D.C. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. We view civil asset-forfeiture reform as a crucial step toward limiting the most egregious illustrations of state overreach into the private lives of citizens.

The need for reform in California is borne out by the striking fact that, while the number of state cases has remained consistent, the number of state cases transferred to federal jurisdiction has increased dramatically. This suggests state law-enforcement agencies are circumventing state standards in favor of more permissive federal civil asset-forfeiture standards. S.B. 443 endeavors to correct this pattern of behavior by ensuring that California law enforcement agencies conform their behavior to California law before "equitable sharing" with federal law enforcement occurs.

So long as the twin goals of civil asset-forfeiture law remain to enhance law enforcement while *simultaneously* maintaining due process, it is necessary to limit perverse monetary incentives that lead some to abuse the tool. Clamping down on interagency forum shopping not only accomplishes that goal, it also bolsters the significance of California's laws. In an era in which the limits of federal power are often difficult to detect, states must jealously guard those areas over which they retain control.

For these reasons, the R Street Institute is a supporter of S.B. 443 (Mitchell) and urges a "Yes" vote. If you have any questions, please contact Ian Adams at (916)761-5269.

Ian Adams  
Western Region Director  
R Street Institute

Cc: Assemblywoman Melissa A. Melendez, Vice Chair  
Senator Holly Mitchell, Author