



PRESS RELEASE
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Tennessee Advisory Committee to the U. S. Commission on Civil Rights Releases Report on Civil Asset Forfeiture Laws & Practices

Nashville – The Tennessee Advisory Committee to U.S. Commission on Civil Rights has issued a [report](#) on the state’s civil asset forfeiture laws and practices, examining their discriminatory impact on the basis of race, color, national origin, and/or disability status, and fair administration of justice. In 2017, the Committee convened a public briefing and received testimony from diverse panelists and members of the public.

Tennessee’s first civil asset forfeiture law was enacted in 1998, and has seen a series of amendments to this date. Specifically, it aimed to deter professional criminals and combat organized crime by seizing and retaining assets, profits, and proceeds of criminal activity. The enacting legislation made clear that tools provided to law enforcement were meant to be consistent with due process of law, to protect innocent owners of property, and to avoid interfering with commercially-protected interests.

Tennessee is one of only three states in the nation that require a property owner to post a cash bond before being permitted to contest the legality of a forfeiture. In addition, state law raises important concerns about disparate impact on low-income individuals and communities of color. Recently-reported incidents of misuse of forfeited funds by Tennessee agencies raise additional concerns about the need for immediate reform.

Committee Chair Diane Di Ianni said, “Our review of Tennessee’s civil forfeiture statute reveals that it is among the least protective of property owners in the nation. Procedural protection for owners seeking return of their property is lacking, and there is no right to counsel even where basic needs are at risk. Also lacking is the comprehensive data needed to ensure fair and consistent application across communities. State-wide reform of Tennessee’s forfeiture law is urgently needed in order that the statute meet its goals of providing tools for law enforcement while, at the same time, respecting and ensuring the due process of law and the fair administration of justice for all Tennesseans. We hope that our report and its specific recommendations contribute to that end.”

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission and our Committees, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).