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United States Supreme Court Rules That Eighth Amendment Protection Against Excessive Fines Applies To Civil Forfeiture Proceedings

Earlier this year, the United States Supreme Court, in *Timbs v. Indiana*, considered the question of whether the Eighth Amendment prohibition on excessive fines applied to an Indiana civil forfeiture proceeding. The Supreme Court determined that the Excessive Fines Clause in the Eighth Amendment did apply to a civil forfeiture to prohibit a state from taking property the value of which far exceeded the maximum fine imposed as a criminal penalty.

The facts in *Timbs v. Indiana* were as follows. Timothy Timbs ("Timbs") pled guilty in Indiana State court to dealing a controlled substance and conspiracy to commit theft. 139 S.Ct. 682, 686 (2019). The trial court sentenced Timbs to one year home detention, five years probation, and fines and costs totaling \$1,203. *Id.* The State brought a civil action seeking forfeiture of Timbs' Land Rover vehicle on the grounds that he used the car to transport heroin. *Id.* The trial court denied Indiana's forfeiture request, noting that the maximum fine assessable against Timbs was \$10,000 and he purchased the Land Rover for \$42,000 using money he received from a life insurance policy after his father's death. *Id.* The vehicle, then, was worth more than four times the maximum fine to which Timbs could be subject. *Id.* The vast difference between what Timbs paid for his car and the maximum fine to which he was subject violated the Eighth Amendment Excessive Fines Clause. *Id.*

The Indiana Supreme Court reversed the trial court's ruling on the grounds that the Eighth Amendment Excessive Fines Clause applied only to federal, and not state, civil forfeiture proceedings. *Timbs v. Indiana*, 139 S.Ct. at 686. The United States Supreme Court decided to review the case to consider the issue of whether the Eighth Amendment Excessive Fines Clause applied

Authored By:

Name: Allen Wall

Email: jawall@ktjlaw.com

Phone: (312) 984-6450



For any questions or comments you might have regarding this newsletter, please feel free to contact:

Chicago Office

20 N. Wacker Drive, Ste. 1660
Chicago, IL 60606

T: (312) 984-6400

F: (312) 984-6444

Orland Park Office

15010 S. Ravinia Ave., Ste. 10
Orland Park, IL 60462

T: (708) 349-3888

F: (708) 349-1506

www.ktjlaw.com

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to Indiana under the Fourteenth Amendment Due Process Clause. *Id.*

The Eighth Amendment provides that, “[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” The Excessive Fines Clause limits the power of government to impose fines as punishment for criminal conduct. *Timbs v. Indiana*, 139 S.Ct. at 687. The Indiana Supreme Court concluded that the prohibition on excessive fines could not be incorporated and applied to the states through the Fourteenth Amendment Due Process Clause. The United States Supreme Court disagreed. It found that protection against punitive economic punishment was “fundamental to our scheme of ordered liberty” and, “deeply rooted in this Nation’s history and tradition.” *Id.* at 689. Therefore, the Fourteenth Amendment Due Process Clause does apply the protection of the Excessive Fines Clause to state action, including civil forfeiture proceedings like that initiated against *Timbs* by the State of Indiana. *Id.* at 687, 689.

The *Timbs* decision indicates that municipalities should be careful about imposing fines directly, or through proceedings like civil forfeiture, which are disproportionate to the severity of monetary penalties provided as penalties for illegal conduct. In *Timbs*, the State sought forfeiture of a car that cost more than four times the maximum fine that could be imposed under Indiana law. Such a disparity triggers the Eighth Amendment Excessive Fines Clause protections.