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STATE & LOCAL AFFAIRS DIVISION
BRIAN JUDY, UTAH STATE LIAISON

February 24, 2004

TO: Utah State Legislators
FROM: Brian Judy, NRA-ILA Utah State Liaison
RE: Opposition to Senate Bill 175

On behalf of its members in Utah, NRA respectfully urges defeat of Senate Bill 175. While the bill attempts to make a modest improvement in the protection of innocents in a procedure that frequently impinges upon gun owners, this bill circumvents the will of the people as indicated by the overwhelming vote for asset forfeiture reform in the November 2000 initiative and it threatens civil liberties in three ways:

- SB 175 allows a prosecuting attorney to transfer forfeiture proceedings to a *federal* agency where there is no presumption of innocence and where it is extremely difficult to recover attorney fees and costs, rights guaranteed in Utah.
- It reverts to the old formula where agencies aggressively pursued assets and were allowed to keep an “equitable share” of forfeited assets. The people, in the initiative of 2000, designated that the money raised from legitimate seizures be placed in a state Uniform School Fund so as to remove any incentive an agency might have to increase their funding through the seizure-of-assets process.
- Finally, though monies raised from seized assets cannot be used for law enforcement salaries, SB 175 does allow the money to be used for “matching funds” for state and federal law enforcement grants, which usually include program positions and monies for salaries. This is a thinly veiled circumvention of Initiative B and, again, provides an incentive for agencies to aggressively pursue seizures.

Firearms owners have a very long history of support for law enforcement agencies and understand that the legitimate seizure of truly illegal assets can be a useful law enforcement tool. This bill acknowledges, however, that innocent people can get caught in a forfeiture procedure. The National Rifle Association is one of the oldest and largest civil rights organizations in the country, and is concerned with the civil liberties and due process rights of our members and of all Utah citizens. For the above-mentioned reasons, I respectfully urge a “no” vote on SB 175.