

ASSET FORFEITURE GRANTS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the State Asset Forfeiture Grant Program to allow the funds to be used to support additional substance use disorder treatment programs.

Highlighted Provisions:

This bill:

▶ amends the authorized purposes of the State Asset Forfeiture Grant Program funds to include support for substance use disorder treatment programs.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

24-4-117, as last amended by Laws of Utah 2015, Chapter 134

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **24-4-117** is amended to read:

24-4-117. State Asset Forfeiture Grant Program.

(1) There is created the State Asset Forfeiture Grant Program.

(2) The program shall fund crime prevention, crime victim reparations, and law



28 enforcement activities that have the purpose of:

29 (a) deterring crime by depriving criminals of the profits and proceeds of their illegal
30 activities;

31 (b) weakening criminal enterprises by removing the instrumentalities of crime;

32 (c) reducing crimes involving substance abuse by supporting the creation,
33 administration, or operation of substance use disorder treatment programs, including drug court
34 programs throughout the state;

35 (d) encouraging cooperation between local, state, and multijurisdictional law
36 enforcement agencies;

37 (e) allowing the costs and expenses of law enforcement to be defrayed by the forfeited
38 proceeds of crime;

39 (f) increasing the equitability and accountability of the use of forfeited property used to
40 assist law enforcement in reducing and preventing crime; and

41 (g) providing aid to victims of criminally injurious conduct, as defined in Section
42 [63M-7-502](#), who may be eligible for assistance under Title 63M, Chapter 7, Part 5, Utah Office
43 for Victims of Crime.

44 (3) (a) When property is forfeited under this chapter and transferred to the account,
45 upon appropriation the commission shall allocate and administer grants to state agencies, local
46 law enforcement agencies, multijurisdictional law enforcement agencies, or political
47 subdivisions of the state in compliance with this section and to further the program purposes
48 under Subsection (2).

49 (b) The commission may retain up to 3% of the annual appropriation from the account
50 to pay for administrative costs incurred by the commission, including salary and benefits,
51 equipment, supplies, or travel costs that are directly related to the administration of the
52 program.

53 (4) Agencies or political subdivisions shall apply for an award from the program by
54 completing and submitting forms specified by the commission.

55 (5) In granting the awards, the commission shall ensure that the amount of each award
56 takes into consideration the:

57 (a) demonstrated needs of the agency;

58 (b) demonstrated ability of the agency to appropriately use the award;

59 (c) degree to which the agency's need is offset through the agency's participation in
60 federal equitable sharing or through other federal and state grant programs; and

61 (d) agency's cooperation with other state and local agencies and task forces.

62 (6) Applying agencies or political subdivisions shall demonstrate compliance with all
63 reporting and policy requirements applicable under this chapter and under Title 63M, Chapter
64 7, Criminal Justice and Substance Abuse, in order to qualify as a potential award recipient.

65 (7) (a) Recipient law enforcement agencies may only use award money after approval
66 by the agency's legislative body.

67 (b) The award money is nonlapsing.

68 (8) A recipient state agency, local law enforcement agency, multijurisdictional law
69 enforcement agency, or political subdivision shall use awards only for law enforcement
70 purposes as described in this section or for victim reparations as described in Subsection (2)(g),
71 and only as these purposes are specified by the agency or political subdivision in its application
72 for the award.

73 (9) Permissible law enforcement purposes for which award money may be used
74 include:

75 (a) controlled substance interdiction and enforcement activities;

76 (b) substance use disorder treatment programs, including drug court programs;

77 (c) activities calculated to enhance future law enforcement investigations;

78 (d) law enforcement training that includes:

79 (i) implementation of the Fourth Amendment to the United States Constitution and
80 Utah Constitution, Article I, Section 7, and that addresses the protection of the individual's
81 right of due process;

82 (ii) protection of the rights of innocent property holders; and

83 (iii) the Tenth Amendment to the United States Constitution regarding states'
84 sovereignty and the states' reserved rights;

85 (e) law enforcement or detention facilities;

86 (f) law enforcement operations or equipment that are not routine costs or operational
87 expenses;

88 (g) drug, gang, or crime prevention education programs that are sponsored in whole or
89 in part by the law enforcement agency or its legislative body;

- 90 (h) matching funds for other state or federal law enforcement grants; and
- 91 (i) the payment of legal costs, attorney fees, and postjudgment interest in forfeiture
- 92 actions.
- 93 (10) Law enforcement purposes for which award money may not be granted or used
- 94 include:
 - 95 (a) payment of salaries, retirement benefits, or bonuses to any person;
 - 96 (b) payment of expenses not related to law enforcement;
 - 97 (c) uses not specified in the agency's award application;
 - 98 (d) uses not approved by the agency's legislative body;
 - 99 (e) payments, transfers, or pass-through funding to entities other than law enforcement
 - 100 agencies; or
 - 101 (f) uses, payments, or expenses that are not within the scope of the agency's functions.

Legislative Review Note
Office of Legislative Research and General Counsel