
Judiciary Committee

SSB 5160

Title: An act relating to service of notice from seizing law enforcement agencies.

Brief Description: Concerning service of notice from seizing law enforcement agencies.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Tom).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Modifies notice provisions concerning challenges to the seizure of property made under the Uniform Controlled Substances Act.

Hearing Date: 3/25/09

Staff: Courtney Barnes (786-7194)

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 law enforcement agency must serve notice of the seizure on the owner of the property and on any person having any 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 his or her 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a claim of ownership or right to possession is made within the required time period, the person asserting an ownership interest or right to possession will be afforded a reasonable opportunity to be heard.

Summary of Bill:

A person asserting a claim of ownership or right to possession of personal property seized under the Uniform Controlled Substances Act must notify the seizing law enforcement agency of his or her ownership interest within 45 days of the service of notice from the seizing agency. In the case of a seizure of real property, the person asserting an ownership interest must notify the seizing law enforcement agency of his or her ownership interest within 90 days of the service of notice from the seizing agency.

The notice of claim must be served on the seizing law enforcement agency by any method authorized by law or court rule, including service by first-class mail. Service by mail is deemed complete upon mailing the notice of claim within the 45-day period following service of the notice of seizure.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.