

# ASSEMBLY RESOLUTION No. 222

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## STATE OF NEW JERSEY

### 218th LEGISLATURE

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INTRODUCED JANUARY 28, 2019

**Sponsored by:**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblyman NICHOLAS CHIARAVALLOTTI**

**District 31 (Hudson)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**SYNOPSIS**

Urges New Jersey Supreme Court to study reasonableness of lowering court fees in civil asset forfeiture cases.

**CURRENT VERSION OF TEXT**

As introduced.



1   **AN ASSEMBLY RESOLUTION** respectfully urging the New Jersey  
2   Supreme Court to study the reasonableness of court fees in  
3   certain civil asset forfeiture cases.

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5   **WHEREAS**, A civil asset forfeiture proceeding is an action by the  
6   government seeking ownership of personal property either used as  
7   an instrumentality of a crime or the fruits of criminal activity; and

8   **WHEREAS**, New Jersey allows the practice of asset forfeiture when  
9   law enforcement officers can meet the “preponderance of evidence”  
10   standard that property was used in the commission of a crime as  
11   opposed to the “beyond a reasonable doubt” standard, which is  
12   necessary to convict a person for a crime; and

13   **WHEREAS**, The preponderance of the evidence standard allows  
14   property to be seized from claimants regardless of whether they are  
15   criminally charged or have had their criminal charges dismissed;  
16   and

17   **WHEREAS**, Forfeiture proceeds are required to be used solely for law  
18   enforcement purposes and are required to be designated for the  
19   exclusive use of the law enforcement agency that contributed to the  
20   surveillance, investigation, arrest, or prosecution resulting in the  
21   forfeiture; and

22   **WHEREAS**, Certain civil liberty groups have criticized civil asset  
23   forfeiture as an incentive for law enforcement entities to obtain  
24   people’s personal property for the purpose of funding law  
25   enforcement initiatives; and

26   **WHEREAS**, The American Civil Liberties Union-New Jersey recently  
27   released data from civil asset forfeiture actions in New Jersey from  
28   January through May of 2016 revealing that areas with greater  
29   minority populations tend to have a higher number of property  
30   seizures; and

31   **WHEREAS**, According to recent news reports, claimants in civil asset  
32   forfeiture proceedings are unable to afford the court fees required to  
33   file an action to reclaim their seized property; and

34   **WHEREAS**, In particular, New Jersey Advanced Media reported that  
35   Hudson County is unique in that it combines numerous unrelated  
36   forfeiture claims into a single action thereby requiring multiple  
37   claimants to pay higher court filing fees; and

38   **WHEREAS**, This news report indicated that, in many cases, the court  
39   filing fees cost more than the money seized by law enforcement  
40   and, as a result, many people do not defend their rights in a civil  
41   action to seek replevin of seized property; and

42   **WHEREAS**, This House respectfully urges the New Jersey Supreme  
43   Court to study the reasonableness of court fees in certain civil asset  
44   forfeiture cases and determine whether the fees in these cases  
45   should be lowered and whether the Rules of Court should be  
46   promulgated to ensure uniform enforcement among the counties;  
47   now, therefore,

1       **BE IT RESOLVED** by the General Assembly of the State of New  
2 Jersey:

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4       1. The Assembly respectfully urges the Supreme Court of New  
5 Jersey to study the reasonableness of court fees in certain civil asset  
6 forfeiture cases and determine whether the fees in these cases  
7 should be lowered and uniformly enforced among the counties.

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9       2. Copies of this resolution, as filed with the Secretary of State,  
10 shall be transmitted by the Clerk of the General Assembly to the  
11 Administrative Director of the Office of the Courts.

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## STATEMENT

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16 This Assembly resolution respectfully urges the New Jersey  
17 Supreme Court to study the reasonableness of court fees in certain  
18 civil asset forfeiture cases and determine whether the fees in these  
19 cases should be lowered and whether the Rules of Court should be  
20 promulgated to ensure uniform enforcement among the counties.

21 A civil asset forfeiture proceeding is an action by the  
22 government seeking ownership of personal property either used as  
23 an instrumentality of a crime or the fruits of criminal activity.  
24 According to recent news reports, claimants in civil asset forfeiture  
25 proceedings are unable to afford the court fees required to file an  
26 action to reclaim their seized property. These news report indicate  
27 that, in many cases, the court filing fees cost more than the money  
28 seized by law enforcement and, as a result, many people do not  
29 defend their rights civil action to seek replevin of seized property.