



COLORADO
MUNICIPAL
LEAGUE



NO
HB26-1250



Procedures Related to Civil Asset Forfeiture

WHAT DOES THE BILL DO?

House Bill 26-1250 changes Colorado's civil asset forfeiture process by removing an important existing exception that allows a forfeiture action to proceed without a conviction, requiring a forfeiture action be put on hold during any appeal or post-conviction process in the criminal case, and establishing a right to forfeiture defense counsel. The bill creates a fund to pay for such defense counsel, with the money coming from a portion of the forfeiture proceeds and by shifting \$1.1 million from the law enforcement community services grant program to the fund.

WHY YOU SHOULD VOTE NO

HB26-1250 creates operational and fiscal concerns for local governments and unnecessarily limits a system that has safeguards and reporting requirements in place.

- Eliminating an exception that allows a forfeiture action to proceed without a criminal conviction, when there is clear and convincing evidence of the connection between property and the offense, unnecessarily delays inevitable proceedings and in certain cases eliminates the ability for a forfeiture action altogether.
- Requiring the completion of all criminal appellate and post-conviction proceedings before allowing a forfeiture action to go forward will delay forfeiture cases for years.
- Creating a right to defense counsel in forfeiture cases will increase litigation and extend case timelines, adding new administrative and financial demands on courts.
- The bill diverts money from the law enforcement community services grant program, undercutting important legislative policies to support community policing.

YOUR OPPOSITION RESPECTFULLY REQUESTED

CML respectfully requests a NO vote on HB26-1250.

CONTACT

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