

Resolution: 2011-003 – Protecting Victims Rights

2011 Utah League of Cities and Towns Resolution – Protecting Victims’ Rights

Whereas: Elected municipal officials have the responsibility to implement and enforce policies that effect property owners;

Whereas: Municipalities work to ensure that residents are protected from unlawful criminal activity;

Whereas: The prosecution of theft cases has become increasingly difficult for the victims and municipal governments when criminals attempt to use pawnshops and secondhand dealers as a cover for their crimes;

Whereas: The current system may result in the property owner also being victimized when recovering stolen property that has been sold to a pawnshop or secondhand dealer;

Now Therefore Let It Be Resolved: The Utah League of Cities and Towns’ position on legislative efforts to amend the Commerce and Trade Code relating to Pawnshop and Secondhand Merchandise Transaction Information Act is stated below:

1. The League of Cities and Towns strongly supports legislative efforts that protect the ability of municipal police departments and prosecutors to have the discretion to hold evidence pertaining to an investigation of stolen property.
2. Municipalities, pawnshop owners and secondhand dealers should work in partnership to stem the tide of criminal activity through the utilization of digital photos of the property and person selling the property; having a clear definition of the property being sold to private proprietors; and establishing a category of business license for those who sell to pawnshops beyond to monthly number of transactions exceeds twenty items.
3. The League of Cities and Towns, Police Chiefs Association and the Utah Prosecutors Association jointly support significant penalties for pawnshops that are non-compliant with the Pawn shop and Second Merchandise Transaction Information Act.
4. The League of Cities and Towns, Police Chiefs Association and Utah Prosecutors Association desire laws that will jointly protect the interest of the public and that are fair to pawnshop and secondhand merchandise dealers.
5. Municipal governments, law enforcement, and prosecutors must be able to prudently protect the rights of property owners and the private sector from the ever increasing attempt by criminals to misuse the businesses as a means of escaping arrest and prosecution in a court of law.
6. Pawnshop and second hand dealers should have access to pawnshop database for the sole purpose of compliance with current statutes and business licensing.
7. The League of Cities and Towns, Police Chiefs Association and Utah Prosecutors Association that all merchandise sold to secondhand dealers and pawnshops should be held uniformly for thirty days.