

MATTHEW H. MEAD
GOVERNOR

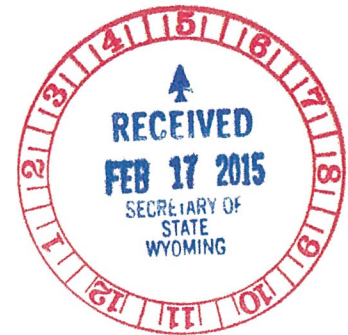


STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

February 17, 2015

The Honorable Phil Nicholas
Senate President
Wyoming Senate
State Capitol Building
Cheyenne, WY 82002



Re: Senate Enrolled Act 0001 (SF 0014) – Asset forfeiture-2

Dear President Nicholas,

As I review Enrolled Acts presented to be signed into law, one of my foremost considerations is the hard work and sound judgment of the Legislature. I appreciate the work on this Enrolled Act and particularly the work of the Judiciary Committee and Chairmen Christensen and Miller. Still I have grave reservations about the Enrolled Act. Asset forfeiture has been in place in Wyoming for decades. Asset forfeiture has a number of benefits – one of the most important in my view is taking the profit out of illegal drugs. Crime should not pay, especially drug crime. Profits from drugs fund more drugs, support drug dealers, and put communities in danger and children at risk. At the same time, laws that deter crime cannot do so at all costs. All laws must be scrutinized to ensure they safeguard fundamental rights and protect individual freedom while accomplishing their purpose.

We, in Wyoming, recognize that in some states civil forfeiture has been abused. Here in Wyoming law enforcement officers – prosecutors, sheriffs, police officers, the Attorney General – have used civil forfeiture as a legitimate tool against those who would profit from the destruction caused by drugs. We do not have the abuses found in other states. Those who speak against civil forfeiture have combed Wyoming's forfeiture files and have analyzed many hundreds of cases. They have not found an egregious case or one abuse of law or of individual rights in a 40 year history. The singular example of a forfeiture gone wrong cited by opponents is actually an example of a forfeiture gone right. It is a case where \$17,000 was taken from an individual without following procedural safeguards. The substance of the law – profit from drugs – had been met. The Attorney General identified the error and took immediate steps to return the cash.

We need also to talk about civil forfeiture doing what it is intended to do. Civil forfeiture takes the profit out of crime. It gives substance to the phrase "crime doesn't pay." In a 2003 traffic

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stop, the car owner denied knowing who owned the \$327,000 secreted in the vehicle. The money was forfeited and was used to enforce drug laws. In April 2013, \$415,000 was found concealed in a car loaded on a semi-truck vehicle hauler. The semi-truck driver denied any knowledge of the money. The money was taken out of circulation so it could not be used for other illegal activity. These are two of the many examples of both large and small cases where civil forfeiture has met its objective. I believe civil forfeiture is important and it is also right. It makes a difference to law enforcement, to communities, to families and to kids.

I understand the debate. I agree with the scrutiny. Wyoming has passed the test. We use the law as it was intended to be used. We should not solve a problem that does not exist or rearrange a law that works based on "what ifs." We do not have to conjecture because Wyoming's civil forfeiture law has more than 40 years of actual implementation. For these reasons I veto Senate Enrolled Act 0001 – Asset forfeiture-2.

Sincerely,



Matthew H. Mead
Governor

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cc: The Honorable Edward Murray III, Secretary of State
The Honorable Kermit Brown, Speaker of the House
The Honorable Leland Christensen, Judiciary Committee Co-Chair
The Honorable David Miller, Judiciary Committee, Co-Chair
Chief Clerk, Wyoming Senate
Chief Clerk, Wyoming House of Representatives