

RESOLUTION NO. 4
UTAH REPUBLICAN PARTY STATE CONVENTION

May 8 & 9, 1998

ASSET FORFEITURE

WHEREAS, the individual right to own property is a foundation of freedom; and

WHEREAS, this right has been increasingly infringed by government in various ways;
and

WHEREAS, one of the most threatening of these ways is through a method termed
asset forfeiture; and

WHEREAS, asset forfeiture empowers police to confiscate private property without due
process of law by merely alleging the property has been used in furtherance of criminal
activity; and

WHEREAS, because the owner must prove the innocence of his property under the
limited protections of civil court, he has little chance of having it returned once seized;
and

WHEREAS, forfeiture creates an unacceptable conflict of interest because the police
are permitted to keep the confiscated property; and

WHEREAS, to preserve liberty the practice of asset forfeiture against innocent owners
must soon end;

NOW, THEREFORE, BE IT RESOLVED that the Utah Republican Party requests
prompt legislative action to allow asset forfeiture only if (1) the property owner is
convicted of related criminal wrongdoing, (2) full due process is restored, and (3)
forfeiture proceeds are directed to the General Fund or preferably the Crime Victim
Reparations Fund, rather than the police; and

BE IT FURTHER RESOLVED that the Chairman and Secretary are directed to
authenticate and transmit this resolution to all state of Utah legislators and executive
branch officeholders, and County Sheriffs and Attorneys, who are Republicans.

Submitted by: Arnold Gaunt