

SENATE BILL REPORT

SB 5728

As Reported by Senate Committee On:
Ways & Means, January 25, 2022

Title: An act relating to the state's portion of civil asset forfeiture collections.

Brief Description: Concerning the state's portion of civil asset forfeiture collections.

Sponsors: Senators Holy, Dhingra and Nobles; by request of State Treasurer.

Brief History:

Committee Activity: Ways & Means: 1/18/22, 1/25/22 [DPS].

Brief Summary of First Substitute Bill

- Requires the state's portion civil asset forfeiture collections be deposited in the Behavioral Health Loan Repayment Program Account.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig, Braun, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Staff: Shani Bauer (786-7468)

Background: The Uniform Controlled Substances Act allows forfeiture of real and personal property used in drug-related offenses. When property is seized under the authority of the Uniform Controlled Substances Act, the seizing enforcement agency must serve notice of the seizure on the owner of the property and on any person having any

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known right or interest in the property. This notice must be served within 15 days of the seizure of the property.

A person asserting a claim of ownership or right to possession of the seized property must notify the seizing law enforcement agency of their claim within the time period prescribed by statute. If no person notifies the seizing law enforcement agency of the person's claim of ownership or right to possession within 45 days of the seizure of personal property or 90 days of the seizure of real property, the property seized is deemed forfeited.

Once property is deemed forfeited, the enforcement agency may retain the property for official use, sell the property, dispose of the property, or forward it to the Drug Enforcement Administration. Ten percent of the net proceeds of any property forfeited during the preceding calendar year must be remitted to the state treasurer for deposit to the general fund.

Prior to 2009, state proceeds of drug forfeitures and seizures were deposited in the Violence Reduction and Drug Enforcement Account (VRDEA). The VRDEA was established by the Legislature in 1989 to provide funding for public safety programs including drug and alcohol abuse prevention programs, juvenile rehabilitation programs, and local public safety grants. In 2009, the Legislature eliminated the VRDEA along with several other accounts and directed those funds be deposited in the State General Fund.

The Behavioral Health Loan Repayment Program was established in 2019 to address behavioral health professional shortages in rural and underserved urban communities. The program provides financial support to eligible licensed health professionals through loan repayment and conditional scholarships.

Summary of Bill (First Substitute): The state's portion of civil asset forfeiture collections must be deposited in the Behavioral Health Loan Repayment Program Account instead of the State General Fund. The Behavioral Health Loan Repayment Program Account will retain its own interest earnings.

Terminology is updated and other typographical changes are made.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

Amends other statutes addressing civil forfeiture to ensure the state portion of those forfeitures is directed to the Behavioral Health Loan Repayment Account. Specifically, statutory provisions are amended related to the seizure and forfeiture of: a person's vehicle upon the person's second or subsequent conviction for driving while intoxicated; property utilized in the commission of a felony; and property used in the commission of various sex crimes. Clarifies the Behavioral Health Loan Repayment Account retains its own interest earnings.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Funds from drug forfeitures can be quite substantial. This money should be going to a worthy cause. The Behavioral Health Loan Repayment Program (BHLRP) is a fairly rigorous program that seeks to keep behavioral health professionals in underserved areas. The forfeiture proceeds would be much better served going to this purpose rather than the general fund.

The amount of state proceeds from drug forfeitures vary, but averages out to \$1 million per year. This bill would simply direct those funds be deposited directly to the BHLRP account rather than the general fund.

Persons Testifying: PRO: Senator Jeff Holy, Prime Sponsor; Brenda Snyder, Washington State Treasurer's Office.

Persons Signed In To Testify But Not Testifying: No one.