

# North Dakota lawmaker brings bill to reform civil asset forfeiture | Grand Forks Herald

[Jack Dura / Bismarck Tribune](#)

He recently bought a 1995 Toyota Avalon. But it's not what he previously had as a traveling antique vendor based out of upstate New York.

"Without a truck, I can't really do anything," Dorn said.

Dorn forfeited his 2003 Chevrolet Silverado last summer, when a judge ruled his truck was used to commit a crime during a protest of the Dakota Access Pipeline in 2016 in Mandan.

"That really set me back quite a bit," Dorn said.

Dorn was criminally charged from the protest and later acquitted, while his truck was essentially convicted in the separate civil case.

And now a Bismarck lawmaker is aiming to reform civil asset forfeiture in North Dakota.

Rep. Rick Becker, R-Bismarck, is introducing House Bill 1286 on the state's civil asset forfeiture law, which has been ranked by the Institute for Justice as one of the worst in the nation.

The burden of proof is on defendants to prove their property wasn't used in a crime. And the threshold for forfeiture? Probable cause.

Becker said his bill would subject only convicted defendants to forfeiture

proceedings. HB 1286 also would require reporting from law enforcement on seized and forfeited property and would send proceeds from forfeitures into the state schools trust.

"If you were eventually not even charged, or if you were acquitted or if you were not found guilty, then it should just be an automatic 'I get my stuff back,'" Becker said.

His previous reform effort failed in 2017 after passing the House but garnered zero votes in the Senate and drew opposing testimony from North Dakota Attorney General Wayne Stenehjem.

An interview with Stenehjem was denied by spokeswoman Liz Brocker.

"Generally, we do not discuss pending legislation other than if we testify, and then that testimony is public, so I'm afraid that's not going to be possible," Brocker said.

Becker said his 2017 legislation "had a few glitches" but considered its House passage a feat, especially for such an apparently little-known topic. Becker said even he wasn't aware of the law a year or two ago.

Bismarck Republican Sen. Diane Larson, who chairs the Senate Judiciary Committee, carried Becker's previous bill to the Senate floor, where it failed. Forfeiture is "a complicated issue," she said, adding she'll assess HB 1286 after it leaves the House.

Dorn said he may travel to Bismarck to testify on HB 1286 to invoke his experience. He said the state's forfeiture law can be used as an "abuse of power" akin to theft.

"Just because I'm from New York doesn't mean that laws in other states are not affecting me," Dorn said. "Look at my case. I traveled through your state,

I got wrapped up in some legal case and then I get my truck stolen."

Dorn also said he couldn't pursue an appeal to regain his truck as no attorney would take his case.

Becker said there are likely other stories like Dorn's, but "even without a single instance, we can recognize that it's really a terrible law."

HB 1286 will likely start in the House Judiciary Committee.