

# HOUSE BILL REPORT

## ESB 6561

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### As Passed House - Amended:

March 9, 2000

**Title:** An act relating to the Washington national guard.

**Brief Description:** Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws.

**Sponsors:** Senators Rossi, Patterson, Horn, Loveland, Heavey, Deccio, Rasmussen, Winsley, T. Sheldon and Haugen.

### Brief History:

#### Committee Activity:

State Government: 2/25/00 [DP].

#### Floor Activity:

Passed House - Amended: 3/9/00, 80-18.

### Brief Summary of Engrossed Bill

- Designates the Washington National Guard a law enforcement agency for the limited purpose of receiving property seized in federal drug investigations.

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## HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 5 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh and D. Schmidt.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Campbell, Republican Vice Chair; Dunshee and Lambert.

**Staff:** Jim Morishima (786-7191).

### Background:

The federal government may seize property used in connection with the illegal manufacture or distribution of controlled substances. The United States Attorney

General (USAG) may transfer such property to any state or local law enforcement agency that participated in the seizure. The property so transferred must bear a reasonable relationship to the degree of the state or local law enforcement agency's participation in the seizure.

Agencies receiving funds from the USAG must promptly deposit them into the public safety and education account. The agency may use any other property received from the USAG for purposes permitted by state and federal law.

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**Summary of Bill:**

The Washington National Guard is designated a law enforcement agency for the limited purpose of receiving seized property from the USAG. The National Guard must promptly deposit all money and property received from the USAG into the Public Safety and Education Account. The Washington National Guard must maintain a record of the property or money received and submit an annual report to the Legislature and the Governor. This neither grants the Washington National Guard any new law enforcement powers, nor creates any new obligation to the state with respect to pensions, funding, or liabilities.

The National Guard may not otherwise request, instigate, or exercise the powers, rights, or authority of a law enforcement agency. The National Guard also may not exercise any police powers except as authorized by the Governor or requested by another law enforcement agency in writing.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill would allow the Washington National Guard to receive assets if they help in drug seizures. The National Guard helps state, local, and federal law enforcement agencies in a variety of ways including by providing aircraft, and by initiating prevention programs. This bill would allow Federal money to be used for funding counter drug and prevention programs.

**Testimony Against:** None.

**Testified:** Senator Rossi, prime sponsor; and Colonel Drew Blazey, Washington National Guard.