

New Mexico Governor Signs Historic Property Rights Protections into

Law

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Santa Fe, New Mexico—Today, Governor Susana Martinez signed HB 560 into law, ending the practice of civil asset forfeiture in New Mexico. Civil asset forfeiture, also known as "policing for profit," allows law enforcement officers to seize personal property without ever charging—much less convicting—a person with a crime. Property seized through this process often finds its way into the department's own coffers. HB 560, introduced by NM Rep. Zachary Cook and passed unanimously in the legislature, replaces civil asset forfeiture with criminal forfeiture, which requires a conviction of a person as a prerequisite to losing property tied to a crime. The new law means that New Mexico now has the strongest protections against wrongful asset seizures in the country.

"This is a good day for the Bill of Rights," said ACLU-NM Executive Director Peter Simonson. "For years police could seize people's cash, cars, and houses without even accusing anyone of a crime. Today, we have ended this unfair practice in New Mexico and replaced it with a model that is just and constitutional."

"With this law, New Mexico leads the nation in protecting the property rights of innocent Americans," said Paul Gessing, President of the Rio Grande Foundation. "Convicted criminals will still see the fruits of their crime confiscated by the state, but innocent New Mexicans can now rest easy knowing that their property will never be seized by police without proper due process."

"New Mexico has succeeded today in reigning in one of the worst excesses of the drug war," said Emily Kaltenbach, State Director for Drug Policy Alliance's New Mexico office "Like other drug war programs, civil asset forfeiture is disproportionately used against poor people of color who cannot afford to hire lawyers to get their property back. This law is an important step towards repairing some of the damage the drug war has inflicted upon our society and system of justice."

"New Mexico has shown that ending policing for profit is a true bipartisan issue with broad public support," said Lee McGrath, Legislative Counsel for the Institute of Justice. "America is ready to end civil asset forfeiture, a practice which is not in line with our values or constitution. This law shows that we can be tough on crime without stripping property away from innocent Americans."

Bipartisan legislation has already been introduced in both houses of Congress that would dramatically reform federal civil asset forfeiture laws. The Fifth Amendment Integrity Restoration (FAIR) Act has been introduced in the Senate by Sen. Rand Paul (R-KY), Sen. Angus King (I-ME) and Sen. Mike Lee (R-UT). In the House, Rep. Tim Walberg (R-MI), Rep. Scott Garrett (R-NJ), Rep. Tony Cardenas (D-CA), Rep. Keith Ellison (D-MN) and Rep. Tom McClintock (R-CA) introduced an identical version of the FAIR Act.

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