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ENGROSSED SUBSTITUTE HOUSE BILL 1995

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State of Washington

57th Legislature

2001 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson and Wood)

Read first time 03/29/2001. Referred to Committee on .

1 AN ACT Relating to civil forfeitures of property; amending RCW  
2 69.50.505, 9A.83.030, and 69.50.520; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 69.50.505 and 1993 c 487 s 1 are each amended to read  
5 as follows:

6 (a) The following are subject to seizure and forfeiture and no  
7 property right exists in them:

8 (1) All controlled substances which have been manufactured,  
9 distributed, dispensed, acquired, or possessed in violation of this  
10 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as  
11 defined in RCW 64.44.010, used or intended to be used in the  
12 manufacture of controlled substances;

13 (2) All raw materials, products, and equipment of any kind which  
14 are used, or intended for use, in manufacturing, compounding,  
15 processing, delivering, importing, or exporting any controlled  
16 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

17 (3) All property which is used, or intended for use, as a container  
18 for property described in paragraphs (1) or (2);

1 (4) All conveyances, including aircraft, vehicles, or vessels,  
2 which are used, or intended for use, in any manner to facilitate the  
3 sale, delivery, or receipt of property described in paragraphs (1) or  
4 (2), except that:

5 (i) No conveyance used by any person as a common carrier in the  
6 transaction of business as a common carrier is subject to forfeiture  
7 under this section unless it appears that the owner or other person in  
8 charge of the conveyance is a consenting party or privy to a violation  
9 of this chapter or chapter 69.41 or 69.52 RCW;

10 (ii) No conveyance is subject to forfeiture under this section by  
11 reason of any act or omission established by the owner thereof to have  
12 been committed or omitted without the owner's knowledge or consent;

13 (iii) No conveyance is subject to forfeiture under this section if  
14 used in the receipt of only an amount of marijuana for which possession  
15 constitutes a misdemeanor under RCW 69.50.401(e);

16 (iv) A forfeiture of a conveyance encumbered by a bona fide  
17 security interest is subject to the interest of the secured party if  
18 the secured party neither had knowledge of nor consented to the act or  
19 omission; and

20 (v) When the owner of a conveyance has been arrested under this  
21 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the  
22 person is arrested may not be subject to forfeiture unless it is seized  
23 or process is issued for its seizure within ten days of the owner's  
24 arrest;

25 (5) All books, records, and research products and materials,  
26 including formulas, microfilm, tapes, and data which are used, or  
27 intended for use, in violation of this chapter or chapter 69.41 or  
28 69.52 RCW;

29 (6) All drug paraphernalia;

30 (7) All moneys, negotiable instruments, securities, or other  
31 tangible or intangible property of value furnished or intended to be  
32 furnished by any person in exchange for a controlled substance in  
33 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible  
34 or intangible personal property, proceeds, or assets acquired in whole  
35 or in part with proceeds traceable to an exchange or series of  
36 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,  
37 and all moneys, negotiable instruments, and securities used or intended  
38 to be used to facilitate any violation of this chapter or chapter 69.41  
39 or 69.52 RCW. A forfeiture of money, negotiable instruments,

1 securities, or other tangible or intangible property encumbered by a  
2 bona fide security interest is subject to the interest of the secured  
3 party if, at the time the security interest was created, the secured  
4 party neither had knowledge of nor consented to the act or omission.  
5 No personal property may be forfeited under this paragraph, to the  
6 extent of the interest of an owner, by reason of any act or omission  
7 which that owner establishes was committed or omitted without the  
8 owner's knowledge or consent; and

9 (8) All real property, including any right, title, and interest in  
10 the whole of any lot or tract of land, and any appurtenances or  
11 improvements which are being used with the knowledge of the owner for  
12 the manufacturing, compounding, processing, delivery, importing, or  
13 exporting of any controlled substance, or which have been acquired in  
14 whole or in part with proceeds traceable to an exchange or series of  
15 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,  
16 if such activity is not less than a class C felony and a substantial  
17 nexus exists between the commercial production or sale of the  
18 controlled substance and the real property. However:

19 (i) No property may be forfeited pursuant to this subsection, to  
20 the extent of the interest of an owner, by reason of any act or  
21 omission committed or omitted without the owner's knowledge or consent;

