
HOUSE BILL 1385

State of Washington

68th Legislature

2023 Regular Session

By Representatives Hackney, Goodman, Fitzgibbon, and Simmons

Read first time 01/17/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to seizure and forfeiture procedures and
2 reporting; amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010,
3 19.290.230, 46.61.5058, 70.74.400, 77.15.070, and 38.42.020;
4 reenacting and amending 69.50.505; adding a new chapter to Title 7
5 RCW; creating a new section; prescribing penalties; and providing an
6 effective date.

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

8 NEW SECTION. **Sec. 1.** This chapter provides standard procedures
9 governing civil asset forfeiture and is applicable to laws of this
10 state that authorize civil forfeiture of property and that indicate
11 the provisions of this chapter apply.

12 NEW SECTION. **Sec. 2.** (1) Except with respect to contraband
13 items, which shall be seized and summarily forfeited, proceedings for
14 forfeiture are deemed commenced by the seizure. The agency under
15 whose authority the seizure was made shall cause notice to be served
16 within 15 days following the seizure on the owner of the property
17 seized and the person in charge thereof and any person having any
18 known right or interest therein, including any community property
19 interest, of the seizure and intended forfeiture of the seized
20 property. Service of notice of seizure of real property must be made

1 according to the rules of civil procedure. However, a default
2 judgment with respect to real property may not be obtained against a
3 party who is served by substituted service absent an affidavit
4 stating that a good faith effort has been made to ascertain if the
5 defaulted party is incarcerated within the state, and that there is
6 no present basis to believe that the party is incarcerated within the
7 state. Notice of seizure in the case of property subject to a
8 security interest that has been perfected by filing a financing
9 statement in accordance with chapter 62A.9A RCW, or a certificate of
10 title, must be made by service upon the secured party or the secured
11 party's assignee at the address shown on the financing statement or
12 the certificate of title. The notice of seizure in other cases may be
13 served by any method authorized by law or court rule including, but
14 not limited to, service by certified mail with return receipt
15 requested. Service by mail is deemed complete upon mailing within the
16 15-day period following the seizure.

17 (2) If no person notifies the seizing agency in writing of the
18 person's claim of ownership or right to possession of an item seized
19 within 60 days of the service of notice from the seizing agency in
20 the case of personal property and 120 days in the case of real
21 property, the item seized is deemed forfeited. The community property
22 interest in real property of a person whose spouse or domestic
23 partner committed a violation giving rise to seizure of the real
24 property may not be forfeited if the person did not participate in
25 the violation.

26 (3) If any person notifies the seizing agency in writing of the
27 person's claim of ownership or right to possession of an item seized
28 within 60 days of the service of notice from the seizing agency in
29 the case of personal property and 120 days in the case of real
30 property, the person or persons must be afforded a reasonable
31 opportunity to be heard as to the claim or right. The notice of claim
32 may be served by any method authorized by law or court rule
33 including, but not limited to, service by first-class mail. Service
34 by mail is deemed complete upon mailing within the 60-day period
35 following service of the notice of seizure in the case of personal
36 property and within the 120-day period following service of the
37 notice of seizure in the case of real property.

38 (4) The hearing must be before the chief law enforcement officer
39 of the seizing agency or the chief law enforcement officer's
40 designee, except that where the seizing agency is a state agency as

1 defined in RCW 34.12.020(4), the hearing must be before the chief law
2 enforcement officer of the seizing agency or an administrative law
3 judge appointed under chapter 34.12 RCW. Such a hearing and any
4 appeal therefrom must be under Title 34 RCW.

5 (5) Any person asserting a claim or right may remove the matter
6 to a court of competent jurisdiction. Removal of any matter involving
7 personal property may only be accomplished according to the rules of
8 civil procedure. The person seeking removal of the matter must serve
9 process against the state, county, political subdivision, or
10 municipality that operates the seizing agency, and any other party of
11 interest, in accordance with RCW 4.28.080 or 4.92.020, within 45 days
12 after the person seeking removal has notified the seizing agency of
13 the person's claim of ownership or right to possession. The court to
14 which the matter is to be removed must be the district court when the
15 aggregate value of personal property is within the jurisdictional
16 limit set forth in RCW 3.66.020.

17 (6) (a) Whether the matter is heard under Title 34 RCW pursuant to
18 subsection (4) of this section or removed to court pursuant to
19 subsection (5) of this section, the burden of proof is upon the
20 seizing agency to establish, by a preponderance of the evidence, that
21 the property is subject to forfeiture.

22 (b) No personal property may be forfeited to the extent of the
23 interest of an owner, by reason of any act or omission committed or
24 omitted without the owner's knowledge or consent;

25 (c) No real property may be forfeited to the extent of the
26 interest of an owner, by reason of any act or omission committed or
27 omitted without the owner's knowledge or consent.

28 (d) A forfeiture of real property encumbered by a bona fide
29 security interest is subject to the interest of the secured party if
30 the secured party, at the time the security interest was created,
31 neither had knowledge of nor consented to the act or omission.

32 (7) The seizing agency shall promptly return seized items, in the
33 same or substantially similar condition as when they were seized, to
34 the claimant upon a determination by the administrative law judge or
35 court that the claimant is the present lawful owner or is lawfully
36 entitled to possession thereof.

37 (8) In any proceeding to forfeit property under this chapter,
38 where the claimant substantially prevails, the claimant is entitled
39 to reasonable attorneys' fees reasonably incurred by the claimant.

1 (9) The protections afforded by the service members' civil relief
2 act, chapter 38.42 RCW, are applicable to proceedings under this
3 chapter.

4 NEW SECTION. **Sec. 3.** (1) Upon the entry of an order of
5 forfeiture of real property, the court shall forward a copy of the
6 order to the assessor of the county in which the property is located.
7 Orders for the forfeiture of real property shall be entered by the
8 superior court, subject to court rules. Such an order shall be filed
9 by the seizing agency in the county auditor's records in the county
10 in which the real property is located.

11 (2)(a) A landlord may assert a claim against proceeds from the
12 sale of assets seized and forfeited only if:

13 (i) An employee, agent, or officer of the seizing agency, while
14 acting in his or her official capacity, directly caused damage to the
15 complaining landlord's property while executing a search of a
16 tenant's residence; and

17 (ii) The landlord has applied any funds remaining in the tenant's
18 deposit, to which the landlord has a right under chapter 59.18 RCW,
19 to cover the damage directly caused by the employee, agent, or
20 officer of the seizing agency prior to asserting a claim under the
21 provisions of this section;

22 (A) Only if the funds applied under (a)(ii) of this subsection
23 are insufficient to satisfy the damage directly caused by the
24 employee, agent, or officer of the seizing agency, may the landlord
25 seek compensation for the damage by filing a claim against the
26 governmental entity under whose authority the seizing agency operates
27 within 30 days after the search;

28 (B) Only if the governmental entity denies or fails to respond to
29 the landlord's claim within 60 days of the date of filing, may the
30 landlord collect damages under this subsection by filing within 30
31 days of denial or the expiration of the 60-day period, whichever
32 occurs first, a claim with the seizing agency. The seizing agency
33 must notify the landlord of the status of the claim by the end of the
34 30-day period. Nothing in this section requires the claim to be paid
35 by the end of the 60-day or 30-day period.

36 (b) For any claim filed under (a)(ii) of this subsection, the
37 seizing agency shall pay the claim unless the agency provides
38 substantial proof that the landlord either:

1 (i) Knew or consented to actions of the tenant in violation of
2 this chapter or the chapter pursuant to which the seizure was made;
3 or

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

7 (3) The landlord's claim for damages under subsection (2) of this
8 section may not include a claim for loss of business and is limited
9 to:

10 (a) Damage to tangible property and clean-up costs;

11 (b) The lesser of the cost of repair or fair market value of the
12 damage directly caused by the employee, agent, or officer of the
13 seizing agency;

14 (c) The proceeds from the sale of the specific tenant's property
15 seized and forfeited; and

16 (d) The proceeds available after the seizing law enforcement
17 agency satisfies any bona fide security interest in the tenant's
18 property and costs related to sale of the tenant's property.

19 (4) Subsections (2) and (3) of this section do not limit any
20 other rights a landlord may have against a tenant to collect for
21 damages. However, if a seizing agency satisfies a landlord's claim
22 under subsection (2) of this section, the rights the landlord has
23 against the tenant for damages directly caused by an employee, agent,
24 or officer of the seizing agency under the terms of the landlord and
25 tenant's contract are subrogated to the seizing agency.

26 NEW SECTION. **Sec. 4.** When property is forfeited under this
27 chapter, the seizing agency may, after satisfying any court-ordered
28 restitution:

29 (1) Retain it for official use or upon application by any law
30 enforcement agency of this state release such property to such agency
31 to be used in enforcement;

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

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

37 (4) Forward it to an appropriate entity, such as the drug
38 enforcement administration, for disposition; or

39 (5) Take any other action allowed by statute.

1 NEW SECTION.

Sec. 5.

(1) This section is applicable to all seizures by seizing agencies, regardless of whether the seizure is:

3 (a) Pursuant to this chapter;

4 (b) Pursuant to any other section in the Revised Code of
5 Washington that authorizes seizure; or

6 (c) Conducted in collaboration with a federal agency under
7 federal law.

8 (2) For purposes of this section, "seizing agency" means any
9 police force, multijurisdictional task force, fire department, or
10 other municipal, county, or state agency that has authority under
11 state law or collaborates with a federal agency under federal law to
12 seize property.

13 (3)(a) The seizing agency must keep a record, about property
14 seized and forfeited under state law and any agreement with any
15 federal agency, of each forfeiture indicating:

16 (i) The name of the seizing agency;

17 (ii) Date of seizure;

18 (iii) Type of property seized;

19 (iv) Description of the property including make, model, year, and
20 serial number;

21 (v) Street address or description of the location where the
22 seizure occurred;

23 (vi) Whether the seizure was adopted by the federal government,
24 part of a joint task force with the federal government, or other
25 arrangement with the federal government;

26 (vii) Whether the forfeiture was contested by a suspect, innocent
27 owner claimant, joint owner, or other property owner;

28 (viii) Disposition of the property through the forfeiture
29 process, such as returned to suspect, returned to a joint owner or
30 third-party owner, sold, destroyed, or retained by a law enforcement
31 agency;

32 (ix) Date of disposition of the property;

33 (x) Whether the forfeiture was resolved by way of a default,
34 contested hearing or agreed disposition or settlement;

35 (xi) Value of the property forfeited; and

36 (xii) The net proceeds retained by the law enforcement agency
37 that seized the property.

38 (b) Annually, on a date specified by the state treasurer, the
39 seizing agency shall file a report, that includes all of the records
40 in (a) of this subsection, to the state treasurer. The state

1 treasurer must establish and maintain a searchable public web site
2 that includes all of the records in (a) of this subsection. The
3 annual report need not include a record of forfeited property that is
4 still being held for use as evidence during the investigation or
5 prosecution of a case or during the appeal from a conviction. The
6 commander of a multijurisdictional task force may appoint one agency
7 to report its seizures. If an agency has made no seizures during the
8 previous year, a null report must be filed by the agency specifying
9 that it did not engage in seizures or forfeitures during the
10 reporting period.

