

# Executive Document

## Governor's Executive Order Designating the Utah National Guard Counterdrug Program as a Law Enforcement Agency for the Purposes of Sharing in Asset Forfeiture Proceedings.

Issued: September 24, 1997

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### EXECUTIVE ORDER

WHEREAS, the Utah National Guard Counterdrug Program assists Federal, State and local law enforcement agencies in the detection and/or interdiction of criminal drug activity; and

WHEREAS, federal law, known as the Comprehensive Drug Abuse Prevention and Control Act of 1970, authorizes the "transfer [of forfeited] property to any Federal agency or to any State or local law enforcement agency which participated directly in the seizure or forfeiture of the property," 21 U.S.C. Subsection 881(e)(1)(A), (1994); and

WHEREAS, pursuant to 21 U.S.C. Subsection 881(e)(3)(A), (1994), "any property transferred to a State or local law enforcement agency under paragraph (1)(A) has a value that bears a reasonable relationship to the degree of direct participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based; and (B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies;" and

WHEREAS, National Guardsmen, working in the Utah National Guard Counterdrug Program, do not currently earn public safety retirement credit;

NOW, THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah, by authority vested in me by the Constitution and laws of this state,

DO HEREBY DECLARE THAT: the Utah National Guard Counterdrug Program is designated a law enforcement agency, for the purpose of sharing in asset forfeiture proceedings only, and not for earning public safety retirement credit.

IT IS ORDERED that the National Guard Counterdrug Program shall be eligible as a Utah State law enforcement agency to share, pursuant to 21 U.S.C. Section 881, in the proceeds of drug related forfeitures in which they participate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of the State of Utah this 24th day of September, 1997.

(State Seal)

Michael O. Leavitt  
Governor

ATTEST:

Olene S. Walker  
Lt. Governor

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