



March 28, 2026

TO: Chair Mabrey, Vice Chair Carter, and Members of the House Judiciary Committee
RE: Support for HB 1250

Thank you for the opportunity to state our support for, and provide a national perspective on, HB 1250, which would establish a right to forfeiture defense counsel in forfeiture proceedings. By passing this HB 1250, people facing forfeiture proceedings in your state will have the legal representation they deserve when navigating the complexities of forfeiture.

The [Public Justice Center](#) (PJC) pursues systemic change to build a just society and uses legal advocacy tools to pursue social justice, economic and race equity, and fundamental human rights for people who are struggling to provide for their basic needs. The PJC advances the civil right to counsel nationally through the [National Coalition for a Civil Right to Counsel](#) (NCCRC), which the PJC staffs. For over 20 years, the NCCRC has worked to ensure individuals have a right to effective counsel when facing the loss of their basic human needs in the civil legal system, thus advancing collective power in pursuit of systemic change. The NCCRC is a coalition of over 1,000 participants and partners from 47 states, including Colorado.

The stakes are undeniably high for defendants in civil forfeiture 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.” (H. Rept. 106-192 at 54).

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 an attorney in forfeiture proceedings significantly increases the risk of erroneous deprivation and is likely to disproportionately impact communities of color.

As the Southern Poverty Law Center wrote in a 2017 report titled [Civil Asset Forfeiture: Unfair, Undemocratic, and Un-American](#), there is a disparate impact of forfeiture proceedings on black and Hispanic people and economically disenfranchised communities:

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 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[.]

Providing a right to counsel to people facing forfeiture cases is growing as a best practice. As indicated on our [civil right to counsel status 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 has also gained a 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.

For these reasons, the NCCRC hopes that the House Judiciary Committee advances HB 1250 as it is currently written and acts to ensure that the rights of Colorado's residents are fully protected when facing forfeiture proceedings. Thank you, and please let us know if there is any additional information we could provide.



John Pollock

Coordinator, National Coalition for a Civil Right to Counsel
Staff Attorney, Public Justice Center

HB26-1250

CML Testimony

My name is Owen Brigner, here on behalf of the Colorado Municipal League, which represents 99% of all cities and towns in our state, testifying in opposition to House Bill 1250.

Colorado undertook major civil asset forfeiture reforms in 2017 with the passage of House Bill 17-1313. Those changes made forfeiture conviction-based in most cases, added significant transparency and reporting requirements, and narrowed the circumstances where forfeiture can occur without a conviction. Afterward, the Institute of Justice posted on their website characterizing Colorado as having the best laws in the nation on seizure and forfeiture transparency.

You are going to hear a lot today about forfeiture policy and criminal justice policy generally so I won't belabor the point. The most immediate impact is the bill's decision to divert funding out of the Law Enforcement Community Services Grant Program. That program is one of the few flexible funding sources that communities can use to support local priorities that don't always fit neatly into traditional budgets.

The other piece that matters a lot to CML's members is funding. This bill pulls money out of the Law Enforcement Community Services Grant Program. That's a program that communities actually use in very practical ways.

Just this year, those funds helped the City of Las Animas stand up a police department. Pueblo used it for towing and impound relief. Trinidad funded a co-responder program. Victor supported community policing. Commerce City invested in co-response resources. Gunnison used that grant program to fund a search and rescue drone initiative. Steamboat Springs used it for additional community events.

This bill eliminates that funding stream and redirects those dollars elsewhere, while at the same time asking local governments to take on more work.

For those reasons, we respectfully ask for a NO vote on House Bill 1250.

Thank you.

House Judiciary

04/21/2026

HB26-1250 Procedures Related to Civil Asset Forfeiture

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Eric Bodenstab For themselves	<p>Written Testimony in Support of HB26-1250</p> <p>House Judiciary Committee</p> <p>Chairman and distinguished members of the Committee: I submit this testimony as a concerned Colorado citizen who believes deeply in the rule of law and the protection of individual rights. I urge you to pass HB26-1250, which reforms our state’s civil asset forfeiture procedures by requiring criminal charges before any seizure, repealing the “clear and convincing evidence” exception that has allowed forfeiture without conviction, guaranteeing the right to appointed defense counsel, and creating a dedicated Forfeiture Defense Counsel Fund.</p> <p>Civil asset forfeiture was intended as a targeted tool against serious crime. Instead, it has too often become a shortcut that lets government seize homes, vehicles, cash, and savings from people who are never charged—much less convicted—of any offense. Innocent owners have lost everything based on mere suspicion or proximity to someone else’s alleged wrongdoing. This is not justice; it is government overreach. HB26-1250 corrects this by insisting that asset forfeiture occur only under extraordinary circumstances: when criminal charges are filed, the case is tied directly to proven illegal activity, and a conviction follows. No more “policing for profit” at the expense of due process.</p> <p>The bill’s safeguards are modest and fair. Requiring charges and convictions aligns forfeiture with the criminal justice system it claims to support. Appointed counsel and the new defense fund ensure that low-income Coloradans are not railroaded simply because they cannot afford a lawyer. These changes do not handcuff law enforcement—they restore public trust by making the process transparent, accountable, and constitutional.</p>

