

SENATE BILL REPORT

SB 5126

As Reported By Senate Committee On:
Natural Resources, January 24, 1995
Ways & Means, March 2, 1995

Title: An act relating to recovery of moneys pursuant to forfeitures or court-ordered restitution.

Brief Description: Authorizing retention of specified moneys recovered through forfeitures or court-ordered restitution.

Sponsors: Senators Drew, Oke and Owen; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources: 1/13/95, 1/24/95 [DPS].
Ways & Means: 2/22/95, 3/2/95 [DPS (NAT)].

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass.

Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Staff: Vic Moon (786-7469)

Background: Court-ordered restitution awards are deposited in the general fund and do not directly address natural resource damages resulting from fish and wildlife violations. Local judges are reluctant to require restitution in addition to penalties because restitution does not directly benefit fish and wildlife. There is also no method to recover costs of investigating natural resource violations. It is estimated that approximately \$100,000 in restitution awards and funds from sale of confiscated property are deposited each biennium into general fund-local or wildlife fund-local, instead of being used directly to recover special investigative or natural resource damage costs.

Summary of Substitute Bill: The Department of Fish and Wildlife is allowed to recover investigation and prosecution costs when property is seized or confiscated, and to recover restitution awards ordered by a court. "Net proceeds of forfeited property" is defined as the value of the property after deducting the cost of any security interest in the property and deducting the costs of investigation and prosecution related to the specific case. The wildlife portions of the fish and wildlife code are amended to allow the department to recover reimbursements for big game losses and restitution awards ordered by a court. The funds are used for investigation costs and natural resource programs.

Substitute Bill Compared to Original Bill: Language is added to insure the restitution moneys are used for natural resource restoration and not for department administration.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The department needs these funds to help with enforcement costs and natural resource restoration.

Testimony Against: None.

Testified: PRO: Dana Matthews, Dept. of Fisheries and Wildlife; Mark Cedergreen, Westport Charter Association.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5126 as recommended by Committee on Natural Resources be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Tracy Cox (786-7437)

Testimony For: The department needs these funds to help with enforcement costs and natural resource restoration.

Testimony Against: None.

Testified: Dana Matthews, Department of Fish and Wildlife (pro).