



To: Colorado House Judiciary Committee
Re: HB 1067
Date: March 3, 2025

Dear Chair Mike Weissman, Vice Chair Jennifer Bacon, and members of the Colorado House Judiciary Committee:

We are writing on behalf of the National Coalition for a Civil Right to Counsel (NCCRC) in support of HB 1067, which would abolish civil forfeiture in the context of drug offenses. Crucially, the bill would provide a right to counsel to claimant defendants represented by the public defender or other appointed counsel in the related forfeiture matter.

The NCCRC is an association of over 600 participants from 41 states, some of whom are in Colorado. The NCCRC works to advance and protect the right to counsel in cases involving basic human needs, and forfeiture proceedings implicate such human needs by putting at risk primary residences or money needed for subsistence living.

The stakes are undeniably high for defendants in these proceedings: when the federal government enacted H.R. 1658 (the Civil Asset Forfeiture Reform Act of 2000) to provide a right to counsel in federal civil forfeiture cases involving a primary residence, the House Judiciary Committee's report recommending passage observed that civil forfeiture is "so punitive in nature that appointed counsel should be made available for those who are indigent, or made indigent by seizure in appropriate circumstances."¹

Recently, the Michigan Advisory Committee to the U.S. Commission on Civil Rights issued a report titled [Civil Rights and Civil Asset Forfeiture in Michigan](#). The report recommended that "all property owners be afforded the right to court-appointed counsel in civil forfeiture cases where basic needs are at risk, such as shelter, sustenance, safety, health, or child custody" and that "the Department should require partnering state and local jurisdictions to uphold this right, and recommend the same of all law enforcement agencies." The report added that the lack of counsel in forfeiture proceedings significantly increases the risk of an erroneous deprivation and is likely to disproportionately impact communities of color.

Indeed, others have noted the disparate impact of forfeiture proceedings on minority and economically disenfranchised communities as well, especially in the context drug law enforcement. As the [Southern Poverty Law Center](#) writes:

The drug war has unduly harmed racial minorities, and its civil forfeiture provisions are no different. Because of racial profiling, black and Hispanic motorists are

¹ H. Rept. 106-192 at 54.

disproportionately searched and put at risk of having their cash assets seized, even though black and white drivers are equally likely to be found with narcotics. ... Forfeiture is also most likely to affect economically disadvantaged communities: One study found that areas with high income inequality were targeted for civil forfeiture operations[.]

In addition, providing a right to counsel in forfeiture cases is growing as a best practice. According to our website's [interactive map](#), seven states provide a right to counsel in at least some types of forfeiture matters. Moreover, other forfeiture bills containing right to counsel provisions have been introduced in recent years in Iowa, Kansas, Massachusetts, Minnesota, Nebraska, New Hampshire, and Tennessee.

The issue is so crucial in fact that it has gained broad bipartisan approach. In recent years, the American Legislative Exchange Council (ALEC) released [model legislation](#) urging not only the abolition of civil forfeiture, but the right to counsel in the resulting criminal forfeiture cases.

We thank you for this opportunity to provide this testimony and are happy to answer any questions the Committee may have.

Sincerely,



John Pollock
Coordinator

Amanda Insalaco
Legal Research & Legislative Specialist