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## ***Tennessee General Assembly Eliminates Cost Bond for Reclaiming Seized Property in Civil Forfeiture Cases***

NASHVILLE, Tenn. – The Tennessee General Assembly has unanimously passed House Bill 1229, a significant reform to the state’s civil asset forfeiture laws, eliminating the \$350 cost bond required for property owners to contest the seizure of their property through a civil administrative hearing. Sponsored by State Rep. Justin Lafferty, R-Knoxville, the legislation addresses long-standing concerns about due process and financial barriers faced by Tennesseans seeking to reclaim their property.

Civil asset forfeiture allows law enforcement to seize property—such as vehicles, cash, or real estate—suspected of being connected to criminal activity, even if the property owner is not arrested, charged, or convicted of a crime. According to a 2018 report to the US Commission on Civil Rights, Tennessee was one of only three states requiring a bond per seized item to initiate a challenge, a practice criticized for deterring innocent owners, particularly those with limited financial means, from contesting seizures. For example, reclaiming two seized items, such as a car and cash, required a \$700 payment, creating a significant hurdle for low-income individuals.

“Tennesseans shouldn’t have to pay a fee just to reclaim their own property, especially when they have not been arrested, charged, or convicted with a crime, which is often the case in civil forfeiture,” Lafferty said. “This legislation removes a burdensome barrier, ensuring fairer access to justice. I thank my colleagues for their bipartisan support in passing and funding this reform to protect Tennesseans’ property rights.”

The Tennessee Advisory Committee to the U.S. Commission on Civil Rights, in its 2018 report, highlighted the bond requirement as a major due process concern, noting that it disproportionately impacted low-income individuals and communities of color. The report cited testimony from attorneys and advocates who described cases where the bond deterred

legitimate challenges. The Committee recommended eliminating the bond, a reform now achieved through HB 1229.

According to the Tennessee Department of Safety and Homeland Security's 2024 Legislative Report, law enforcement agencies opened 3,749 seizure cases last year, with \$10.3 million in currency seized and \$9.9 million forfeited. Vehicles, particularly passenger cars and trucks, accounted for a significant portion of seizures, with 1,034 passenger cars and 696 trucks/SUVs seized in 2024. The report underscores the scale of civil forfeiture in Tennessee and the financial stakes for property owners navigating the system.

By removing the cost bond, HB 1229 aligns Tennessee with 47 other states and the District of Columbia, which do not impose such a requirement. The legislation applies only to civil asset forfeiture, not criminal forfeiture, and does not affect law enforcement's ability to seize property suspected of criminal involvement. The bill has been sent to Governor Bill Lee for his signature and, once signed, will take effect on July 1, 2025.

State Rep. Justin Lafferty represents House District 89, which includes part of Knox County.

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