22 (ii) The bona fide gift of a controlled substance, legend drug, or  
23 imitation controlled substance shall not result in the forfeiture of  
24 real property;

25 (iii) The possession of marijuana shall not result in the  
26 forfeiture of real property unless the marijuana is possessed for  
27 commercial purposes, the amount possessed is five or more plants or one  
28 pound or more of marijuana, and a substantial nexus exists between the  
29 possession of marijuana and the real property. In such a case, the  
30 intent of the offender shall be determined by the preponderance of the  
31 evidence, including the offender's prior criminal history, the amount  
32 of marijuana possessed by the offender, the sophistication of the  
33 activity or equipment used by the offender, and other evidence which  
34 demonstrates the offender's intent to engage in commercial activity;

35 (iv) The unlawful sale of marijuana or a legend drug shall not  
36 result in the forfeiture of real property unless the sale was forty  
37 grams or more in the case of marijuana or one hundred dollars or more  
38 in the case of a legend drug, and a substantial nexus exists between  
39 the unlawful sale and the real property; and

1 (v) A forfeiture of real property encumbered by a bona fide  
2 security interest is subject to the interest of the secured party if  
3 the secured party, at the time the security interest was created,  
4 neither had knowledge of nor consented to the act or omission.

5 (b) Real or personal property subject to forfeiture under this  
6 chapter may be seized by any board inspector or law enforcement officer  
7 of this state upon process issued by any superior court having  
8 jurisdiction over the property. Seizure of real property shall include  
9 the filing of a lis pendens by the seizing agency. Real property  
10 seized under this section shall not be transferred or otherwise  
11 conveyed until ninety days after seizure or until a judgment of  
12 forfeiture is entered, whichever is later: PROVIDED, That real  
13 property seized under this section may be transferred or conveyed to  
14 any person or entity who acquires title by foreclosure or deed in lieu  
15 of foreclosure of a security interest. Seizure of personal property  
16 without process may be made if:

17 (1) The seizure is incident to an arrest or a search under a search  
18 warrant or an inspection under an administrative inspection warrant;

19 (2) The property subject to seizure has been the subject of a prior  
20 judgment in favor of the state in a criminal injunction or forfeiture  
21 proceeding based upon this chapter;

22 (3) A board inspector or law enforcement officer has probable cause  
23 to believe that the property is directly or indirectly dangerous to  
24 health or safety; or

25 (4) The board inspector or law enforcement officer has probable  
26 cause to believe that the property was used or is intended to be used  
27 in violation of this chapter.

28 (c) In the event of seizure pursuant to subsection (b), proceedings  
29 for forfeiture shall be deemed commenced by the seizure. The law  
30 enforcement agency under whose authority the seizure was made shall  
31 cause notice to be served within fifteen days following the seizure on  
32 the owner of the property seized and the person in charge thereof and  
33 any person having any known right or interest therein, including any  
34 community property interest, of the seizure and intended forfeiture of  
35 the seized property. Service of notice of seizure of real property  
36 shall be made according to the rules of civil procedure. However, the  
37 state may not obtain a default judgment with respect to real property  
38 against a party who is served by substituted service absent an  
39 affidavit stating that a good faith effort has been made to ascertain

1 if the defaulted party is incarcerated within the state, and that there  
2 is no present basis to believe that the party is incarcerated within  
3 the state. Notice of seizure in the case of property subject to a  
4 security interest that has been perfected by filing a financing  
5 statement in accordance with chapter ((62A.9)) 62A.9A RCW, or a  
6 certificate of title, shall be made by service upon the secured party  
7 or the secured party's assignee at the address shown on the financing  
8 statement or the certificate of title. The notice of seizure in other  
9 cases may be served by any method authorized by law or court rule  
10 including but not limited to service by certified mail with return  
11 receipt requested. Service by mail shall be deemed complete upon  
12 mailing within the fifteen day period following the seizure.

13 (d) If no person notifies the seizing law enforcement agency in  
14 writing of the person's claim of ownership or right to possession of  
15 items specified in subsection (a)(4), (a)(7), or (a)(8) of this section  
16 within forty-five days of the seizure in the case of personal property  
17 and ninety days in the case of real property, the item seized shall be  
18 deemed forfeited. The community property interest in real property of  
19 a person whose spouse committed a violation giving rise to seizure of  
20 the real property may not be forfeited if the person did not  
21 participate in the violation.