11 (c) By March 1st each year, the seizing agency shall file with
12 the state treasurer a report that summarizes the agency's
13 expenditures from the sum of the net proceeds of all seized and
14 forfeited property during the previous calendar year. The report must
15 be posted and made available on the web site created in this
16 subsection (3). The report must use the following categories to
17 summarize expenditures and values:

- 18 (i) Abuse, crime, and gang prevention programs;
- 19 (ii) Witness protection, informant fees, and controlled buys;
- 20 (iii) Salaries, overtime, and benefits;
- 21 (iv) Professional outside services, including auditing, court
22 reporting, expert witnesses, outside attorneys' fees, and membership
23 fees paid to trade associations;
- 24 (v) Travel, meals, conferences, training, and continuing
25 education seminars;
- 26 (vi) Capital expenditures including vehicles, firearms,
27 equipment, computers, and furniture;
- 28 (vii) Other expenditures of forfeiture proceeds; and
- 29 (viii) The total value of forfeited property held by the agency
30 at the end of the reporting period.

31 (4) One hundred twenty days after the close of each fiscal year,
32 the state treasurer shall submit to the speaker of the house of
33 representatives, president of the senate, attorney general, and
34 governor a written report summarizing forfeiture activity in the
35 state for the preceding fiscal year; the type, approximate value, and
36 disposition of the property seized; and the amount of any proceeds
37 received or expended at the state and local levels. The report must
38 provide a categorized accounting of all proceeds expended. Summary
39 data on seizures, forfeitures, and expenditures of forfeiture

1 proceeds must be disaggregated by agency. The aggregate report must
2 be made available on the state treasurer's web site.

3 (5) The state treasurer may include in the aggregate report
4 required by subsection (4) of this section recommendations to improve
5 statutes, rules, and policies to facilitate seizure, forfeiture, and
6 expenditure processes and reporting that are fair to crime victims,
7 innocent property owners, secured interest holders, citizens, law
8 enforcement, and taxpayers.

9 (6) If a seizing agency fails to file a report within 30 days
10 after it is due, without good cause as determined by the state
11 treasurer, the state treasurer shall provide a written warning to the
12 seizing agency. If a seizing agency fails to file the report within
13 30 days after it is due for a second time, the agency is subject to a
14 civil penalty payable to the state general fund of \$500 or the
15 equivalent of one-quarter of the forfeiture proceeds received by the
16 agency during the reporting period, whichever is greater.

17 (7) The data and reports compiled and prepared under this chapter
18 are public information under chapter 42.56 RCW.

19 NEW SECTION. **Sec. 6.** (1)(a)(i) Except as provided in (a)(ii) of
20 this subsection, by January 31st of each year, each seizing agency
21 shall remit to the state treasurer an amount equal to 10 percent of
22 the net proceeds of any property forfeited during the preceding
23 calendar year. Money remitted shall be deposited in the state general
24 fund unless otherwise provided in statute.

25 (ii) By January 31st of each year, each seizing agency shall
26 remit to the state an amount equal to 10 percent of the net proceeds
27 of any property forfeited under RCW 10.105.010 and 46.61.5058 during
28 the preceding calendar year for deposit into the behavioral health
29 loan repayment program account created in RCW 28B.115.135 through
30 June 30, 2027, and into the state general fund thereafter.

31 (b) The net proceeds of forfeited property is the value of the
32 forfeitable interest in the property after deducting the cost of
33 satisfying any bona fide security interest to which the property is
34 subject at the time of seizure; and in the case of sold property,
35 after deducting the cost of sale, including reasonable fees or
36 commissions paid to independent selling agents, and the cost of any
37 valid landlord's claim for damages under section 3 of this act.

38 (c) The value of sold forfeited property is the sale price. The
39 value of retained forfeited property is the fair market value of the

1 property at the time of seizure, determined when possible by
2 reference to an applicable commonly used index, such as the index
3 used by the department of licensing for valuation of motor vehicles.
4 A seizing agency may use, but need not use, an independent qualified
5 appraiser to determine the value of retained property. If an
6 appraiser is used, the value of the property appraised is net of the
7 cost of the appraisal. The value of destroyed property and retained
8 firearms or illegal property is zero.

9 (2) Forfeited property and net proceeds not required to be paid
10 to the state shall be retained by the seizing agency exclusively for
11 the expansion and improvement of related enforcement activities.
12 Money retained under this section may not be used to supplant
13 preexisting funding sources.

14 NEW SECTION. **Sec. 7.** The state treasurer may adopt rules
15 necessary to implement this chapter.

16 **Sec. 8.** RCW 9.68A.120 and 2022 c 162 s 4 are each amended to
17 read as follows:

18 The following are subject to seizure and forfeiture:

19 (1) All visual or printed matter that depicts a minor engaged in
20 sexually explicit conduct.

21 (2) All raw materials, equipment, and other tangible personal
22 property of any kind used or intended to be used to manufacture or
23 process any visual or printed matter that depicts a minor engaged in
24 sexually explicit conduct, and all conveyances, including aircraft,
25 vehicles, or vessels that are used or intended for use to transport,
26 or in any manner to facilitate the transportation of, visual or
27 printed matter in violation of RCW 9.68A.050 or 9.68A.060, but:

28 (a) No conveyance used by any person as a common carrier in the
29 transaction of business as a common carrier is subject to forfeiture
30 under this section unless it appears that the owner or other person
31 in charge of the conveyance is a consenting party or privy to a
32 violation of this chapter;

33 (b) No property is subject to forfeiture under this section by
34 reason of any act or omission (~~established by the owner of the~~
35 ~~property to have been~~) committed or omitted without the owner's
36 knowledge or consent;

37 (c) A forfeiture of property encumbered by a bona fide security
38 interest is subject to the interest of the secured party if the

1 secured party neither had knowledge of nor consented to the act or
2 omission; and

3 (d) When the owner of a conveyance has been arrested under this
4 chapter the conveyance may not be subject to forfeiture unless it is
5 seized or process is issued for its seizure within ten days of the
6 owner's arrest.

7 (3) All personal property, moneys, negotiable instruments,
8 securities, or other tangible or intangible property furnished or
9 intended to be furnished by any person in exchange for visual or
10 printed matter depicting a minor engaged in sexually explicit
11 conduct, or constituting proceeds traceable to any violation of this
12 chapter.

13 (4) Property subject to forfeiture under this chapter may be
14 seized by any law enforcement officer of this state upon process
15 issued by any superior court having jurisdiction over the property.
16 Seizure without process may be made if:

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

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

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

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

29 (5) In the event of seizure under subsection (4) of this section,
30 proceedings for forfeiture ~~((shall be deemed commenced by the~~
31 ~~seizure. The law enforcement agency under whose authority the seizure~~
32 ~~was made shall cause notice to be served within fifteen days~~
33 ~~following the seizure on the owner of the property seized and the~~
34 ~~person in charge thereof and any person having any known right or~~
35 ~~interest therein, of the seizure and intended forfeiture of the~~
36 ~~seized property. The notice may be served by any method authorized by~~
37 ~~law or court rule including but not limited to service by certified~~
38 ~~mail with return receipt requested. Service by mail shall be deemed~~
39 ~~complete upon mailing within the fifteen day period following the~~
40 ~~seizure.~~

1 ~~(6) If no person notifies the seizing law enforcement agency in~~
2 ~~writing of the person's claim of ownership or right to possession of~~
3 ~~seized items within forty-five days of the seizure, the item seized~~
4 ~~shall be deemed forfeited.~~

5 ~~(7) If any person notifies the seizing law enforcement agency in~~
6 ~~writing of the person's claim of ownership or right to possession of~~
7 ~~seized items within forty-five days of the seizure, the person or~~
8 ~~persons shall be afforded a reasonable opportunity to be heard as to~~
9 ~~the claim or right. The hearing shall be before an administrative law~~
10 ~~judge appointed under chapter 34.12 RCW, except that any person~~
11 ~~asserting a claim or right may remove the matter to a court of~~
12 ~~competent jurisdiction if the aggregate value of the article or~~
13 ~~articles involved is more than five hundred dollars. The hearing~~
14 ~~before an administrative law judge and any appeal therefrom shall be~~
15 ~~under Title 34 RCW. In a court hearing between two or more claimants~~
16 ~~to the article or articles involved, the prevailing party shall be~~
17 ~~entitled to a judgment for costs and reasonable attorney's fees. The~~
18 ~~burden of producing evidence shall be upon the person claiming to be~~
19 ~~the lawful owner or the person claiming to have the lawful right to~~
20 ~~possession of the seized items. The seizing law enforcement agency~~
21 ~~shall promptly return the article or articles to the claimant upon a~~
22 ~~determination by the administrative law judge or court that the~~
23 ~~claimant is lawfully entitled to possession thereof of the seized~~
24 ~~items.~~

25 ~~(8) If property is sought to be forfeited on the ground that it~~
26 ~~constitutes proceeds traceable to a violation of this chapter, the~~
27 ~~seizing law enforcement agency must prove by a preponderance of the~~
28 ~~evidence that the property constitutes proceeds traceable to a~~
29 ~~violation of this chapter.~~

30 ~~(9) When property is forfeited under this chapter the seizing law~~
31 ~~enforcement agency may:~~

32 ~~(a) Retain it for official use or upon application by any law~~
33 ~~enforcement agency of this state release the property to that agency~~
34 ~~for the exclusive use of enforcing this chapter or chapter 9A.88 RCW;~~

35 ~~(b) Sell that which is not required to be destroyed by law and~~
36 ~~which is not harmful to the public; or~~

37 ~~(c) Request the appropriate sheriff or director of public safety~~
38 ~~to take custody of the property and remove it for disposition in~~
39 ~~accordance with law.~~

1 ~~(10)(a) By January 31st of each year, each seizing agency shall~~
2 ~~remit to the state an amount equal to ten percent of the net proceeds~~
3 ~~of any property forfeited during the preceding calendar year. Money~~
4 ~~remitted shall be deposited in the prostitution prevention and~~
5 ~~intervention account under RCW 43.63A.740.~~

6 ~~(b) The net proceeds of forfeited property is the value of the~~
7 ~~forfeitable interest in the property after deducting the cost of~~
8 ~~satisfying any bona fide security interest to which the property is~~
9 ~~subject at the time of seizure; and in the case of sold property,~~
10 ~~after deducting the cost of sale, including reasonable fees or~~
11 ~~commissions paid to an independent selling agency.~~

12 ~~(c) The value of sold forfeited property is the sale price. The~~
13 ~~value of retained forfeited property is the fair market value of the~~
14 ~~property at the time of seizure determined when possible by reference~~
15 ~~to an applicable commonly used index. A seizing agency may use, but~~
16 ~~need not use, an independent qualified appraiser to determine the~~
17 ~~value of retained property. If an appraiser is used, the value of the~~
18 ~~property appraised is net of the cost of the appraisal. The value of~~
19 ~~destroyed property and retained firearms or illegal property is zero.~~

