

230206 SB 2385 – Seizing personal property without due process

Senator Mike Wobbema, District 24

Madam Chair, Senate Judiciary Committee,

My name is Mike Wobbema, Senator from District 24, Barnes and Ransom Counties.

Proper Notice in the United States is defined as the right to receive notice before the government deprives an individual of a protected interest and is guaranteed, along with the opportunity to be heard, by the Due Process Clauses in the Fifth and Fourteenth Amendments of our Constitution. Further, **Notice** is the legal concept describing a requirement that a party be aware of any legal process affecting their rights, obligations or duties.

This Bill is brought to you on behalf of local constituents who have had their property taken from them without the Proper Notice being given. In one particular instance, the property owner involved was away for a couple of weeks at a family gathering out of state. Upon return, he found a notice stuck to his door, and before he could coordinate the necessary effort to address it, employees from the city arrived and took away the property in his front and back yard. It was only due to the awareness and compassion of one of the city employees, that some of that property necessary for conduct of the business of this property owner, that some of that property was spared.

This issue is not the situation that compelled the city to initiate action. This issue is that the only method they use in cases like this, is to notify a property owner by sticking a statement on their front door. If that property owner is away for any extended period of time, short or long, there is no reasonable assurance that they are aware of the issue. It should be necessary that proper notice be given, **and responded to**, before the city, or any other political sub-division take the action cited in my example above. By the way, the confiscated property was immediately disposed of, not permitting any opportunity to reclaim it.

Madam Chair, Judiciary Committee, I stand for any questions.

Respectfully,

Mike Wobbema, Senator, District 24