

Debate swirls around Tennessee's forfeiture law

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Reported by Jennifer Johnson

NASHVILLE, TN (WSMV) -

While it's common for the government to seize the assets of convicted criminals, law enforcement agencies in Tennessee can seize citizens' property without charging them with a crime.

A Senate committee hearing was held in October to discuss whether the state's civil asset forfeiture law should be changed.

There are two different kinds of forfeiture. One involves criminal cases, but the other is civil, meaning a person doesn't have to be arrested for the property to be confiscated and forfeited. Several groups, including the ACLU, believe the law isn't fair.

On average, Tennessee law enforcement agencies seize roughly \$14 million in cash a year, as well as cars, boats, houses and other luxury items.

While a bulk of those once belonged to convicted criminals, that's not always the case.

"You could have a case where the police actually seize your vehicle, but don't arrest you," said Ben Raybin, a Nashville attorney. "There may not be a criminal case at all. They may not have enough evidence that you've committed a crime and still decide to forfeit your vehicle, forfeit your cash and any other property inside of it."

Raybin has represented a number of clients whose property was seized by no fault of their own. While they almost always get their belongings back, it can be a time-consuming and expensive process.

"The citizen has to file a claim. The citizen has to pay a \$350 cost bond to file that claim. The citizen has to appear in court, potentially hire a lawyer, which would cost more than the property was even worth," Raybin said.

But not everyone agrees.

Williamson County Sheriff Jeff Long said while innocent people occasionally get caught up in the system, they are the exception.

Long said for the most part, property seized by law enforcement belongs to drug dealers and other criminals.

“If you didn’t have the forfeitures, I would be afraid to say that a lot of jurisdictions wouldn’t be able to have drug units,” Long said. “They wouldn’t be able to have interdiction units on the roadways.”

Long, who is on the board of the Tennessee Sheriff’s Association, said if changes are made, he hopes lawmakers will be strategic about it.

“I would hope that they would look and let’s go cautiously to not open the state of Tennessee up to drug movement across this state at free will where nobody can address it,” Long said. Two weeks ago, the ACLU began collecting information on their website from people whose assets have been seized by law enforcement. It’s not clear how many people have come forward or whether they will be asked to testify before the state legislature.

If this has happened to you, [click here to share your information with the ACLU](#).

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