20 ~~(11) Forfeited property and net proceeds not required to be~~
21 ~~remitted to the state under this chapter shall be used for payment of~~
22 ~~all proper expenses of the investigation leading to the seizure,~~
23 ~~including any money delivered to the subject of the investigation by~~
24 ~~the law enforcement agency, and of the proceedings for forfeiture and~~
25 ~~sale, including expenses of seizure, maintenance of custody,~~
26 ~~advertising, actual costs of the prosecuting or city attorney, and~~
27 ~~court costs. Money remaining after payment of these expenses shall be~~
28 ~~retained by the seizing law enforcement agency for the exclusive use~~
29 ~~of enforcing the provisions of this chapter or chapter 9A.88 RCW))~~
30 ~~are governed by chapter 7.--- RCW (the new chapter created in section~~
31 ~~18 of this act).~~

32 **Sec. 9.** RCW 9A.88.150 and 2022 c 162 s 5 are each amended to
33 read as follows:

34 (1) The following are subject to seizure and forfeiture and no
35 property right exists in them:

36 (a) Any property or other interest acquired or maintained in
37 violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of
38 the investment of funds, and any appreciation or income attributable

1 to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or
2 9A.88.070;

3 (b) All conveyances, including aircraft, vehicles, or vessels,
4 which are used, or intended for use, in any manner to facilitate a
5 violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, except that:

6 (i) No conveyance used by any person as a common carrier in the
7 transaction of business as a common carrier is subject to forfeiture
8 under this section unless it appears that the owner or other person
9 in charge of the conveyance is a consenting party or privy to a
10 violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

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

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

19 (iv) When the owner of a conveyance has been arrested for a
20 violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, the conveyance
21 in which the person is arrested may not be subject to forfeiture
22 unless it is seized or process is issued for its seizure within ten
23 days of the owner's arrest;

24 (c) Any property, contractual right, or claim against property
25 used to influence any enterprise that a person has established,
26 operated, controlled, conducted, or participated in the conduct of,
27 in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

28 (d) All proceeds traceable to or derived from an offense defined
29 in RCW 9.68A.100, 9.68A.101, or 9A.88.070 and all moneys, negotiable
30 instruments, securities, and other things of value significantly used
31 or intended to be used significantly to facilitate commission of the
32 offense;

33 (e) All books, records, and research products and materials,
34 including formulas, microfilm, tapes, and data which are used, or
35 intended for use, in violation of RCW 9.68A.100, 9.68A.101, or
36 9A.88.070;

37 (f) All moneys, negotiable instruments, securities, or other
38 tangible or intangible property of value furnished or intended to be
39 furnished by any person in exchange for a violation of RCW 9.68A.100,
40 9.68A.101, or 9A.88.070, all tangible or intangible personal

1 property, proceeds, or assets acquired in whole or in part with
2 proceeds traceable to an exchange or series of exchanges in violation
3 of RCW 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable
4 instruments, and securities used or intended to be used to facilitate
5 any violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070. A forfeiture
6 of money, negotiable instruments, securities, or other tangible or
7 intangible property encumbered by a bona fide security interest is
8 subject to the interest of the secured party if, at the time the
9 security interest was created, the secured party neither had
10 knowledge of nor consented to the act or omission. No personal
11 property may be forfeited under this subsection (1)(f), to the extent
12 of the interest of an owner, by reason of any act or omission(~~(7~~
13 ~~which that owner establishes was~~)) committed or omitted without the
14 owner's knowledge or consent; and

15 (g) All real property, including any right, title, and interest
16 in the whole of any lot or tract of land, and any appurtenances or
17 improvements which are being used with the knowledge of the owner for
18 a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have
19 been acquired in whole or in part with proceeds traceable to an
20 exchange or series of exchanges in violation of RCW 9.68A.100,
21 9.68A.101, or 9A.88.070, if a substantial nexus exists between the
22 violation and the real property. However:

23 (i) No property may be forfeited pursuant to this subsection
24 (1)(g), to the extent of the interest of an owner, by reason of any
25 act or omission committed or omitted without the owner's knowledge or
26 consent;

27 (ii) A forfeiture of real property encumbered by a bona fide
28 security interest is subject to the interest of the secured party if
29 the secured party, at the time the security interest was created,
30 neither had knowledge of nor consented to the act or omission.

31 (2) Real or personal property subject to forfeiture under this
32 section may be seized by any law enforcement officer of this state
33 upon process issued by any superior court having jurisdiction over
34 the property. Seizure of real property shall include the filing of a
35 lis pendens by the seizing agency. Real property seized under this
36 section shall not be transferred or otherwise conveyed until ninety
37 days after seizure or until a judgment of forfeiture is entered,
38 whichever is later: PROVIDED, That real property seized under this
39 section may be transferred or conveyed to any person or entity who
40 acquires title by foreclosure or deed in lieu of foreclosure of a

1 security interest. Seizure of personal property without process may
2 be made if:

3 (a) The seizure is incident to an arrest or a search under a
4 search warrant;

5 (b) The property subject to seizure has been the subject of a
6 prior judgment in favor of the state in a criminal injunction or
7 forfeiture proceeding; or

8 (c) The law enforcement officer has probable cause to believe
9 that the property was used or is intended to be used in violation of
10 RCW 9.68A.100, 9.68A.101, or 9A.88.070.

11 (3) In the event of seizure pursuant to subsection (2) of this
12 section, proceedings for forfeiture (~~shall be deemed commenced by~~
13 ~~the seizure. The law enforcement agency under whose authority the~~
14 ~~seizure was made shall cause notice to be served within fifteen days~~
15 ~~following the seizure on the owner of the property seized and the~~
16 ~~person in charge thereof and any person having any known right or~~
17 ~~interest therein, including any community property interest, of the~~
18 ~~seizure and intended forfeiture of the seized property. Service of~~
19 ~~notice of seizure of real property shall be made according to the~~
20 ~~rules of civil procedure. However, the state may not obtain a default~~
21 ~~judgment with respect to real property against a party who is served~~
22 ~~by substituted service absent an affidavit stating that a good faith~~
23 ~~effort has been made to ascertain if the defaulted party is~~
24 ~~incarcerated within the state, and that there is no present basis to~~
25 ~~believe that the party is incarcerated within the state. Notice of~~
26 ~~seizure in the case of property subject to a security interest that~~
27 ~~has been perfected by filing a financing statement, or a certificate~~
28 ~~of title, shall be made by service upon the secured party or the~~
29 ~~secured party's assignee at the address shown on the financing~~
30 ~~statement or the certificate of title. The notice of seizure in other~~
31 ~~cases may be served by any method authorized by law or court rule~~
32 ~~including, but not limited to, service by certified mail with return~~
33 ~~receipt requested. Service by mail shall be deemed complete upon~~
34 ~~mailing within the fifteen day period following the seizure.~~

35 ~~(4) If no person notifies the seizing law enforcement agency in~~
36 ~~writing of the person's claim of ownership or right to possession of~~
37 ~~items specified in subsection (1) of this section within forty-five~~
38 ~~days of the service of notice from the seizing agency in the case of~~
39 ~~personal property and ninety days in the case of real property, the~~
40 ~~item seized shall be deemed forfeited. The community property~~

1 interest in real property of a person whose spouse or domestic
2 partner committed a violation giving rise to seizure of the real
3 property may not be forfeited if the person did not participate in
4 the violation.

5 (5) If any person notifies the seizing law enforcement agency in
6 writing of the person's claim of ownership or right to possession of
7 items specified in subsection (1) of this section within forty-five
8 days of the service of notice from the seizing agency in the case of
9 personal property and ninety days in the case of real property, the
10 person or persons shall be afforded a reasonable opportunity to be
11 heard as to the claim or right. The notice of claim may be served by
12 any method authorized by law or court rule including, but not limited
13 to, service by first-class mail. Service by mail shall be deemed
14 complete upon mailing within the forty-five day period following
15 service of the notice of seizure in the case of personal property and
16 within the ninety day period following service of the notice of
17 seizure in the case of real property. The hearing shall be before the
18 chief law enforcement officer of the seizing agency or the chief law
19 enforcement officer's designee, except where the seizing agency is a
20 state agency as defined in RCW 34.12.020(4), the hearing shall be
21 before the chief law enforcement officer of the seizing agency or an
22 administrative law judge appointed under chapter 34.12 RCW, except
23 that any person asserting a claim or right may remove the matter to a
24 court of competent jurisdiction. Removal of any matter involving
25 personal property may only be accomplished according to the rules of
26 civil procedure. The person seeking removal of the matter must serve
27 process against the state, county, political subdivision, or
28 municipality that operates the seizing agency, and any other party of
29 interest, in accordance with RCW 4.28.080 or 4.92.020, within
30 forty-five days after the person seeking removal has notified the
31 seizing law enforcement agency of the person's claim of ownership or
32 right to possession. The court to which the matter is to be removed
33 shall be the district court when the aggregate value of personal
34 property is within the jurisdictional limit set forth in RCW
35 3.66.020. A hearing before the seizing agency and any appeal
36 therefrom shall be under Title 34 RCW. In all cases, the burden of
37 proof is upon the law enforcement agency to establish, by a
38 preponderance of the evidence, that the property is subject to
39 forfeiture.

1 ~~The seizing law enforcement agency shall promptly return the~~
2 ~~article or articles to the claimant upon a determination by the~~
3 ~~administrative law judge or court that the claimant is the present~~
4 ~~lawful owner or is lawfully entitled to possession thereof of items~~
5 ~~specified in subsection (1) of this section.~~

6 ~~(6) In any proceeding to forfeit property under this title, where~~
7 ~~the claimant substantially prevails, the claimant is entitled to~~
8 ~~reasonable attorneys' fees reasonably incurred by the claimant. In~~
9 ~~addition, in a court hearing between two or more claimants to the~~
10 ~~article or articles involved, the prevailing party is entitled to a~~
11 ~~judgment for costs and reasonable attorneys' fees.~~

12 ~~(7) When property is forfeited under this chapter, the seizing~~
13 ~~law enforcement agency may:~~

14 ~~(a) Retain it for official use or upon application by any law~~
15 ~~enforcement agency of this state release the property to that agency~~
16 ~~for the exclusive use of enforcing this chapter or chapter 9.68A RCW;~~

17 ~~(b) Sell that which is not required to be destroyed by law and~~
18 ~~which is not harmful to the public; or~~

19 ~~(c) Request the appropriate sheriff or director of public safety~~
20 ~~to take custody of the property and remove it for disposition in~~
21 ~~accordance with law.~~

22 ~~(8) (a) When property is forfeited, the seizing agency shall keep~~
23 ~~a record indicating the identity of the prior owner, if known, a~~
24 ~~description of the property, the disposition of the property, the~~
25 ~~value of the property at the time of seizure, and the amount of~~
26 ~~proceeds realized from disposition of the property.~~

27 ~~(b) Each seizing agency shall retain records of forfeited~~
28 ~~property for at least seven years.~~

29 ~~(c) Each seizing agency shall file a report including a copy of~~
30 ~~the records of forfeited property with the state treasurer each~~
31 ~~calendar quarter.~~

32 ~~(d) The quarterly report need not include a record of forfeited~~
33 ~~property that is still being held for use as evidence during the~~
34 ~~investigation or prosecution of a case or during the appeal from a~~
35 ~~conviction.~~

36 ~~(9) (a) By January 31st of each year, each seizing agency shall~~
37 ~~remit to the state an amount equal to ten percent of the net proceeds~~
38 ~~of any property forfeited during the preceding calendar year. Money~~
39 ~~remitted shall be deposited in the prostitution prevention and~~
40 ~~intervention account under RCW 43.63A.740.~~

