



1 HB288

2 (g) criminal and civil asset forfeiture practices:

3

4 AGO Prosecutors support the enactment and enforcement of statutes that permit the forfeiture of
5 property used in or obtained as a result of criminal activity.

6

7 The ability of defendants to secure private counsel of their choice should not be a consideration
8 in the prosecutor's enforcement of forfeiture statutes.

9

10 The fact that forfeited assets might be available to fund law enforcement efforts should not
11 unduly influence the proper exercise of the prosecutor's discretion in the enforcement of
12 forfeiture statutes or the criminal law, nor should forfeiture be improperly used as a substitute for
13 criminal prosecution.

14

15 When screening and charging a case, the prosecutor will not consider filing charges where the
16 primary purpose is to obtain from the accused a release of potential civil claims or the forfeiture
17 of seized property.

18

19 The prosecutor shall exercise caution and care to ensure the property rights of innocent parties
20 are not violated. Where feasible, criminal forfeiture is preferable to civil forfeiture.