

# HOUSE BILL ANALYSIS

## HB 1364

**Brief Description:** Updating provisions about the seizure and forfeiture of gambling-related property.

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**Sponsors:** Representatives K. Schmidt, Delvin, Mitchell and Wensman; by request of the Gambling Commission

Hearing: February 5, 1997

### **BACKGROUND:**

Real and personal property that is involved in a violation of state gambling laws is subject to seizure by law enforcement officers. Once property is seized, law enforcement notifies the owner and the owner may seek recovery of the property. Property subject to seizure includes:

- gambling devices, such as, slot machines or video lottery terminals;
- furniture, fixtures, and equipment;
- vehicles including aircraft;
- books and records;
- money, negotiable instruments;
- other personal property acquired with proceeds of professional gambling; and
- real property.

If certain seized property is not claimed by the owner within a specified time period, it is forfeited. This property includes vehicles, money and negotiable instruments, personal property acquired with proceeds of professional gambling activity and real property. Any security interest that is held by innocent parties in property subject to seizure is protected.

A person claiming property that has been seized, other than gambling devices, may assert their ownership interest at an administrative hearing before the agency seizing the property or before a court. The law enforcement agency must return property that is shown to belong to the owner claiming it.

Only gambling devices or equipment authorized for use by the Commission can be lawfully owned or possessed in Washington. There is no authority for a person to own or possess a slot machine unless it is an antique slot machine not used for any gambling purpose.

The Commission and members of the Commission are protected from personal liability for their actions and actions of Commission employees while acting within the scope of their authority.

**SUMMARY OF BILL:**

Any property subject to seizure in connection with a violation of gambling laws may be forfeited without further hearing if, after notice is given to the owner, the owner fails to claim the property in the time required.

If the owner of a gambling device claims ownership of the machine that has been seized, he or she must be afforded a hearing on the claim of ownership. At the hearing, the only issues to be decided are whether the device is a gambling device and whether it is an antique device.

State and local law enforcement officers and any special agents of the Commission are protected from liability when engaged in enforcing gambling laws.

**RULES AUTHORITY:** The bill does not contain provisions addressing the rule-making powers of an agency.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of session in which bill is passed.