1 ~~(b) The net proceeds of forfeited property is the value of the~~
2 ~~forfeitable interest in the property after deducting the cost of~~
3 ~~satisfying any bona fide security interest to which the property is~~
4 ~~subject at the time of seizure; and in the case of sold property,~~
5 ~~after deducting the cost of sale, including reasonable fees or~~
6 ~~commissions paid to independent selling agents, and the cost of any~~
7 ~~valid landlord's claim for damages under subsection (12) of this~~
8 ~~section.~~

9 ~~(c) The value of sold forfeited property is the sale price. The~~
10 ~~value of destroyed property and retained firearms or illegal property~~
11 ~~is zero.~~

12 ~~(10) Net proceeds not required to be remitted to the state shall~~
13 ~~be used for payment of all proper expenses of the investigation~~
14 ~~leading to the seizure, including any money delivered to the subject~~
15 ~~of the investigation by the law enforcement agency, and of the~~
16 ~~proceedings for forfeiture and sale, including expenses of seizure,~~
17 ~~maintenance of custody, advertising, actual costs of the prosecuting~~
18 ~~or city attorney, and court costs. Money remaining after payment of~~
19 ~~these expenses shall be retained by the seizing law enforcement~~
20 ~~agency for the exclusive use of enforcing the provisions of this~~
21 ~~chapter or chapter 9.68A RCW.~~

22 ~~(11) Upon the entry of an order of forfeiture of real property,~~
23 ~~the court shall forward a copy of the order to the assessor of the~~
24 ~~county in which the property is located. Orders for the forfeiture of~~
25 ~~real property shall be entered by the superior court, subject to~~
26 ~~court rules. Such an order shall be filed by the seizing agency in~~
27 ~~the county auditor's records in the county in which the real property~~
28 ~~is located.~~

29 ~~(12) A landlord may assert a claim against proceeds from the sale~~
30 ~~of assets seized and forfeited under subsection (9) of this section,~~
31 ~~only if:~~

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

35 ~~(b) The landlord has applied any funds remaining in the tenant's~~
36 ~~deposit, to which the landlord has a right under chapter 59.18 RCW,~~
37 ~~to cover the damage directly caused by a law enforcement officer~~
38 ~~prior to asserting a claim under the provisions of this section:~~

39 ~~(i) Only if the funds applied under (b) of this subsection are~~
40 ~~insufficient to satisfy the damage directly caused by a law~~

1 enforcement officer, may the landlord seek compensation for the
2 damage by filing a claim against the governmental entity under whose
3 authority the law enforcement agency operates within thirty days
4 after the search;

5 (ii) Only if the governmental entity denies or fails to respond
6 to the landlord's claim within sixty days of the date of filing, may
7 the landlord collect damages under this subsection by filing within
8 thirty days of denial or the expiration of the sixty day period,
9 whichever occurs first, a claim with the seizing law enforcement
10 agency. The seizing law enforcement agency must notify the landlord
11 of the status of the claim by the end of the thirty day period.
12 Nothing in this section requires the claim to be paid by the end of
13 the sixty day or thirty day period; and

14 (c) For any claim filed under (b) of this subsection, the law
15 enforcement agency shall pay the claim unless the agency provides
16 substantial proof that the landlord either:

17 (i) Knew or consented to actions of the tenant in violation of
18 RCW 9.68A.100, 9.68A.101, or 9A.88.070; or

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

22 (13) The landlord's claim for damages under subsection (12) of
23 this section may not include a claim for loss of business and is
24 limited to:

25 (a) Damage to tangible property and clean-up costs;

26 (b) The lesser of the cost of repair or fair market value of the
27 damage directly caused by a law enforcement officer;

28 (c) The proceeds from the sale of the specific tenant's property
29 seized and forfeited under subsection (9) of this section; and

30 (d) The proceeds available after the seizing law enforcement
31 agency satisfies any bona fide security interest in the tenant's
32 property and costs related to sale of the tenant's property as
33 provided by subsection (12) of this section.

34 (14) Subsections (12) and (13) of this section do not limit any
35 other rights a landlord may have against a tenant to collect for
36 damages. However, if a law enforcement agency satisfies a landlord's
37 claim under subsection (12) of this section, the rights the landlord
38 has against the tenant for damages directly caused by a law
39 enforcement officer under the terms of the landlord and tenant's
40 contract are subrogated to the law enforcement agency)) are governed

1 by chapter 7.--- RCW (the new chapter created in section 18 of this
2 act).

3 **Sec. 10.** RCW 9A.83.030 and 2020 c 62 s 1 are each amended to
4 read as follows:

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

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

25 (a) The seizure is incident to an arrest or a search under a
26 search warrant or an inspection under an administrative inspection
27 warrant issued pursuant to RCW 69.50.502; or

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

31 (3) A seizure under subsection (2) of this section commences
32 proceedings for forfeiture pursuant to chapter 7.--- RCW (the new
33 chapter created in section 18 of this act). ~~((The law enforcement~~
34 ~~agency under whose authority the seizure was made shall cause notice~~
35 ~~of the seizure and intended forfeiture of the seized proceeds to be~~
36 ~~served within fifteen days after the seizure on the owner of the~~
37 ~~property seized and the person in charge thereof and any person who~~
38 ~~has a known right or interest therein, including a community property~~
39 ~~interest. Service of notice of seizure of real property shall be made~~

1 according to the rules of civil procedure. However, the state may not
2 obtain a default judgment with respect to real property against a
3 party who is served by substituted service absent an affidavit
4 stating that a good faith effort has been made to ascertain if the
5 defaulted party is incarcerated within the state, and that there is
6 no present basis to believe that the party is incarcerated within the
7 state. The notice of seizure in other cases may be served by any
8 method authorized by law or court rule including but not limited to
9 service by certified mail with return receipt requested. Service by
10 mail is complete upon mailing within the fifteen-day period after the
11 seizure.

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

21 ~~(5) If a person notifies the seizing law enforcement agency in~~
22 ~~writing of the person's claim of ownership or right to possession of~~
23 ~~property within forty-five days of the seizure in the case of~~
24 ~~personal property and ninety days in the case of real property, the~~
25 ~~person or persons shall be afforded a reasonable opportunity to be~~
26 ~~heard as to the claim or right. The provisions of RCW 69.50.505(5)~~
27 ~~shall apply to any such hearing. The seizing law enforcement agency~~
28 ~~shall promptly return property to the claimant upon the direction of~~
29 ~~the administrative law judge or court.~~

30 ~~(6) Disposition of forfeited property shall be made in the manner~~
31 ~~provided for in RCW 69.50.505 (8) through (10) and (14) or 9.46.231~~
32 ~~(6) through (8) and (10).)~~

33 **Sec. 11.** RCW 10.105.010 and 2022 c 162 s 3 are each amended to
34 read as follows:

35 (1) The following are subject to seizure and forfeiture and no
36 property right exists in them: All personal property, including, but
37 not limited to, any item, object, tool, substance, device, weapon,
38 machine, vehicle of any kind, money, security, or negotiable
39 instrument, which has been or was actually employed as an

1 instrumentality in the commission of, or in aiding or abetting in the
2 commission of any felony, or which was furnished or was intended to
3 be furnished by any person in the commission of, as a result of, or
4 as compensation for the commission of, any felony, or which was
5 acquired in whole or in part with proceeds traceable to the
6 commission of a felony. No property may be forfeited under this
7 section until after there has been a superior court conviction of the
8 owner of the property for the felony in connection with which the
9 property was employed, furnished, or acquired.

10 A forfeiture of property encumbered by a bona fide security
11 interest is subject to the interest of the secured party if at the
12 time the security interest was created, the secured party neither had
13 knowledge of nor consented to the commission of the felony.

14 (2) Personal property subject to forfeiture under this chapter
15 may be seized by any law enforcement officer of this state upon
16 process issued by any superior court having jurisdiction over the
17 property. Seizure of personal property without process may be made
18 if:

19 (a) The seizure is incident to an arrest or a search under a
20 search warrant;

21 (b) The property subject to seizure has been the subject of a
22 prior judgment in favor of the state in a criminal injunction or
23 forfeiture proceeding;

24 (c) A law enforcement officer has probable cause to believe that
25 the property is directly dangerous to health or safety; or

26 (d) The law enforcement officer has probable cause to believe
27 that the property was used or is intended to be used in the
28 commission of a felony.

29 (3) In the event of seizure pursuant to this section, proceedings
30 for forfeiture (~~shall be deemed commenced by the seizure. The law~~
31 ~~enforcement agency under whose authority the seizure was made shall~~
32 ~~cause notice to be served within fifteen days following the seizure~~
33 ~~on the owner of the property seized and the person in charge thereof~~
34 ~~and any person having any known right or interest therein, including~~
35 ~~any community property interest, of the seizure and intended~~
36 ~~forfeiture of the seized property. The notice of seizure may be~~
37 ~~served by any method authorized by law or court rule including but~~
38 ~~not limited to service by certified mail with return receipt~~
39 ~~requested. Service by mail shall be deemed complete upon mailing~~
40 ~~within the fifteen day period following the seizure. Notice of~~

1 seizure in the case of property subject to a security interest that
2 has been perfected by filing a financing statement in accordance with
3 chapter 62A.9A RCW, or a certificate of title shall be made by
4 service upon the secured party or the secured party's assignee at the
5 address shown on the financing statement or the certificate of title.

6 (4) If no person notifies the seizing law enforcement agency in
7 writing of the person's claim of ownership or right to possession of
8 items specified in subsection (1) of this section within forty-five
9 days of the seizure, the item seized shall be deemed forfeited.

10 (5) If a person notifies the seizing law enforcement agency in
11 writing of the person's claim of ownership or right to possession of
12 the seized property within forty-five days of the seizure, the law
13 enforcement agency shall give the person or persons a reasonable
14 opportunity to be heard as to the claim or right. The hearing shall
15 be before the chief law enforcement officer of the seizing agency or
16 the chief law enforcement officer's designee, except where the
17 seizing agency is a state agency as defined in RCW 34.12.020(4), the
18 hearing shall be before the chief law enforcement officer of the
19 seizing agency or an administrative law judge appointed under chapter
20 34.12 RCW, except that any person asserting a claim or right may
21 remove the matter to a court of competent jurisdiction. Removal may
22 only be accomplished according to the rules of civil procedure. The
23 person seeking removal of the matter must serve process against the
24 state, county, political subdivision, or municipality that operates
25 the seizing agency, and any other party of interest, in accordance
26 with RCW 4.28.080 or 4.92.020, within forty-five days after the
27 person seeking removal has notified the seizing law enforcement
28 agency of the person's claim of ownership or right to possession. The
29 court to which the matter is to be removed shall be the district
30 court when the aggregate value of the property is within the
31 jurisdictional limit set forth in RCW 3.66.020. A hearing before the
32 seizing agency and any appeal therefrom shall be under Title 34 RCW.
33 In a court hearing between two or more claimants to the property
34 involved, the prevailing party shall be entitled to a judgment for
35 costs and reasonable attorney's fees. The burden of producing
36 evidence shall be upon the person claiming to be the lawful owner or
37 the person claiming to have the lawful right to possession of the
38 property. The seizing law enforcement agency shall promptly return
39 the property to the claimant upon a determination by the

1 administrative law judge or court that the claimant is the present
2 lawful owner or is lawfully entitled to possession of the property.

