

# FINAL BILL REPORT

## SSB 6253

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### C 140 L 12

Synopsis as Enacted

**Brief Description:** Concerning seizure and forfeiture of property in commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree crimes.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Eide, Kline, Regala, Shin, Kohl-Welles, Litzow, Chase, Stevens, Nelson, Keiser, Roach and Conway).

#### **Senate Committee on Judiciary**

#### **House Committee on Public Safety & Emergency Preparedness**

**Background:** Civil forfeiture is an action brought against assets which are either the alleged proceeds of a crime or the alleged instrumentalities of crime. Instrumentalities of crime are property that was allegedly used to facilitate a crime. The assets, consisting of all tangible and intangible property, are subject to forfeiture and no property right exists in them. Washington has a number of civil forfeiture provisions, most notably in the Uniform Controlled Substances Act and for crime victim compensation. Property, acquired by a person convicted of a crime for which there is a victim may be subject to forfeiture. The proceeds of a forfeiture as crime victim compensation are first used to compensate the victim of the crime, then for reasonable legal expenses, and finally to the crime victim's compensation fund.

**Summary:** Civil forfeiture may be sought against the proceeds or property and instrumentalities used to facilitate the crimes of commercial sexual abuse of a minor, promoting sexual abuse of a minor, or promoting prostitution in the first degree. A conviction is required. The property is not subject to forfeiture to the extent of the interest of an owner used or acquired without the owner's knowledge or consent. Seized property is subject to the interest of a secured party without knowledge or who did not consent. A landlord may also assert a claim against the proceeds of the forfeiture.

The property may be seized pursuant to an arrest, or upon probable cause. The hearing regarding the forfeiture is before the chief law enforcement officer of the seizing agency, but may be removed to a court upon motion by any person asserting a claim or right to the property. The burden of proof is on the agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture. A claimant who prevails in recovering

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seized property is entitled to reasonable attorney's fees. When property is forfeited, it must be sold and the proceeds deposited in the prostitution prevention and intervention account.

**Votes on Final Passage:**

Senate	49	0
House	97	0

**Effective:** June 7, 2012