

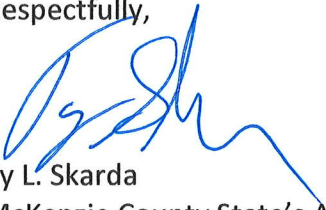
Dear Members of the Senate Judiciary Committee,

I write today to ask you to issue a DO NOT PASS recommendation for Senate Bill 2385. This bill will severely hinder any law enforcement agency's ability to seize illegal contraband and collect evidence from crimes they are investigating. Furthermore, it will have a chilling effect on law enforcement's willingness to investigate crimes where they potentially may need to seize illegal contraband. This would include cases involving drug trafficking, child pornography, and violent crimes where firearms or other weapons were used.

There are already several safeguards in place that prevent government from seizing personal property illegally, including the U.S. Constitution, ND State law, and the rules of Criminal Procedure. Due process typically requires notice and the opportunity to appear before a court or judge. The bill does not consider what goes into a criminal investigation and the resources it would take for an individual to be provided due process prior to law enforcement seizing any contraband or evidence from an investigation. These are resources that simply do not exist. The bill also fails to consider how this will give defendants the opportunity to destroy or dispose of incriminating evidence while preventing law enforcement from conducting a thorough investigation.

For the reasons listed above I respectfully ask you all to vote DO NOT PASS on Senate Bill 2385. If you wish to discuss this further or have any additional questions please do not hesitate to contact me.

Respectfully,



Ty L. Skarda  
McKenzie County State's Attorney  
201 5<sup>th</sup> Street NW, Suite 550  
Watford City, ND 58854  
Telephone: 701-444-3733  
Fax: 701-842-6554  
Email: [tskarda@co.mckenzie.nd.us](mailto:tskarda@co.mckenzie.nd.us)  
e-serve: [mcsa@co.mckenzie.nd.us](mailto:mcsa@co.mckenzie.nd.us)