3 ~~(6) When property is forfeited under this chapter, after~~
4 ~~satisfying any court-ordered victim restitution, the seizing law~~
5 ~~enforcement agency may:~~

6 ~~(a) Retain it for official use or upon application by any law~~
7 ~~enforcement agency of this state release such property to such agency~~
8 ~~for the exclusive use of enforcing the criminal law;~~

9 ~~(b) Sell that which is not required to be destroyed by law and~~
10 ~~which is not harmful to the public.~~

11 ~~(7) By January 31st of each year, each seizing agency shall remit~~
12 ~~to the state an amount equal to ten percent of the net proceeds of~~
13 ~~any property forfeited during the preceding calendar year for deposit~~
14 ~~into the behavioral health loan repayment program account created in~~
15 ~~RCW 28B.115.135 through June 30, 2027, and into the state general~~
16 ~~fund thereafter.~~

17 ~~(a) The net proceeds of forfeited property is the value of the~~
18 ~~forfeitable interest in the property after deducting the cost of~~
19 ~~satisfying any bona fide security interest to which the property is~~
20 ~~subject at the time of seizure; and in the case of sold property,~~
21 ~~after deducting the cost of sale, including reasonable fees or~~
22 ~~commissions paid to independent selling agents.~~

23 ~~(b) The value of sold forfeited property is the sale price. The~~
24 ~~value of retained forfeited property is the fair market value of the~~
25 ~~property at the time of seizure, determined when possible by~~
26 ~~reference to an applicable commonly used index, such as the index~~
27 ~~used by the department of licensing for valuation of motor vehicles.~~
28 ~~A seizing agency may use, but need not use, an independent qualified~~
29 ~~appraiser to determine the value of retained property. If an~~
30 ~~appraiser is used, the value of the property appraised is net of the~~
31 ~~cost of the appraisal. The value of destroyed property and retained~~
32 ~~firearms or illegal property is zero.~~

33 ~~(c) Retained property and net proceeds not required to be~~
34 ~~remitted to the state, or otherwise required to be spent under this~~
35 ~~section, shall be retained by the seizing law enforcement agency~~
36 ~~exclusively for the expansion and improvement of law enforcement~~
37 ~~activity. Money retained under this section may not be used to~~
38 ~~supplant preexisting funding sources)) are governed by chapter 7.---~~
39 ~~RCW (the new chapter created in section 18 of this act).~~

1 (4) When property is seized under this chapter and forfeited
2 pursuant to chapter 7.--- RCW (the new chapter created in section 18
3 of this act), the seizing agency must first satisfy any court-ordered
4 victim restitution before retaining, using, selling, or taking other
5 action with respect to the property as permitted under section 5 of
6 this act.

7 **Sec. 12.** RCW 19.290.230 and 2013 c 322 s 27 are each amended to
8 read as follows:

9 (1) The following personal property is subject to seizure and
10 forfeiture and no property right exists in them: All personal
11 property including, but not limited to, any item, object, tool,
12 substance, device, weapon, machine, vehicle of any kind, money,
13 security, or negotiable instrument, which the seizing agency proves
14 by a preponderance of the evidence was used or intended to be used by
15 its owner or the person in charge to knowingly or intentionally
16 facilitate the commission of, or to knowingly or intentionally abet
17 the commission of, a crime involving theft, trafficking, or unlawful
18 possession of commercial metal property, or which the seizing agency
19 proves by a preponderance of the evidence was knowingly or
20 intentionally furnished or was intended to be furnished by any person
21 in the commission of, as a result of, or as compensation for the
22 commission of, a crime involving theft, trafficking, or the unlawful
23 possession of commercial metal property, or which the property owner
24 acquired in whole or in part with proceeds traceable to a knowing or
25 intentional commission of a crime involving the theft, trafficking,
26 or unlawful possession of commercial metal property provided that
27 such activity is not less than a class C felony; except that:

28 (a) No vehicle used by any person as a common carrier in the
29 transaction of business as a common carrier is subject to forfeiture
30 under this section unless the seizing agency proves by a
31 preponderance of the evidence that the owner or other person in
32 charge of the vehicle is a consenting party or is privy to any crime
33 involving theft, trafficking, or the unlawful possession of
34 commercial metal property;

35 (b) A forfeiture of property encumbered by a bona fide security
36 interest is subject to the interest of the secured party if the
37 secured party neither had actual or constructive knowledge of nor
38 consented to the commission of any crime involving the theft,
39 trafficking, or unlawful possession of commercial metal property; and

1 (c) A property owner's property is not subject to seizure if an
2 employee or agent of that property owner uses the property owner's
3 property to knowingly or intentionally facilitate the commission of,
4 or to knowingly or intentionally aid and abet the commission of, a
5 crime involving theft, trafficking, or unlawful possession of
6 commercial metal property, in violation of that property owner's
7 instructions or policies against such activity, and without the
8 property owner's knowledge or consent.

9 (2) The following real property is subject to seizure and
10 forfeiture and no property right exists in them: All real property,
11 including any right, title, and interest in the whole of any lot or
12 tract of land, and any appurtenances or improvements, that the
13 seizing agency proves by a preponderance of the evidence are being
14 used with the knowledge of the owner for the intentional commission
15 of any crime involving the theft, trafficking, or unlawful possession
16 of commercial metal property, or which have been acquired in whole or
17 in part with proceeds traceable to the commission of any crime
18 involving the trafficking, theft, or unlawful possession of
19 commercial metal, if such activity is not less than a class C felony
20 and a substantial nexus exists between the commission of the
21 violation or crime and the real property. However:

22 (a) No property may be forfeited pursuant to this subsection (2),
23 to the extent of the interest of an owner, by reason of any act or
24 omission committed or omitted without the owner's actual or
25 constructive knowledge; and further, a property owner's real property
26 is not subject to seizure if an employee or agent of that property
27 owner uses the property owner's real property to knowingly or
28 intentionally facilitate the commission of, or to knowingly or
29 intentionally aid and abet the commission of, a crime involving
30 theft, trafficking, or unlawful possession of commercial metal
31 property, in violation of that property owner's instructions or
32 policies against such activity, and without the property owner's
33 knowledge or consent; and

34 (b) A forfeiture of real property encumbered by a bona fide
35 security interest is subject to the interest of the secured party if
36 the secured party, neither had actual or constructive knowledge, nor
37 consented to the act or omission.

38 (3) Property subject to forfeiture under this chapter may be
39 seized by any law enforcement officer of this state upon process
40 issued by any superior court having jurisdiction over the property.

1 Seizure of real property shall include the filing of a lis pendens by
2 the seizing agency. Real property seized under this section shall not
3 be transferred or otherwise conveyed until ninety days after seizure
4 or until a judgment of forfeiture is entered, whichever is later:
5 PROVIDED, That real property seized under this section may be
6 transferred or conveyed to any person or entity who acquires title by
7 foreclosure or deed in lieu of foreclosure of a security interest.
8 Seizure of personal property without process may be made if:

9 (a) The seizure is incident to an arrest or a search under a
10 search warrant; or

11 (b) The property subject to seizure has been the subject of a
12 prior judgment in favor of the state in a criminal injunction or
13 forfeiture proceeding.

14 (4) In the event of seizure pursuant to this section, proceedings
15 for forfeiture (~~(shall be)~~) are deemed commenced by the seizure and
16 governed by chapter 7.--- RCW (the new chapter created in section 18
17 of this act). (~~(The law enforcement agency under whose authority the~~
18 ~~seizure was made shall cause notice to be served within fifteen days~~
19 ~~following the seizure on the owner of the property seized and the~~
20 ~~person in charge thereof and any person having any known right or~~
21 ~~interest therein, including any community property interest, of the~~
22 ~~seizure and intended forfeiture of the seized property. Service of~~
23 ~~notice of seizure of real property shall be made according to the~~
24 ~~rules of civil procedure. However, the state may not obtain a default~~
25 ~~judgment with respect to real property against a party who is served~~
26 ~~by substituted service absent an affidavit stating that a good faith~~
27 ~~effort has been made to ascertain if the defaulted party is~~
28 ~~incarcerated within the state, and that there is no present basis to~~
29 ~~believe that the party is incarcerated within the state. The notice~~
30 ~~of seizure of personal property may be served by any method~~
31 ~~authorized by law or court rule including but not limited to service~~
32 ~~by certified mail with return receipt requested. Service by mail~~
33 ~~shall be deemed complete upon mailing within the fifteen-day period~~
34 ~~following the seizure. Notice of seizure in the case of property~~
35 ~~subject to a security interest that has been perfected by filing a~~
36 ~~financing statement in accordance with chapter 62A.9A RCW, or a~~
37 ~~certificate of title shall be made by service upon the secured party~~
38 ~~or the secured party's assignee at the address shown on the financing~~
39 ~~statement or the certificate of title.~~

1 ~~(5) If no person notifies the seizing law enforcement agency in~~
2 ~~writing of the person's claim of ownership or right to possession of~~
3 ~~items specified in subsection (1) of this section within forty-five~~
4 ~~days of the seizure in the case of personal property and ninety days~~
5 ~~in the case of real property, the item seized shall be deemed~~
6 ~~forfeited. The community property interest in real property of a~~
7 ~~person whose spouse or domestic partner committed a violation giving~~
8 ~~rise to seizure of the real property may not be forfeited if the~~
9 ~~person did not participate in the violation.~~

10 ~~(6) If a person notifies the seizing law enforcement agency in~~
11 ~~writing of the person's claim of ownership or right to possession of~~
12 ~~the seized property within forty-five days of the seizure in the case~~
13 ~~of personal property and ninety days in the case of real property,~~
14 ~~the law enforcement agency shall give the person or persons a~~
15 ~~reasonable opportunity to be heard as to the claim or right. The~~
16 ~~hearing shall be before the chief law enforcement officer of the~~
17 ~~seizing agency or the chief law enforcement officer's designee,~~
18 ~~except where the seizing agency is a state agency as defined in RCW~~
19 ~~34.12.020(4), the hearing shall be before the chief law enforcement~~
20 ~~officer of the seizing agency or an administrative law judge~~
21 ~~appointed under chapter 34.12 RCW, except that any person asserting a~~
22 ~~claim or right may remove the matter to a court of competent~~
23 ~~jurisdiction. Removal may only be accomplished according to the rules~~
24 ~~of civil procedure. The person seeking removal of the matter must~~
25 ~~serve process against the state, county, political subdivision, or~~
26 ~~municipality that operates the seizing agency, and any other party of~~
27 ~~interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-~~
28 ~~five days after the person seeking removal has notified the seizing~~
29 ~~law enforcement agency of the person's claim of ownership or right to~~
30 ~~possession. The court to which the matter is to be removed shall be~~
31 ~~the district court when the aggregate value of the property is within~~
32 ~~the jurisdictional limit set forth in RCW 3.66.020. A hearing before~~
33 ~~the seizing agency and any appeal therefrom shall be under Title 34~~
34 ~~RCW. In a court hearing between two or more claimants to the property~~
35 ~~involved, the prevailing party shall be entitled to a judgment for~~
36 ~~costs and reasonable attorneys' fees. The burden of producing~~
37 ~~evidence shall be upon the person claiming to be the lawful owner or~~
38 ~~the person claiming to have the lawful right to possession of the~~
39 ~~property.~~