	<p>Bipartisan sponsorship of HB26-1250 shows this is not a partisan issue. It is a matter of fundamental American principles: innocent until proven guilty, protection against unreasonable seizures, and the right to counsel.</p> <p>I respectfully ask the Committee to advance HB26-1250 without delay. Colorado families deserve laws that protect their property and their liberty. Asset forfeiture must be reserved for truly extraordinary cases of proven crime— not routine revenue generation.</p> <p>Thank you for your time and consideration.</p>
<p>JODY NICKERSON</p> <p>For themselves</p>	<p>TESTIMONY HB26-1250 ASSET FORFEITURE PROCEDURES 4-21-26</p> <p>TO: HOUSE JUDICIARY</p> <p>RE: HB26-1250 PROCEDURES RELATED TO CIVIL ASSET FORFEITURE</p> <p>SPONSORS: DEGRAAF, BACON</p> <p>FROM: JODY NICKERSON, JEFFERSON COUNTY</p> <p>REPRESENTING MYSELF</p> <p>VOTE: YES</p> <p>Honorable Chair and Members of the Committee,</p> <p>I am here today to urge your support for House Bill 26-1250—a bill that restores a basic principle most Coloradans already believe exists: that you should not lose your property unless you’ve been proven to have done something wrong.</p> <p>Right now, under existing loopholes, people can have their cash, their car—even their home—taken without ever being convicted of a crime. HB26-1250 fixes that. It draws a clear, constitutional line: no conviction, no forfeiture. That’s not radical, that’s due process.</p> <p>This bill also recognizes a hard truth: when the government moves to take your property, you are suddenly in a legal fight most people cannot afford. HB26-1250 ensures that everyday Coloradans have access to legal counsel, leveling the playing field so justice isn’t determined by who has deeper pockets. That’s not just fairness—that’s integrity in our system.</p>

	<p>And importantly, this bill brings transparency and accountability to where forfeiture money goes. By requiring reporting and redirecting a portion of proceeds to fund defense counsel and public programs, it removes the perception and the risk that forfeiture is driven by revenue rather than justice.</p> <p>Let's be honest: when a system allows property to be taken without a conviction and then financially benefits from that action, it creates the wrong incentives. This bill corrects that.</p> <p>As you all appear to like moving money around, it seems appropriate you would support this bill, especially because it has an avenue in which it can replenish the fund mechanism and probably make money for the Law Enforcement Fund.</p> <p>HB26-1250 protects innocent people, strengthens public trust, and still preserves law enforcement's ability to go after actual criminal activity the right way.</p> <p>At its core, this is about fairness, accountability, and constitutional rights. I respectfully ask you to vote yes on HB26-1250.</p> <p>Thank you for your time.</p>
<p>Joseph Pero Against themselves</p>	<p>I oppose HB26-1250 because it undermines effective civil asset forfeiture while redirecting funds away from community needs.</p> <p>By requiring criminal charges and removing the "clear and convincing evidence" standard, the bill weakens the state's ability to forfeit property tied to illegal activity when criminal cases cannot proceed. This risks allowing illicit assets to remain in circulation.</p> <p>The mandatory stay of forfeiture proceedings will also delay cases and reduce the value and manageability of seized property.</p> <p>Finally, reallocating funds from behavioral health programs to pay for forfeiture defense counsel shifts resources away from prevention and treatment toward litigation.</p> <p>For these reasons, I urge a "no" vote.</p> <p>Thank you.</p>

TESTIMONY HB26-1250 ASSET FORFEITURE PROCEDURES 4-221-26

TO: HOUSE JUDICIARY
RE: HB26-1250 PROCEDURES RELATED TO CIVIL ASSET FORFEITURE
SPONSORS: DEGRAAF, BACON
FROM: JODY NICKERSON, JEFFERSON COUNTY
REPRESENTING MYSELF
VOTE: YES

Honorable Chair and Members of the Committee,

I'm here today to urge your support for House Bill 26-1250—a bill that restores a basic principle most Coloradans already believe exists: that you should not lose your property unless you've been proven to have done something wrong.