22 (e) If any person notifies the seizing law enforcement agency in  
23 writing of the person's claim of ownership or right to possession of  
24 items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6),  
25 (a)(7), or (a)(8) of this section within forty-five days of the seizure  
26 in the case of personal property and ninety days in the case of real  
27 property, the person or persons shall be afforded a reasonable  
28 opportunity to be heard as to the claim or right. The hearing shall be  
29 before the chief law enforcement officer of the seizing agency or the  
30 chief law enforcement officer's designee, except where the seizing  
31 agency is a state agency as defined in RCW 34.12.020(4), the hearing  
32 shall be before the chief law enforcement officer of the seizing agency  
33 or an administrative law judge appointed under chapter 34.12 RCW,  
34 except that any person asserting a claim or right may remove the matter  
35 to a court of competent jurisdiction. Removal of any matter involving  
36 personal property may only be accomplished according to the rules of  
37 civil procedure. The person seeking removal of the matter must serve  
38 process against the state, county, political subdivision, or  
39 municipality that operates the seizing agency, and any other party of

1 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-  
2 five days after the person seeking removal has notified the seizing law  
3 enforcement agency of the person's claim of ownership or right to  
4 possession. The court to which the matter is to be removed shall be  
5 the district court when the aggregate value of personal property is  
6 within the jurisdictional limit set forth in RCW 3.66.020. A hearing  
7 before the seizing agency and any appeal therefrom shall be under Title  
8 34 RCW. ~~((In a court hearing between two or more claimants to the  
9 article or articles involved, the prevailing party shall be entitled to  
10 a judgment for costs and reasonable attorney's fees. In cases  
11 involving personal property, the burden of producing evidence shall be  
12 upon the person claiming to be the lawful owner or the person claiming  
13 to have the lawful right to possession of the property.))~~ In all cases  
14 ~~((involving real property)),~~ the burden of ~~((producing evidence shall  
15 be))~~ proof is upon the law enforcement agency to establish, by a  
16 preponderance of the evidence, that the property is subject to  
17 forfeiture. ~~((The burden of proof that the seized real property is  
18 subject to forfeiture shall be upon the law enforcement agency.))~~

19 The seizing law enforcement agency shall promptly return the  
20 article or articles to the claimant upon a determination by the  
21 administrative law judge or court that the claimant is the present  
22 lawful owner or is lawfully entitled to possession thereof of items  
23 specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7),  
24 or (a)(8) of this section.

25 (f) In any proceeding to forfeit property under this title, where  
26 the claimant substantially prevails, the claimant is entitled to  
27 reasonable attorneys' fees reasonably incurred by the claimant. In  
28 addition, in a court hearing between two or more claimants to the  
29 article or articles involved, the prevailing party is entitled to a  
30 judgment for costs and reasonable attorneys' fees.

31 (g) When property is forfeited under this chapter the board or  
32 seizing law enforcement agency may:

33 (1) Retain it for official use or upon application by any law  
34 enforcement agency of this state release such property to such agency  
35 for the exclusive use of enforcing the provisions of this chapter;

36 (2) Sell that which is not required to be destroyed by law and  
37 which is not harmful to the public;

1 (3) Request the appropriate sheriff or director of public safety to  
2 take custody of the property and remove it for disposition in  
3 accordance with law; or

4 (4) Forward it to the drug enforcement administration for  
5 disposition.

6 ~~((g))~~ (h)(1) When property is forfeited, the seizing agency shall  
7 keep a record indicating the identity of the prior owner, if known, a  
8 description of the property, the disposition of the property, the value  
9 of the property at the time of seizure, and the amount of proceeds  
10 realized from disposition of the property.

11 (2) Each seizing agency shall retain records of forfeited property  
12 for at least seven years.

13 (3) Each seizing agency shall file a report including a copy of the  
14 records of forfeited property with the state treasurer each calendar  
15 quarter.

16 (4) The quarterly report need not include a record of forfeited  
17 property that is still being held for use as evidence during the  
18 investigation or prosecution of a case or during the appeal from a  
19 conviction.

20 ~~((h))~~ (i)(1) By January 31st of each year, each seizing agency  
21 shall remit to the state treasurer an amount equal to ten percent of  
22 the net proceeds of any property forfeited during the preceding  
23 calendar year. Money remitted shall be deposited in the violence  
24 reduction and drug enforcement ~~((and education))~~ account under RCW  
25 69.50.520.

