

RESOLUTION NO. _____
Proposed to the Utah Republican Central Committee
November 7, 1998

WHEREAS, from the earliest years of this Nation, the law has permitted the forfeiture of contraband, criminal proceeds and criminal instrumentalities; and

WHEREAS, crime in America is a multi-billion dollar industry that has a devastating effect on legitimate economic enterprise by diverting money from lawful commerce while rewarding and financing on-going illegal activity; and

WHEREAS, forfeiture of criminal proceeds and criminal instrumentalities removes profits from illegal activities, forcing criminal offenders and associates to disgorge criminal profits and preventing reinvestment of criminal proceeds into criminal activities, and

WHEREAS, forfeiture of criminal proceeds and criminal instrumentalities attacks economic incentive to engage in organized criminal activity and deters individuals from using their property to facilitate criminal activity; and

WHEREAS, existing constitutional provisions, statutes, and rules of civil procedure protect the property rights of the "innocent owner" who is unaware that his or her property is being used in furtherance of criminal activity; and

WHEREAS, in controlled substances cases, local police agencies are currently prohibited by statute from using forfeited property and proceeds to pay a cash incentive, award, or bonus to any peace officer or individual acting as an agent for the police agency, and are prohibited from using forfeited property and proceeds to supplant any ordinary operating expense of the agency; and

WHEREAS, the local police agency has the best understanding of law enforcement needs and therefore is best able to allocate forfeited property and proceeds in accordance with those needs;

NOW THEREFORE, BE IT RESOLVED that the Utah Republican Party, by and through its Central Committee, hereby disavows and abandons Proposed Resolution 4 previously adopted at the Utah Republican Party State Convention in May, 1998, a copy of which is attached.

BE IT FURTHER RESOLVED that the Utah Republican Party, by and through its Central Committee, hereby acknowledges asset forfeiture as a legitimate law enforcement tool when exercised against both the convicted criminal offender and his or her associates;

BE IT FURTHER RESOLVED that the Utah Republican Party, by and through its Central Committee, hereby acknowledges that constitutional provisions, statutes and rules of procedure provide a due process of law by which the rights of innocent property owners are safeguarded;

BE IT FURTHER RESOLVED that the Utah Republican Party, by and through its Central Committee, hereby acknowledges that local law enforcement agencies are best able to allocate forfeited property and proceeds in accordance with law enforcement needs.

BE IT FURTHER RESOLVED that the Chairman and Secretary authenticate this resolution and transmit it to all Utah State legislators, executive branch office holders, county sheriffs and county attorneys who are Republicans.

Submitted by:
Derek P. Pullan, Deputy Wasatch County Attorney