1 ~~(7) At the hearing, the seizing agency has the burden of proof to~~
2 ~~establish by a preponderance of the evidence that seized property is~~
3 ~~subject to forfeiture, and that the use or intended use of the seized~~
4 ~~property in connection with a crime pursuant to this section occurred~~
5 ~~with the owner's actual or constructive knowledge or consent. The~~
6 ~~person claiming to be the lawful owner or the person claiming to have~~
7 ~~the lawful right to possession of the property has the burden of~~
8 ~~proof to establish by a preponderance of the evidence that the person~~
9 ~~owns or has a right to possess the seized property. The possession of~~
10 ~~bare legal title is not sufficient to establish ownership of seized~~
11 ~~property if the seizing agency proves by a preponderance of the~~
12 ~~evidence that the person claiming ownership or right to possession is~~
13 ~~a nominal owner and did not actually own or exert a controlling~~
14 ~~interest in the property.~~

15 ~~The seizing law enforcement agency shall promptly return the~~
16 ~~property to the claimant upon a determination by the administrative~~
17 ~~law judge or court that the claimant is the present lawful owner or~~
18 ~~is lawfully entitled to possession of the property.~~

19 ~~(8) When property is forfeited under this chapter, after~~
20 ~~satisfying any court-ordered victim restitution, the seizing law~~
21 ~~enforcement agency may:~~

22 ~~(a) Retain it for official use or, upon application by any law~~
23 ~~enforcement agency of this state, release such property to such~~
24 ~~agency; or~~

25 ~~(b) Sell that which is not required to be destroyed by law and~~
26 ~~which is not harmful to the public.~~

27 ~~(9) (a) Within one hundred twenty days after the entry of an order~~
28 ~~of forfeiture, each seizing agency shall remit to, if known, the~~
29 ~~victim of the crime involving the seized property, an amount equal to~~
30 ~~fifty percent of the net proceeds of any property forfeited.~~

31 ~~(b) Retained property and net proceeds not required to be paid to~~
32 ~~victims shall be retained by the seizing law enforcement agency~~
33 ~~exclusively for the expansion and improvement of law enforcement~~
34 ~~activity. Money retained under this section may not be used to~~
35 ~~supplant preexisting funding sources.~~

36 ~~(c) The net proceeds of forfeited property is the value of the~~
37 ~~forfeitable interest in the property after deducting the cost of~~
38 ~~satisfying any bona fide security interest to which the property is~~
39 ~~subject at the time of seizure; and in the case of sold property,~~
40 ~~after deducting the cost of sale, including reasonable fees or~~

1 ~~commissions paid to independent selling agents, and the cost of any~~
2 ~~valid landlord's claim for damages.~~

3 ~~(d) The value of sold forfeited property is the sale price. The~~
4 ~~value of retained forfeited property is the fair market value of the~~
5 ~~property at the time of seizure, determined when possible by~~
6 ~~reference to an applicable commonly used index, such as the index~~
7 ~~used by the department of licensing for valuation of motor vehicles.~~
8 ~~A seizing agency may use, but need not use, an independent qualified~~
9 ~~appraiser to determine the value of retained property. If an~~
10 ~~appraiser is used, the value of the property appraised is net of the~~
11 ~~cost of the appraisal. The value of destroyed property and retained~~
12 ~~firearms or illegal property is zero.~~

13 ~~(10) Upon the entry of an order of forfeiture of real property,~~
14 ~~the court shall forward a copy of the order to the assessor of the~~
15 ~~county in which the property is located. Orders for the forfeiture of~~
16 ~~real property shall be entered by the superior court, subject to~~
17 ~~court rules. Such an order shall be filed by the seizing agency in~~
18 ~~the county auditor's records in the county in which the real property~~
19 ~~is located.))~~

20 (5) (a) When property is seized under this chapter and forfeited
21 pursuant to chapter 7.--- RCW (the new chapter created in section 18
22 of this act), the seizing agency must first satisfy any court-ordered
23 victim restitution before retaining, using, selling, or taking other
24 action with respect to the property as permitted under section 5 of
25 this act.

26 (b) Within 120 days after the entry of an order of forfeiture,
27 each seizing agency shall remit to, if known, the victim of the crime
28 involving the seized property, an amount equal to 50 percent of the
29 net proceeds of any property forfeited.

30 **Sec. 13.** RCW 46.61.5058 and 2022 c 162 s 2 are each amended to
31 read as follows:

32 (1) Upon the arrest of a person or upon the filing of a
33 complaint, citation, or information in a court of competent
34 jurisdiction, based upon probable cause to believe that a person has
35 violated RCW 46.20.740, 46.61.502, or 46.61.504 or any similar
36 municipal ordinance, if such person has a prior offense within seven
37 years as defined in RCW 46.61.5055, and where the person has been
38 provided written notice that any transfer, sale, or encumbrance of
39 such person's interest in the vehicle over which that person was

1 actually driving or had physical control when the violation occurred,
2 is unlawful pending either acquittal, dismissal, sixty days after
3 conviction, or other termination of the charge, such person shall be
4 prohibited from encumbering, selling, or transferring his or her
5 interest in such vehicle, except as otherwise provided in (a), (b),
6 and (c) of this subsection, until either acquittal, dismissal, sixty
7 days after conviction, or other termination of the charge. The
8 prohibition against transfer of title shall not be stayed pending the
9 determination of an appeal from the conviction.

10 (a) A vehicle encumbered by a bona fide security interest may be
11 transferred to the secured party or to a person designated by the
12 secured party;

13 (b) A leased or rented vehicle may be transferred to the lessor,
14 rental agency, or to a person designated by the lessor or rental
15 agency; and

16 (c) A vehicle may be transferred to a third party or a vehicle
17 dealer who is a bona fide purchaser or may be subject to a bona fide
18 security interest in the vehicle unless it is established that (i) in
19 the case of a purchase by a third party or vehicle dealer, such party
20 or dealer had actual notice that the vehicle was subject to the
21 prohibition prior to the purchase, or (ii) in the case of a security
22 interest, the holder of the security interest had actual notice that
23 the vehicle was subject to the prohibition prior to the encumbrance
24 of title.

25 (2) On conviction for a violation of either RCW 46.20.740,
26 46.61.502, or 46.61.504 or any similar municipal ordinance where the
27 person convicted has a prior offense within seven years as defined in
28 RCW 46.61.5055, the motor vehicle the person was driving or over
29 which the person had actual physical control at the time of the
30 offense, if the person has a financial interest in the vehicle, the
31 court shall consider at sentencing whether the vehicle shall be
32 seized and forfeited pursuant to this section if a seizure or
33 forfeiture has not yet occurred.

34 (3) A vehicle subject to forfeiture under this chapter may be
35 seized by a law enforcement officer of this state upon process issued
36 by a court of competent jurisdiction. Seizure of a vehicle may be
37 made without process if the vehicle subject to seizure has been the
38 subject of a prior judgment in favor of the state in a forfeiture
39 proceeding based upon this section.

1 (4) Seizure under subsection (3) of this section automatically
2 commences proceedings for forfeiture, which proceedings are governed
3 by chapter 7.--- RCW (the new chapter created in section 18 of this
4 act). ((The law enforcement agency under whose authority the seizure
5 was made shall cause notice of the seizure and intended forfeiture of
6 the seized vehicle to be served within fifteen days after the seizure
7 on the owner of the vehicle seized, on the person in charge of the
8 vehicle, and on any person having a known right or interest in the
9 vehicle, including a community property interest. The notice of
10 seizure may be served by any method authorized by law or court rule,
11 including but not limited to service by certified mail with return
12 receipt requested. Service by mail is complete upon mailing within
13 the fifteen-day period after the seizure. Notice of seizure in the
14 case of property subject to a security interest that has been
15 perfected on a certificate of title shall be made by service upon the
16 secured party or the secured party's assignee at the address shown on
17 the financing statement or the certificate of title.

18 (5) If no person notifies the seizing law enforcement agency in
19 writing of the person's claim of ownership or right to possession of
20 the seized vehicle within forty-five days of the seizure, the vehicle
21 is deemed forfeited.

22 (6) If a person notifies the seizing law enforcement agency in
23 writing of the person's claim of ownership or right to possession of
24 the seized vehicle within forty-five days of the seizure, the law
25 enforcement agency shall give the person or persons a reasonable
26 opportunity to be heard as to the claim or right. The hearing shall
27 be before the chief law enforcement officer of the seizing agency or
28 the chief law enforcement officer's designee, except where the
29 seizing agency is a state agency as defined in RCW 34.12.020, the
30 hearing shall be before the chief law enforcement officer of the
31 seizing agency or an administrative law judge appointed under chapter
32 34.12 RCW, except that any person asserting a claim or right may
33 remove the matter to a court of competent jurisdiction. Removal may
34 only be accomplished according to the rules of civil procedure. The
35 person seeking removal of the matter must serve process against the
36 state, county, political subdivision, or municipality that operates
37 the seizing agency, and any other party of interest, in accordance
38 with RCW 4.28.080 or 4.92.020, within forty-five days after the
39 person seeking removal has notified the seizing law enforcement
40 agency of the person's claim of ownership or right to possession. The

1 court to which the matter is to be removed shall be the district
2 court when the aggregate value of the vehicle is within the
3 jurisdictional limit set forth in RCW 3.66.020. A hearing before the
4 seizing agency and any appeal therefrom shall be under Title 34 RCW.
5 In a court hearing between two or more claimants to the vehicle
6 involved, the prevailing party shall be entitled to a judgment for
7 costs and reasonable attorneys' fees. The burden of producing
8 evidence shall be upon the person claiming to be the legal owner or
9 the person claiming to have the lawful right to possession of the
10 vehicle. The seizing law enforcement agency shall promptly return the
11 vehicle to the claimant upon a determination by the administrative
12 law judge or court that the claimant is the present legal owner under
13 this title or is lawfully entitled to possession of the vehicle.

14 ~~(7))~~ (5) When a vehicle is forfeited under this chapter the
15 seizing law enforcement agency may sell the vehicle, retain it for
16 official use, or upon application by a law enforcement agency of this
17 state release the vehicle to that agency for the exclusive use of
18 enforcing this title; provided, however, that the agency shall first
19 satisfy any bona fide security interest to which the vehicle is
20 subject under subsection (1)(a) or (c) of this section.

21 ~~((8))~~ (6) When a vehicle is forfeited, the seizing agency shall
22 keep a record indicating the identity of the prior owner, if known, a
23 description of the vehicle, the disposition of the vehicle, the value
24 of the vehicle at the time of seizure, and the amount of proceeds
25 realized from disposition of the vehicle.

26 ~~((9))~~ (7) Each seizing agency shall retain records of forfeited
27 vehicles for at least seven years.

