

Utah Senate passes bill tightening state rules governing property seizures by police

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SALT LAKE CITY — Senators voted 25-0 Tuesday for legislation tightening property seizure rules that Utah law enforcement agencies must live by.

“This bill is to make sure we’re not incentivizing the funneling of assets to a federal agency to circumvent state court procedure,” said the sponsor, Sen. Todd Weiler, R-Woods Cross.

Senate Bill 109 now goes to the House.

Groups such as the Libertas Institute and the American Civil Liberties Union of Utah support the bill, while the Utah Chiefs of Police Association and the Utah Attorney General’s Office say it’s an unfair slap at law enforcers.

Weiler’s bill was prompted in part by a 2018 Utah Supreme Court ruling that struck down the Utah Highway Patrol’s handling of the seizure of a \$500,000 suitcase full of cash during a traffic stop.

The UHP routed the seized funds to federal authorities. In the federal system, up to 80 percent of the cash forfeited via a civil asset forfeiture action is distributed back to the state agency that seized the money.

Police said they route seizures to support evidence; in this case, the man driving the car was connected to a U.S. Drug Enforcement Administration multistate investigation. However, the man was not charged with a crime.

During a Senate committee hearing Feb. 4, police and prosecutors said they depend on funds and property seized from drug cartels to fuel their drug-war budgets.

Sponsors, though, said most cash seizures are of \$1,000 or less and that “the little guy” citizens need more due process protection.

Weiler pointed out his bill only requires that seizures first go before a state court. Police still could convince a judge to allow the matter to be transferred to the federal system if warranted.

The bill also kills a requirement that says to apply for a grant from Utah's state asset seizures fund, a police agency must have had at least one seizure case in the past year.

"This is to eliminate any vestiges of a perverse pay-to-play incentive," Weiler said.

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