Right now, under existing loopholes, people can have their cash, their car—even their home—taken without ever being convicted of a crime. HB26-1250 fixes that. It draws a clear, constitutional line: no conviction, no forfeiture. That's not radical, that's due process.

This bill also recognizes a hard truth: when the government moves to take your property, you are suddenly in a legal fight most people cannot afford. HB26-1250 ensures that everyday Coloradans have access to legal counsel, leveling the playing field so justice isn't determined by who has deeper pockets. That's not just fairness—that's integrity in our system.

And importantly, this bill brings transparency and accountability to where forfeiture money goes. By requiring reporting and redirecting a portion of proceeds to fund defense counsel and public programs, it removes the perception—and the risk—that forfeiture is driven by revenue rather than justice.

Let's be honest: when a system allows property to be taken without a conviction and then financially benefits from that action, it creates the wrong incentives. This bill corrects that.

As you all appear to like moving money around, it seems appropriate you would support this bill, especially because it has an avenue in which it can replenish the fund mechanism and probably make money for the Law Enforcement Fund.

HB26-1250 protects innocent people, strengthens public trust, and still preserves law enforcement's ability to go after actual criminal activity—the right way.

At its core, this is about fairness, accountability, and constitutional rights. I respectfully ask you to vote yes on HB26-1250.

Thank you for your time.

House Judiciary

04/21/2026 01:30 PM

HB26-1250 Procedures Related to Civil Asset Forfeiture

Typed Text of Testimony Submitted

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Eric Bodenstab For themselves	<p>Written Testimony in Support of HB26-1250</p> <p>House Judiciary Committee</p> <p>Chairman and distinguished members of the Committee: I submit this testimony as a concerned Colorado citizen who believes deeply in the rule of law and the protection of individual rights. I urge you to pass HB26-1250, which reforms our state’s civil asset forfeiture procedures by requiring criminal charges before any seizure, repealing the “clear and convincing evidence” exception that has allowed forfeiture without conviction, guaranteeing the right to appointed defense counsel, and creating a dedicated Forfeiture Defense Counsel Fund.</p> <p>Civil asset forfeiture was intended as a targeted tool against serious crime. Instead, it has too often become a shortcut that lets government seize homes, vehicles, cash, and savings from people who are never charged”much less convicted”of any offense. Innocent owners have lost everything based on mere suspicion or proximity to someone else’s alleged wrongdoing. This is not justice; it is government overreach. HB26-1250 corrects this by insisting that asset forfeiture occur only under extraordinary circumstances: when criminal charges are filed, the case is tied directly to proven illegal activity, and a conviction follows. No more “policing for profit” at the expense of due process.</p>

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<p>JODY NICKERSON</p> <p>For themselves</p>	<p>TESTIMONY HB26-1250 ASSET FORFEITURE PROCEDURES 4-21-26</p> <p>TO: HOUSE JUDICIARY</p> <p>RE: HB26-1250 PROCEDURES RELATED TO CIVIL ASSET FORFEITURE</p> <p>SPONSORS: DEGRAAF, BACON</p> <p>FROM: JODY NICKERSON, JEFFERSON COUNTY</p> <p>REPRESENTING MYSELF</p> <p>VOTE: YES</p> <p>Honorable Chair and Members of the Committee,</p> <p>I’m here today to urge your support for House Bill 26-1250—a bill that restores a basic principle most Coloradans already believe exists: that you should not lose your property unless you’ve been proven to have done something wrong.</p> <p>Right now, under existing loopholes, people can have their cash, their car—even their home—taken without ever being convicted of a crime. HB26-1250 fixes that. It draws a clear, constitutional line: no conviction, no forfeiture. That’s not radical, that’s due process.</p> <p>This bill also recognizes a hard truth: when the government moves to take your property, you are suddenly in a legal fight most people cannot afford. HB26-1250 ensures that everyday Coloradans have access to legal counsel, leveling the playing field so justice isn’t determined by who has deeper pockets. That’s not just fairness—that’s integrity in our system.</p> <p>And importantly, this bill brings transparency and accountability to where forfeiture money goes. By requiring reporting and</p>

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