

Civil asset forfeiture ban becomes law

Written by By Joey Peters NM Political Report
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Starting July 1, cops in New Mexico can no longer take personal property without convicting someone, child predators will face tougher penalties and frozen powdered alcohol products are now recognized as being under state liquor control.

These are just a handful of the 62 laws passed earlier this year during the regular state legislative session. Seventy-nine other new laws went into effect last month, while others with the emergency clause went into effect even earlier.

The new civil asset forfeiture law is perhaps the most impactful and passed both chambers of the Legislature with wide support, netting no votes against it from either the state House of Representatives or the the state Senate.

Before, law enforcement officers could arrest someone and seize a personal item, such as their car, without proof that this person committed a crime. Starting today, that practice can't happen any longer without a conviction.

Opponents of civil asset forfeiture deemed it "policing for profit" since the funds from seized property would go towards the department's coffers. Now, all seized property through criminal asset forfeiture will go to the state.

The American Civil Liberties Union of New Mexico, Drug Policy Alliance New Mexico and the Rio Grande Foundation think tank all pushed for the new law during the legislative session while law enforcement agencies opposed the measure. After Gov. Susana Martinez signed the legislation, Rio Grande Foundation President Paul Gessing praised the action in an op-ed for *New Mexico Political Report*, noting that her law enforcement background led to questions of whether she would support the legislation.

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From Gessing's op-ed:

New Mexico Gov. Susana Martinez, a former district attorney in Las Cruces, was likely not predisposed to sign civil asset forfeiture reform. She waited until the last moment to sign the bill, doing so without public fanfare or ceremony. Her signing statement contains more criticism than praise for the legislation. But she signed it.

Also enacted today is an amendment to the state Sexual Exploitation of Children Act that makes the crime of offering to hire a child of 13 or under for sex acts a first degree felony. Before, the statute only specified the crime of hiring someone aged 13 to 16 for prostitution.

Also going into effect today is classifying frozen powdered alcohol products as drinks under state liquor control. The federal government recognizes powdered alcohol, known as palcohol, but states are also allowed to regulate it. Some states, like Arizona, Louisiana, Delaware, South Carolina and Vermont, have even banned p-alcohol. Not so in the Land of Enchantment.

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