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**Criminal Justice & Corrections  
Committee**

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**HB 2854**

**Brief Description:** Revising provisions concerning seizure, forfeiture, and destruction of explosives.

**Sponsors:** Representatives Delvin, Lovick, O'Brien, Lantz and Bush.

**Brief Summary of Bill**

- Authorizes a law enforcement agency to destroy seized explosives, improvised devices, or their components if it determines that storage is impractical or unsafe.
- Requires a law enforcement agency that destroys seized materials to follow certain procedures and keep certain records for evidentiary purposes.

**Hearing Date:** 2/3/04

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

**Background:**

The Washington State Explosives Act governs the manufacture, use, and handling of explosives. The act permits a law enforcement agency to seize explosives, improvised devices, and components used in violation of the law. The law enforcement agency is required to destroy seized materials when it is necessary to protect the public safety and welfare. Civil forfeiture proceedings commence unless destruction is necessary, or the materials are being held for evidence.

Generally, it is within the discretion of a trial court to determine whether photographs or videotapes are admissible. The Washington Rules of Evidence do require that a videotape must be properly authenticated and be relevant in order to be admitted as demonstrative evidence.

**Summary of Bill:**

A law enforcement agency may destroy seized explosives, improvised devices, or their components if the agency determines that it is impractical or unsafe to store them.

If the agency destroys materials, it must make a visual recording of the materials and their destruction, keep a sample where practicable, and make a report of the materials destroyed and the

time, location, and reason for destruction. These records, reports, and samples are admissible as evidence in place of the materials destroyed.

Materials not destroyed or kept for evidentiary purposes are to undergo civil forfeiture proceedings.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2004.

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