

# North Dakota earns a **D-** for its civil forfeiture laws:

- Higher bar to forfeit in limited cases: Weak conviction provision falls short of criminal forfeiture (see page 41). It requires the owner's conviction but does not apply if the owner fails to contest forfeiture, putting the burden on owners to engage in a costly legal battle and making it easy for the government to forfeit without a conviction. It also does not apply if the owner has agreed to help investigators in exchange for immunity or a reduced sentence. Once the conviction provision is satisfied, property must be linked to the crime by clear and convincing evidence. No conviction necessary if property can be connected to a crime beyond a reasonable doubt.
- Poor protections for the innocent: Third-party owners must prove their own innocence to recover seized property.
- Large profit incentive: Up to 100% of forfeiture proceeds go to law enforcement (any amount above \$200,000 in the government's forfeiture account over any two-year budget period goes to the general fund).

## Recent Reforms

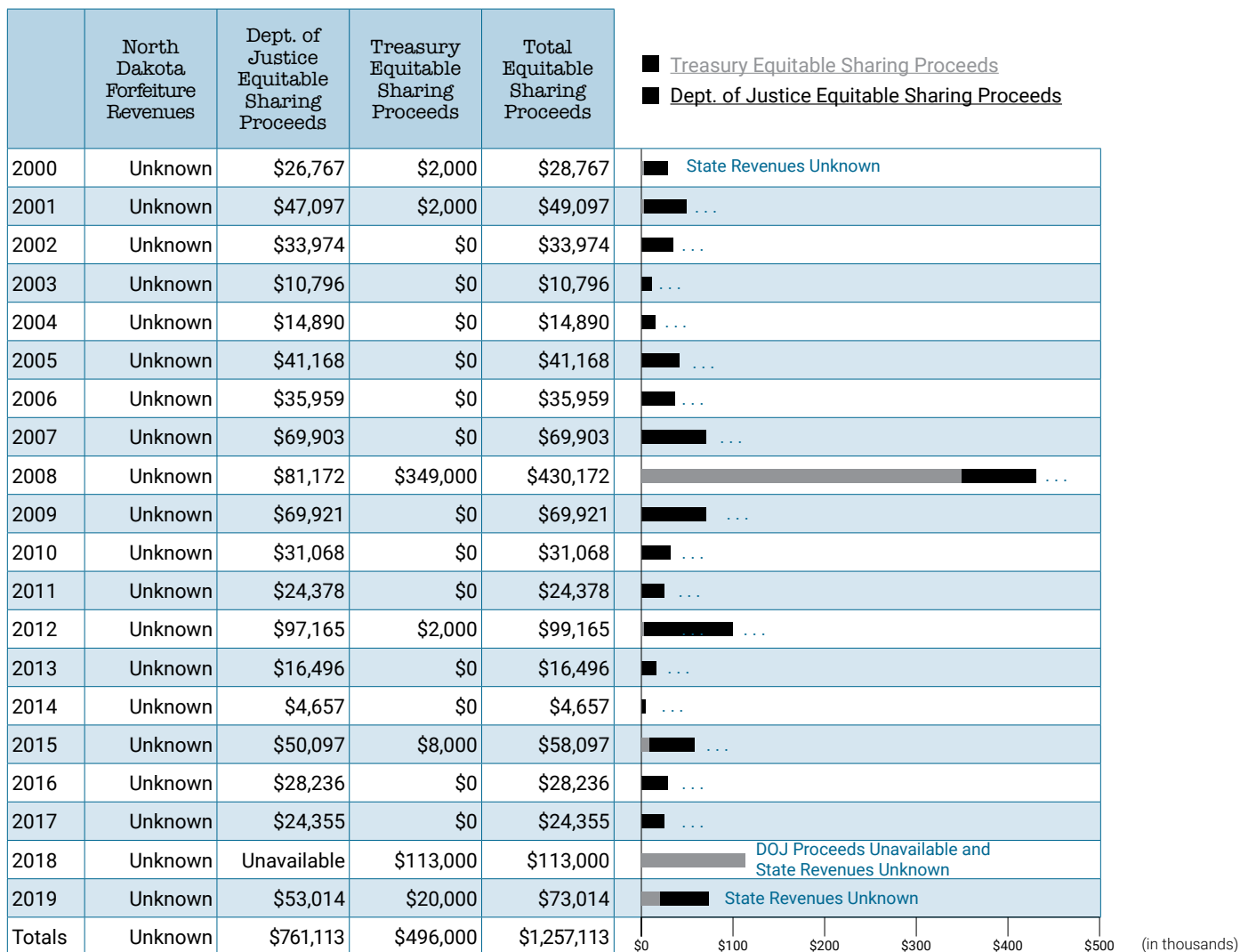
- (2019) HB 1286: Raised standard of proof; created weak conviction provision; adopted new transparency requirements; banned forfeiture of homesteaded real property and vehicles worth less than \$2,000 unless modified to conceal contraband or cash; established proportionality hearing.

## State and Federal Forfeiture Revenues, 2000–2019

Between 2000 and 2019, North Dakota law enforcement agencies generated more than \$1 million in forfeiture revenue from federal equitable sharing. North Dakota ranks 2nd for its participation in the Department of Justice's equitable sharing program. The state does not prevent state and local agencies from using equitable sharing to circumvent state forfeiture law.

**At least \$1 million  
in federal forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation.

# North Dakota's Forfeiture Transparency and Accountability Report Card

Tracking Seized Property	<b>B-</b>	Accessibility of Forfeiture Records	<b>A</b>
Accounting for Forfeiture Fund Spending	<b>F</b>	Penalties for Failure to File a Report	<b>F</b>
Statewide Forfeiture Reports	<b>?<sup>†</sup></b>	Financial Audits of Forfeiture Accounts	<b>F</b>

<sup>†</sup> Statewide reports required by the 2019 reform not yet available.

For full transparency and accountability grades, visit [www.ij.org/TransparencyReportCards](http://www.ij.org/TransparencyReportCards).

## Forfeitures Under North Dakota Law: Key Facts

### Median Value



North Dakota does not report property-level data necessary to calculate median forfeiture value.

### Property Types

**UNKNOWN**

North Dakota does not report the types of property forfeited.

### Civil vs. Criminal

**UNKNOWN**

North Dakota does not report whether forfeitures are processed under civil or criminal forfeiture law.

### Expenditures

**UNKNOWN**

North Dakota does not report how forfeiture funds are spent.

### Data Notes

No statewide records available. North Dakota had no reporting requirements before the reporting law enacted in 2019. The first forfeiture reports, for fiscal year 2020, are expected in late 2020 on the North Dakota Attorney General's website. Equitable sharing data are from DOJ's and Treasury's annual forfeiture reports.