26 (2) The net proceeds of forfeited property is the value of the  
27 forfeitable interest in the property after deducting the cost of  
28 satisfying any bona fide security interest to which the property is  
29 subject at the time of seizure; and in the case of sold property, after  
30 deducting the cost of sale, including reasonable fees or commissions  
31 paid to independent selling agents, and the cost of any valid  
32 landlord's claim for damages under subsection ~~((n))~~ (o) of this  
33 section.

34 (3) The value of sold forfeited property is the sale price. The  
35 value of retained forfeited property is the fair market value of the  
36 property at the time of seizure, determined when possible by reference  
37 to an applicable commonly used index, such as the index used by the  
38 department of licensing for valuation of motor vehicles. A seizing  
39 agency may use, but need not use, an independent qualified appraiser to

1 determine the value of retained property. If an appraiser is used, the  
2 value of the property appraised is net of the cost of the appraisal.  
3 The value of destroyed property and retained firearms or illegal  
4 property is zero.

5 ~~((i))~~ (j) Forfeited property and net proceeds not required to be  
6 paid to the state treasurer shall be retained by the seizing law  
7 enforcement agency exclusively for the expansion and improvement of  
8 controlled substances related law enforcement activity. Money retained  
9 under this section may not be used to supplant preexisting funding  
10 sources.

11 ~~((j))~~ (k) Controlled substances listed in Schedule I, II, III,  
12 IV, and V that are possessed, transferred, sold, or offered for sale in  
13 violation of this chapter are contraband and shall be seized and  
14 summarily forfeited to the state. Controlled substances listed in  
15 Schedule I, II, III, IV, and V, which are seized or come into the  
16 possession of the board, the owners of which are unknown, are  
17 contraband and shall be summarily forfeited to the board.

18 ~~((k))~~ (l) Species of plants from which controlled substances in  
19 Schedules I and II may be derived which have been planted or cultivated  
20 in violation of this chapter, or of which the owners or cultivators are  
21 unknown, or which are wild growths, may be seized and summarily  
22 forfeited to the board.

23 ~~((l))~~ (m) The failure, upon demand by a board inspector or law  
24 enforcement officer, of the person in occupancy or in control of land  
25 or premises upon which the species of plants are growing or being  
26 stored to produce an appropriate registration or proof that he is the  
27 holder thereof constitutes authority for the seizure and forfeiture of  
28 the plants.

29 ~~((m))~~ (n) Upon the entry of an order of forfeiture of real  
30 property, the court shall forward a copy of the order to the assessor  
31 of the county in which the property is located. Orders for the  
32 forfeiture of real property shall be entered by the superior court,  
33 subject to court rules. Such an order shall be filed by the seizing  
34 agency in the county auditor's records in the county in which the real  
35 property is located.

36 ~~((n))~~ (o) A landlord may assert a claim against proceeds from the  
37 sale of assets seized and forfeited under subsection ~~((f))~~ (g)(2) of  
38 this section, only if:

1 (1) A law enforcement officer, while acting in his or her official  
2 capacity, directly caused damage to the complaining landlord's property  
3 while executing a search of a tenant's residence; and

4 (2) The landlord has applied any funds remaining in the tenant's  
5 deposit, to which the landlord has a right under chapter 59.18 RCW, to  
6 cover the damage directly caused by a law enforcement officer prior to  
7 asserting a claim under the provisions of this section;

8 (i) Only if the funds applied under (2) of this subsection are  
9 insufficient to satisfy the damage directly caused by a law enforcement  
10 officer, may the landlord seek compensation for the damage by filing a  
11 claim against the governmental entity under whose authority the law  
12 enforcement agency operates within thirty days after the search;

13 (ii) Only if the governmental entity denies or fails to respond to  
14 the landlord's claim within sixty days of the date of filing, may the  
15 landlord collect damages under this subsection by filing within thirty  
16 days of denial or the expiration of the sixty-day period, whichever  
17 occurs first, a claim with the seizing law enforcement agency. The  
18 seizing law enforcement agency must notify the landlord of the status  
19 of the claim by the end of the thirty-day period. Nothing in this  
20 section requires the claim to be paid by the end of the sixty-day or  
21 thirty-day period.