28 ~~((10) Each seizing agency shall file a report including a copy
29 of the records of forfeited vehicles with the state treasurer each
30 calendar quarter.~~

31 ~~(11) The quarterly report need not include a record of a
32 forfeited vehicle that is still being held for use as evidence during
33 the investigation or prosecution of a case or during the appeal from
34 a conviction.~~

35 ~~(12) By January 31st of each year, each seizing agency shall
36 remit to the state an amount equal to ten percent of the net proceeds
37 of vehicles forfeited during the preceding calendar year for deposit
38 into the behavioral health loan repayment program account created in
39 RCW 28B.115.135 through June 30, 2027, and into the state general
40 fund thereafter.~~

1 ~~(13) The net proceeds of a forfeited vehicle is the value of the~~
2 ~~forfeitable interest in the vehicle after deducting the cost of~~
3 ~~satisfying a bona fide security interest to which the vehicle is~~
4 ~~subject at the time of seizure; and in the case of a sold vehicle,~~
5 ~~after deducting the cost of sale, including reasonable fees or~~
6 ~~commissions paid to independent selling agents.~~

7 ~~(14) The value of a sold forfeited vehicle is the sale price. The~~
8 ~~value of a retained forfeited vehicle is the fair market value of the~~
9 ~~vehicle at the time of seizure, determined when possible by reference~~
10 ~~to an applicable commonly used index, such as the index used by the~~
11 ~~department of licensing. A seizing agency may, but need not, use an~~
12 ~~independent qualified appraiser to determine the value of retained~~
13 ~~vehicles. If an appraiser is used, the value of the vehicle appraised~~
14 ~~is net of the cost of the appraisal.))~~

15 **Sec. 14.** RCW 70.74.400 and 2002 c 370 s 3 are each amended to
16 read as follows:

17 (1) Explosives, improvised devices, and components of explosives
18 and improvised devices that are possessed, manufactured, delivered,
19 imported, exported, stored, sold, purchased, transported, abandoned,
20 detonated, or used, or intended to be used, in violation of a
21 provision of this chapter are subject to seizure and forfeiture by a
22 law enforcement agency and no property right exists in them.

23 (2) The law enforcement agency making the seizure shall notify
24 the Washington state department of labor and industries of the
25 seizure.

26 (3) Seizure of explosives, improvised devices, and components of
27 explosives and improvised devices under subsection (1) of this
28 section may be made if:

29 (a) The seizure is incident to arrest or a search under a search
30 warrant;

31 (b) The explosives, improvised devices, or components have been
32 the subject of a prior judgment in favor of the state in an
33 injunction or forfeiture proceeding based upon this chapter;

34 (c) A law enforcement officer has probable cause to believe that
35 the explosives, improvised devices, or components are directly or
36 indirectly dangerous to health or safety; or

37 (d) The law enforcement officer has probable cause to believe
38 that the explosives, improvised devices, or components were used or
39 were intended to be used in violation of this chapter.

1 (4) A law enforcement agency shall destroy explosives seized
2 under this chapter when it is necessary to protect the public safety
3 and welfare. When destruction is not necessary to protect the public
4 safety and welfare, and the explosives are not being held for
5 evidence, a seizure pursuant to this section commences proceedings
6 for forfeiture, which proceedings are governed by chapter 7.--- RCW
7 (the new chapter created in section 18 of this act).

8 ~~(5) ((The law enforcement agency under whose authority the~~
9 ~~seizure was made shall issue a written notice of the seizure and~~
10 ~~commencement of the forfeiture proceedings to the person from whom~~
11 ~~the explosives were seized, to any known owner of the explosives, and~~
12 ~~to any person who has a known interest in the explosives. The notice~~
13 ~~shall be issued within fifteen days of the seizure. The notice of~~
14 ~~seizure and commencement of the forfeiture proceedings shall be~~
15 ~~served in the same manner as provided in RCW 4.28.080 for service of~~
16 ~~a summons. The law enforcement agency shall provide a form by which~~
17 ~~the person or persons may request a hearing before the law~~
18 ~~enforcement agency to contest the seizure.~~

19 ~~(6) If no person notifies the seizing law enforcement agency in~~
20 ~~writing of the person's claim of ownership or right to possession of~~
21 ~~the explosives, improvised devices, or components within thirty days~~
22 ~~of the date the notice was issued, the seized explosives, devices, or~~
23 ~~components shall be deemed forfeited.~~

24 ~~(7) If, within thirty days of the issuance of the notice, any~~
25 ~~person notifies the seizing law enforcement agency in writing of the~~
26 ~~person's claim of ownership or right to possession of items seized,~~
27 ~~the person or persons shall be afforded a reasonable opportunity to~~
28 ~~be heard as to the claim or right. The hearing shall be before the~~
29 ~~chief law enforcement or the officer's designee of the seizing~~
30 ~~agency, except that the person asserting the claim or right may~~
31 ~~remove the matter to a court of competent jurisdiction if the~~
32 ~~aggregate value of the items seized is more than five hundred~~
33 ~~dollars. The hearing and any appeal shall be conducted according to~~
34 ~~chapter 34.05 RCW. The seizing law enforcement agency shall bear the~~
35 ~~burden of proving that the person (a) has no lawful right of~~
36 ~~ownership or possession and (b) that the items seized were possessed,~~
37 ~~manufactured, stored, sold, purchased, transported, abandoned,~~
38 ~~detonated, or used in violation of a provision of this chapter with~~
39 ~~the person's knowledge or consent.~~

1 ~~(8) The seizing law enforcement agency shall promptly return the~~
2 ~~items seized to the claimant upon a determination that the claimant~~
3 ~~is entitled to possession of the items seized.~~

4 (9)) If the items seized are forfeited under this statute, the
5 seizing agency shall dispose of the explosives by summary
6 destruction. However, when explosives are destroyed either to protect
7 public safety or because the explosives were forfeited, the person
8 from whom the explosives were seized loses all rights of action
9 against the law enforcement agency or its employees acting within the
10 scope of their employment, or other governmental entity or employee
11 involved with the seizure and destruction of explosives.

12 ~~((10))~~ (6) This section is not intended to change the seizure
13 and forfeiture powers, enforcement, and penalties available to the
14 department of labor and industries pursuant to chapter 49.17 RCW as
15 provided in RCW 70.74.390.

16 **Sec. 15.** RCW 77.15.070 and 2005 c 406 s 2 are each amended to
17 read as follows:

18 (1) Fish and wildlife officers and ex officio fish and wildlife
19 officers may seize without warrant boats, airplanes, vehicles,
20 motorized implements, conveyances, gear, appliances, or other
21 articles they have probable cause to believe have been held with
22 intent to violate or used in violation of this title or rule of the
23 commission or director. However, fish and wildlife officers or ex
24 officio fish and wildlife officers may not seize any item or article,
25 other than for evidence, if under the circumstances, it is reasonable
26 to conclude that the violation was inadvertent. The property seized
27 is subject to forfeiture to the state under this section regardless
28 of ownership. Property seized may be recovered by its owner by
29 depositing with the department or into court a cash bond or
30 equivalent security equal to the value of the seized property but not
31 more than one hundred thousand dollars. Such cash bond or security is
32 subject to forfeiture in lieu of the property. Forfeiture of property
33 seized under this section is a civil forfeiture against property and
34 is intended to be a remedial civil sanction.

35 (2) In the event of a seizure of property under this section,
36 jurisdiction to begin the forfeiture proceedings shall commence upon
37 seizure, and shall be governed by chapter 7.--- RCW (the new chapter
38 created in section 18 of this act). ~~((Within fifteen days following~~
39 ~~the seizure, the seizing authority shall serve a written notice of~~

1 ~~intent to forfeit property on the owner of the property seized and on~~
2 ~~any person having any known right or interest in the property seized.~~
3 ~~Notice may be served by any method authorized by law or court rule,~~
4 ~~including service by certified mail with return receipt requested.~~
5 ~~Service by mail is deemed complete upon mailing within the fifteen-~~
6 ~~day period following the seizure.~~

7 ~~(3) Persons claiming a right of ownership or right to possession~~
8 ~~of property are entitled to a hearing to contest forfeiture. Such a~~
9 ~~claim shall specify the claim of ownership or possession and shall be~~
10 ~~made in writing and served on the director within forty-five days of~~
11 ~~the seizure. If the seizing authority has complied with notice~~
12 ~~requirements and there is no claim made within forty-five days, then~~
13 ~~the property shall be forfeited to the state.~~

14 ~~(4) If any person timely serves the director with a claim to~~
15 ~~property, the person shall be afforded an opportunity to be heard as~~
16 ~~to the person's claim or right. The hearing shall be before the~~
17 ~~director or director's designee, or before an administrative law~~
18 ~~judge appointed under chapter 34.12 RCW, except that a person~~
19 ~~asserting a claim or right may remove the matter to a court of~~
20 ~~competent jurisdiction if the aggregate value of the property seized~~
21 ~~is more than five thousand dollars. The department may settle a~~
22 ~~person's claim of ownership prior to the administrative hearing.~~

23 ~~(5) The hearing to contest forfeiture and any subsequent appeal~~
24 ~~shall be as provided for in chapter 34.05 RCW, the administrative~~
25 ~~procedure act. The seizing authority has the burden to demonstrate~~
26 ~~that it had reason to believe the property was held with intent to~~
27 ~~violate or was used in violation of this title or rule of the~~
28 ~~commission or director. The person contesting forfeiture has the~~
29 ~~burden of production and proof by a preponderance of evidence that~~
30 ~~the person owns or has a right to possess the property and:~~

31 ~~(a) That the property was not held with intent to violate or used~~
32 ~~in violation of this title; or~~

33 ~~(b) If the property is a boat, airplane, or vehicle, that the~~
34 ~~illegal use or planned illegal use of the boat, airplane, or vehicle~~
35 ~~occurred without the owner's knowledge or consent, and that the owner~~
36 ~~acted reasonably to prevent illegal uses of such boat, airplane, or~~
37 ~~vehicle.~~

38 ~~(6) A forfeiture of a conveyance encumbered by a perfected~~
39 ~~security interest is subject to the interest of the secured party if~~
40 ~~the secured party neither had knowledge of nor consented to the act~~

1 ~~or omission. No security interest in seized property may be perfected~~
2 ~~after seizure.~~

3 ~~(7))~~ (3) If seized property is forfeited under this section the
4 department may retain it for official use unless the property is
5 required to be destroyed, or upon application by any law enforcement
6 agency of the state, release such property to the agency for the use
7 of enforcing this title, or sell such property, and deposit the
8 proceeds to the fish and wildlife enforcement reward account created
9 in RCW 77.15.425.

