

Supreme Court says constitutional protection against excessive fines applies to state actions

The Supreme Court ruled unanimously Wednesday that the Constitution's prohibition on excessive fines applies to state and local governments, limiting their abilities to impose fines and seize property.

Justice Ruth Bader Ginsburg, on just her second day back on the bench after undergoing cancer surgery in December, [announced the decision for the court](#), saying that the Eighth Amendment's Excessive Fines Clause protects against government retribution.

"For good reason, the protection against excessive fines has been a constant shield throughout Anglo-American history: Exorbitant tolls undermine other constitutional liberties," Ginsburg wrote. "Excessive fines can be used, for example, to retaliate against or chill the speech of political enemies. . . . Even absent a political motive, fines may be employed in a measure out of accord with the penal goals of retribution and deterrence."

The court ruled in favor of Tyson Timbs of Marion, Ind., who had his \$42,000 Land Rover seized after he was arrested for selling a couple hundred dollars' worth of heroin.

He drew wide support from civil liberties organizations who want to limit civil forfeitures, which they say empower localities and law enforcement to seize property of someone suspected of a crime as a revenue stream.

Some justices, too, had become worried about the state and local efforts.

Justice Clarence Thomas wrote in a recent opinion that civil forfeitures have "become widespread and highly profitable."

"This system — where police can seize property with limited judicial oversight and retain it for their own use — has led to egregious and well-chronicled abuses," Thomas wrote, referring to reporting by The Washington Post and the New Yorker.

At oral argument, Timbs's lawyer said the case was a simple matter of "constitutional housekeeping."

The Constitution's Bill of Rights protects against actions of the federal government. But the Supreme Court over time has applied it to state and local governments under the due-process clause of the 14th Amendment. In 2010, for instance, the court held that the Second Amendment applied to state and local government laws on gun control.

The Eighth Amendment states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Two of those commands — regarding bail and cruel and unusual punishments — have been deemed to apply to state and local governments. But until now, the ban on excessive fines had not been.

And the Indiana Supreme Court noted that when overturning a lower court's ruling that the actions taken against Timbs were excessive.

Ginsburg's opinion makes clear that the clause applies, and that it is "incorporated" under the 14th Amendment's due process Clause. Justices Thomas and Neil M. Gorsuch agreed with the outcome, but said they would have relied on a different part of the 14th Amendment.

The case is *Timbs v. Indiana*.