22 (3) For any claim filed under (2) of this subsection, the law  
23 enforcement agency shall pay the claim unless the agency provides  
24 substantial proof that the landlord either:

25 (i) Knew or consented to actions of the tenant in violation of this  
26 chapter or chapter 69.41 or 69.52 RCW; or

27 (ii) Failed to respond to a notification of the illegal activity,  
28 provided by a law enforcement agency under RCW 59.18.075, within seven  
29 days of receipt of notification of the illegal activity.

30 ~~((+e+))~~ (p) The landlord's claim for damages under subsection  
31 ~~((+n+))~~ (o) of this section may not include a claim for loss of  
32 business and is limited to:

33 (1) Damage to tangible property and clean-up costs;

34 (2) The lesser of the cost of repair or fair market value of the  
35 damage directly caused by a law enforcement officer;

36 (3) The proceeds from the sale of the specific tenant's property  
37 seized and forfeited under subsection ~~((+f+))~~ (g)(2) of this section;

38 and

1 (4) The proceeds available after the seizing law enforcement agency  
2 satisfies any bona fide security interest in the tenant's property and  
3 costs related to sale of the tenant's property as provided by  
4 subsection ~~((h))~~ (i)(2) of this section.

5 ~~((p))~~ (q) Subsections ~~((n))~~ (o) and ~~((o))~~ (p) of this section  
6 do not limit any other rights a landlord may have against a tenant to  
7 collect for damages. However, if a law enforcement agency satisfies a  
8 landlord's claim under subsection ~~((n))~~ (o) of this section, the  
9 rights the landlord has against the tenant for damages directly caused  
10 by a law enforcement officer under the terms of the landlord and  
11 tenant's contract are subrogated to the law enforcement agency.

12 **Sec. 2.** RCW 9A.83.030 and 1992 c 210 s 3 are each amended to read  
13 as follows:

14 (1) Proceeds traceable to or derived from specified unlawful  
15 activity or a violation of RCW 9A.83.020 are subject to seizure and  
16 forfeiture. The attorney general or county prosecuting attorney may  
17 file a civil action for the forfeiture of proceeds. Unless otherwise  
18 provided for under this section, no property rights exist in these  
19 proceeds. All right, title, and interest in the proceeds shall vest in  
20 the governmental entity of which the seizing law enforcement agency is  
21 a part upon commission of the act or omission giving rise to forfeiture  
22 under this section.

23 (2) Real or personal property subject to forfeiture under this  
24 chapter may be seized by any law enforcement officer of this state upon  
25 process issued by a superior court that has jurisdiction over the  
26 property. Any agency seizing real property shall file a lis pendens  
27 concerning the property. Real property seized under this section shall  
28 not be transferred or otherwise conveyed until ninety days after  
29 seizure or until a judgment of forfeiture is entered, whichever is  
30 later. Real property seized under this section may be transferred or  
31 conveyed to any person or entity who acquires title by foreclosure or  
32 deed in lieu of foreclosure of a security interest. Seizure of  
33 personal property without process may be made if:

34 (a) The seizure is incident to an arrest or a search under a search  
35 warrant or an inspection under an administrative inspection warrant  
36 issued pursuant to RCW 69.50.502; or

1 (b) The property subject to seizure has been the subject of a prior  
2 judgment in favor of the state in a criminal injunction or forfeiture  
3 proceeding based upon this chapter.

4 (3) A seizure under subsection (2) of this section commences  
5 proceedings for forfeiture. The law enforcement agency under whose  
6 authority the seizure was made shall cause notice of the seizure and  
7 intended forfeiture of the seized proceeds to be served within fifteen  
8 days after the seizure on the owner of the property seized and the  
9 person in charge thereof and any person who has a known right or  
10 interest therein, including a community property interest. Service of  
11 notice of seizure of real property shall be made according to the rules  
12 of civil procedure. However, the state may not obtain a default  
13 judgment with respect to real property against a party who is served by  
14 substituted service absent an affidavit stating that a good faith  
15 effort has been made to ascertain if the defaulted party is  
16 incarcerated within the state, and that there is no present basis to  
17 believe that the party is incarcerated within the state. The notice of  
18 seizure in other cases may be served by any method authorized by law or  
19 court rule including but not limited to service by certified mail with  
20 return receipt requested. Service by mail is complete upon mailing  
21 within the fifteen-day period after the seizure.

