

S.B 109 Sub. 1 ASSET FORFEITURE AMENDMENTS - PLEASE VOTE “NO”

**LAW ENFORCEMENT ADAMANTLY OPPOSES THIS BILL!
IT WILL RESULT IN DEGRADATION OF DRUG INTERDICTION ACTIVITY!**

Law Enforcement investigates criminal activity, not assets. Law enforcement does not seek out assets to be seized and build a case around them. Our task is to stop criminal behavior and keep citizens safe by making arrests and seizing criminal activity proceeds.

Utah should encourage cooperation with State and Federal Investigations.

Lines 406-407 prevent an agency from receiving funds from the state fund if they received federal funds the previous year. This requirement serves no purpose other than punishing agencies for participating in both federal and state criminal cases that resulted in forfeitures.

Forfeited assets save tax payers money. Over 96% of the assets seized in 2015-2017 were connected to drug activity. The funds generated by seizures are used exclusively to partially offset the expenses to fund crime prevention, crime victim reparations, and law enforcement activities. They are hundreds of thousands of dollars that the tax payers do not have to pay but benefit from. (lines 412-434)

Asset forfeiture is tightly controlled. The seizure of assets is a controlled process with extensive statutory & judicial oversight requiring court approval. (lines 46-58) (232-255)

Utah should reward the agencies who do the work. Lines 449-450 make a change to the formula used to award agencies funds from the State Asset Forfeiture Fund to allow agencies that do not participate in forfeitures to apply for and receive funds. This disadvantages those agencies that do the work and expend the resources by reducing the funds available to them to offset their costs. This has been characterized as “Pay for Play”. It is not.

Misleading facts lead to bad law. Some of the scenarios used to support this Bill are factually incorrect and misleading. Utah requires proportionality; the forfeited assets must match the severity of the crime. A car cannot be seized for simple possession. The case of a medical marijuana user having his coin collection and other property seized is factually misleading. The individual was charged with possession with intent to distribute and gun violations, not simple possession.

THANK YOU FOR YOUR SUPPORT!