22 (4) If no person notifies the seizing law enforcement agency in  
23 writing of the person's claim of ownership or right to possession of  
24 the property within forty-five days of the seizure in the case of  
25 personal property and ninety days in the case of real property, the  
26 property seized shall be deemed forfeited. The community property  
27 interest in real property of a person whose spouse committed a  
28 violation giving rise to seizure of the real property may not be  
29 forfeited if the person did not participate in the violation.

30 (5) If a person notifies the seizing law enforcement agency in  
31 writing of the person's claim of ownership or right to possession of  
32 property within forty-five days of the seizure in the case of personal  
33 property and ninety days in the case of real property, the person or  
34 persons shall be afforded a reasonable opportunity to be heard as to  
35 the claim or right. The provisions of RCW 69.50.505(e) shall apply to  
36 any such hearing. The seizing law enforcement agency shall promptly  
37 return property to the claimant upon the direction of the  
38 administrative law judge or court.

1 (6) Disposition of forfeited property shall be made in the manner  
2 provided for in RCW 69.50.505 (~~((g))~~) (h) through (~~((i))~~) (j) and  
3 (~~((m))~~) (n).

4 **Sec. 3.** RCW 69.50.520 and 2000 2nd sp.s. c 1 s 917 are each  
5 amended to read as follows:

6 The violence reduction and drug enforcement account is created in  
7 the state treasury. All designated receipts from RCW 9.41.110(8),  
8 66.24.210(4), 66.24.290(2), 69.50.505(~~((h))~~) (i)(1), 82.08.150(5),  
9 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989  
10 shall be deposited into the account. Expenditures from the account may  
11 be used only for funding services and programs under chapter 271, Laws  
12 of 1989 and chapter 7, Laws of 1994 sp. sess., including state  
13 incarceration costs. Funds from the account may also be appropriated  
14 to reimburse local governments for costs associated with implementing  
15 criminal justice legislation including chapter 338, Laws of 1997.  
16 During the 1999-2001 biennium, funds from the account may also be used  
17 for costs associated with providing grants to local governments in  
18 accordance with chapter 338, Laws of 1997, the design, sitework, and  
19 construction of the special commitment center, the replacement of the  
20 department of corrections' offender-based tracking system, and for  
21 multijurisdictional narcotics task forces. After July 1, 2001, at  
22 least seven and one-half percent of expenditures from the account shall  
23 be used for providing grants to community networks under chapter 70.190  
24 RCW by the family policy council.

25 NEW SECTION. **Sec. 4.** (1) The senate and house of representatives  
26 judiciary committees shall convene a workgroup to evaluate Washington  
27 civil forfeiture laws and practices. The efforts of the workgroup  
28 shall include: An evaluation of the enacted changes to the federal  
29 civil forfeiture act and how they compare to current Washington law; an  
30 analysis of whether a requirement for a criminal conviction before  
31 civil forfeiture would raise additional constitutional issues; a  
32 comprehensive review of every civil forfeiture case that took place in  
33 Washington state under state law during the year 2000; a discussion of  
34 recommendations and issues in the Washington civil forfeiture statutes,  
35 including issues upon which the workgroup can agree and those that  
36 remain in dispute; and any other civil forfeiture issues identified by  
37 the workgroup during its deliberations.

1 (2) The workgroup shall consist of sixteen members. Four members  
2 shall be from the senate, two from each caucus to be appointed by the  
3 president of the senate, and four members shall be from the house of  
4 representatives, two from each caucus to be appointed by the co-  
5 speakers of the house of representatives. The American civil liberties  
6 union, the Washington association of sheriffs and police chiefs, the  
7 Washington association of prosecuting attorneys, and the Washington  
8 association of criminal defense lawyers may appoint two representatives  
9 each to participate in the workgroup.

10 (3) The members of the legislature appointed to the workgroup shall  
11 be paid by the legislature under chapter 44.04 RCW. Support staff for  
12 the workgroup shall be provided by the senate committee services and  
13 the office of program research.

14 (4) The workgroup shall submit its findings and recommendations to  
15 the senate judiciary committee and house of representatives judiciary  
16 committee not later than December 1, 2001. The workgroup shall  
17 terminate on December 15, 2001.

18 NEW SECTION. **Sec. 5.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

--- END ---