10 **Sec. 16.** RCW 69.50.505 and 2022 c 162 s 1 and 2022 c 16 s 98 are
11 each reenacted and amended to read as follows:

12 (1) The following are subject to seizure and forfeiture and no
13 property right exists in them:

14 (a) All controlled substances which have been manufactured,
15 distributed, dispensed, acquired, or possessed in violation of this
16 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals,
17 as defined in RCW 64.44.010, used or intended to be used in the
18 manufacture of controlled substances;

19 (b) All raw materials, products, and equipment of any kind which
20 are used, or intended for use, in manufacturing, compounding,
21 processing, delivering, importing, or exporting any controlled
22 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

23 (c) All property which is used, or intended for use, as a
24 container for property described in (a) or (b) of this subsection;

25 (d) All conveyances, including aircraft, vehicles, or vessels,
26 which are used, or intended for use, in any manner to facilitate the
27 sale, delivery, or receipt of property described in (a) or (b) of
28 this subsection, except that:

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

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

1 (iii) No conveyance is subject to forfeiture under this section
2 if used in the receipt of only an amount of cannabis for which
3 possession constitutes a misdemeanor under RCW 69.50.4014;

4 (iv) A forfeiture of a conveyance encumbered by a bona fide
5 security interest is subject to the interest of the secured party if
6 the secured party neither had knowledge of nor consented to the act
7 or omission; and

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

13 (e) All books, records, and research products and materials,
14 including formulas, microfilm, tapes, and data which are used, or
15 intended for use, in violation of this chapter or chapter 69.41 or
16 69.52 RCW;

17 (f) All drug paraphernalia other than paraphernalia possessed,
18 sold, or used solely to facilitate cannabis-related activities that
19 are not violations of this chapter;

20 (g) All moneys, negotiable instruments, securities, or other
21 tangible or intangible property of value furnished or intended to be
22 furnished by any person in exchange for a controlled substance in
23 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
24 or intangible personal property, proceeds, or assets acquired in
25 whole or in part with proceeds traceable to an exchange or series of
26 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
27 and all moneys, negotiable instruments, and securities used or
28 intended to be used to facilitate any violation of this chapter or
29 chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable
30 instruments, securities, or other tangible or intangible property
31 encumbered by a bona fide security interest is subject to the
32 interest of the secured party if, at the time the security interest
33 was created, the secured party neither had knowledge of nor consented
34 to the act or omission. No personal property may be forfeited under
35 this subsection (1)(g), to the extent of the interest of an owner, by
36 reason of any act or omission (~~which that owner establishes was~~)
37 committed or omitted without the owner's knowledge or consent; and

38 (h) All real property, including any right, title, and interest
39 in the whole of any lot or tract of land, and any appurtenances or
40 improvements which are being used with the knowledge of the owner for

1 the manufacturing, compounding, processing, delivery, importing, or
2 exporting of any controlled substance, or which have been acquired in
3 whole or in part with proceeds traceable to an exchange or series of
4 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
5 if such activity is not less than a class C felony and a substantial
6 nexus exists between the commercial production or sale of the
7 controlled substance and the real property. However:

8 (i) No property may be forfeited pursuant to this subsection
9 (1)(h), to the extent of the interest of an owner, by reason of any
10 act or omission committed or omitted without the owner's knowledge or
11 consent;

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

15 (iii) The possession of cannabis shall not result in the
16 forfeiture of real property unless the cannabis is possessed for
17 commercial purposes that are unlawful under Washington state law, the
18 amount possessed is five or more plants or one pound or more of
19 cannabis, and a substantial nexus exists between the possession of
20 cannabis and the real property. In such a case, the intent of the
21 offender shall be determined by the preponderance of the evidence,
22 including the offender's prior criminal history, the amount of
23 cannabis possessed by the offender, the sophistication of the
24 activity or equipment used by the offender, whether the offender was
25 licensed to produce, process, or sell cannabis, or was an employee of
26 a licensed producer, processor, or retailer, and other evidence which
27 demonstrates the offender's intent to engage in unlawful commercial
28 activity;

29 (iv) The unlawful sale of cannabis or a legend drug shall not
30 result in the forfeiture of real property unless the sale was forty
31 grams or more in the case of cannabis or one hundred dollars or more
32 in the case of a legend drug, and a substantial nexus exists between
33 the unlawful sale and the real property; and

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

38 (2) Real or personal property subject to forfeiture under this
39 chapter may be seized by any commission inspector or law enforcement
40 officer of this state upon process issued by any superior court

1 having jurisdiction over the property. Seizure of real property shall
2 include the filing of a lis pendens by the seizing agency. Real
3 property seized under this section shall not be transferred or
4 otherwise conveyed until ninety days after seizure or until a
5 judgment of forfeiture is entered, whichever is later: PROVIDED, That
6 real property seized under this section may be transferred or
7 conveyed to any person or entity who acquires title by foreclosure or
8 deed in lieu of foreclosure of a security interest. Seizure of
9 personal property without process may be made if:

10 (a) The seizure is incident to an arrest or a search under a
11 search warrant or an inspection under an administrative inspection
12 warrant;

13 (b) The property subject to seizure has been the subject of a
14 prior judgment in favor of the state in a criminal injunction or
15 forfeiture proceeding based upon this chapter;

16 (c) A commission inspector or law enforcement officer has
17 probable cause to believe that the property is directly or indirectly
18 dangerous to health or safety; or

19 (d) The commission inspector or law enforcement officer has
20 probable cause to believe that the property was used or is intended
21 to be used in violation of this chapter.

22 (3) In the event of seizure pursuant to subsection (2) of this
23 section, proceedings for forfeiture shall be deemed commenced by the
24 seizure. The law enforcement agency under whose authority the seizure
25 was made shall cause notice to be served within fifteen days
26 following the seizure on the owner of the property seized and the
27 person in charge thereof and any person having any known right or
28 interest therein, including any community property interest, of the
29 seizure and intended forfeiture of the seized property. Service of
30 notice of seizure of real property shall be made according to the
31 rules of civil procedure. However, the state may not obtain a default
32 judgment with respect to real property against a party who is served
33 by substituted service absent an affidavit stating that a good faith
34 effort has been made to ascertain if the defaulted party is
35 incarcerated within the state, and that there is no present basis to
36 believe that the party is incarcerated within the state. Notice of
37 seizure in the case of property subject to a security interest that
38 has been perfected by filing a financing statement in accordance with
39 chapter 62A.9A RCW, or a certificate of title, shall be made by
40 service upon the secured party or the secured party's assignee at the

1 address shown on the financing statement or the certificate of title.
2 The notice of seizure in other cases may be served by any method
3 authorized by law or court rule including but not limited to service
4 by certified mail with return receipt requested. Service by mail
5 shall be deemed complete upon mailing within the fifteen day period
6 following the seizure.

7 (4) If no person notifies the seizing law enforcement agency in
8 writing of the person's claim of ownership or right to possession of
9 items specified in subsection (1)(d), (g), or (h) of this section
10 within (~~(forty-five)~~) 60 days of the service of notice from the
11 seizing agency in the case of personal property and (~~(ninety)~~) 120
12 days in the case of real property, the item seized shall be deemed
13 forfeited. The community property interest in real property of a
14 person whose spouse or domestic partner committed a violation giving
15 rise to seizure of the real property may not be forfeited if the
16 person did not participate in the violation.

17 (5) If any person notifies the seizing law enforcement agency in
18 writing of the person's claim of ownership or right to possession of
19 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
20 of this section within (~~(forty-five)~~) 60 days of the service of
21 notice from the seizing agency in the case of personal property and
22 (~~(ninety)~~) 120 days in the case of real property, the person or
23 persons shall be afforded a reasonable opportunity to be heard as to
24 the claim or right. The notice of claim may be served by any method
25 authorized by law or court rule including, but not limited to,
26 service by first-class mail. Service by mail shall be deemed complete
27 upon mailing within the (~~(forty-five)~~) 60-day period following
28 service of the notice of seizure in the case of personal property and
29 within the (~~(ninety-day)~~) 120-day period following service of the
30 notice of seizure in the case of real property. The hearing shall be
31 before the chief law enforcement officer of the seizing agency or the
32 chief law enforcement officer's designee, except where the seizing
33 agency is a state agency as defined in RCW 34.12.020(4), the hearing
34 shall be before the chief law enforcement officer of the seizing
35 agency or an administrative law judge appointed under chapter 34.12
36 RCW, except that any person asserting a claim or right may remove the
37 matter to a court of competent jurisdiction. Removal of any matter
38 involving personal property may only be accomplished according to the
39 rules of civil procedure. The person seeking removal of the matter
40 must serve process against the state, county, political subdivision,

1 or municipality that operates the seizing agency, and any other party
2 of interest, in accordance with RCW 4.28.080 or 4.92.020, within
3 forty-five days after the person seeking removal has notified the
4 seizing law enforcement agency of the person's claim of ownership or
5 right to possession. The court to which the matter is to be removed
6 shall be the district court when the aggregate value of personal
7 property is within the jurisdictional limit set forth in RCW
8 3.66.020. A hearing before the seizing agency and any appeal
9 therefrom shall be under Title 34 RCW. In all cases, the burden of
10 proof is upon the law enforcement agency to establish, by a
11 preponderance of the evidence, that the property is subject to
12 forfeiture.

13 The seizing law enforcement agency shall promptly return the
14 article or articles to the claimant, in the same or substantially
15 similar condition as when seized, upon a determination by the
16 administrative law judge or court that the claimant is the present
17 lawful owner or is lawfully entitled to possession thereof of items
18 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of
19 this section.

20 (6) In any proceeding to forfeit property under this title, where
21 the claimant substantially prevails, the claimant is entitled to
22 reasonable attorneys' fees reasonably incurred by the claimant. In
23 addition, in a court hearing between two or more claimants to the
24 article or articles involved, the prevailing party is entitled to a
25 judgment for costs and reasonable attorneys' fees.

26 (7) When property is forfeited under this chapter the commission
27 or seizing law enforcement agency may:

28 (a) Retain it for official use or upon application by any law
29 enforcement agency of this state release such property to such agency
30 for the exclusive use of enforcing the provisions of this chapter;

31 (b) Sell that which is not required to be destroyed by law and
32 which is not harmful to the public;

33 (c) Request the appropriate sheriff or director of public safety
34 to take custody of the property and remove it for disposition in
35 accordance with law; or

36 (d) Forward it to the drug enforcement administration for
37 disposition.

38 ~~(8) ((a) When property is forfeited, the seizing agency shall~~
39 ~~keep a record indicating the identity of the prior owner, if known, a~~
40 ~~description of the property, the disposition of the property, the~~

1 value of the property at the time of seizure, and the amount of
2 proceeds realized from disposition of the property.

3 ~~(b) Each seizing agency shall retain records of forfeited~~
4 ~~property for at least seven years.~~

5 ~~(c) Each seizing agency shall file a report including a copy of~~
6 ~~the records of forfeited property with the state treasurer each~~
7 ~~calendar quarter.~~

8 ~~(d) The quarterly report need not include a record of forfeited~~
9 ~~property that is still being held for use as evidence during the~~
10 ~~investigation or prosecution of a case or during the appeal from a~~
11 ~~conviction.)) Seizing agencies are subject to the requirements of~~
12 ~~section 5 of this act.~~

13 (9) (a) By January 31st of each year, each seizing agency shall
14 remit to the state an amount equal to ten percent of the net proceeds
15 of any property forfeited during the preceding calendar year for
16 deposit into the behavioral health loan repayment program account
17 created in RCW 28B.115.135 through June 30, 2027, and into the state
18 general fund thereafter.

19 (b) The net proceeds of forfeited property is the value of the
20 forfeitable interest in the property after deducting the cost of
21 satisfying any bona fide security interest to which the property is
22 subject at the time of seizure; and in the case of sold property,
23 after deducting the cost of sale, including reasonable fees or
24 commissions paid to independent selling agents, and the cost of any
25 valid landlord's claim for damages under subsection (15) of this
26 section.

27 (c) The value of sold forfeited property is the sale price. The
28 value of retained forfeited property is the fair market value of the
29 property at the time of seizure, determined when possible by
30 reference to an applicable commonly used index, such as the index
31 used by the department of licensing for valuation of motor vehicles.
32 A seizing agency may use, but need not use, an independent qualified
33 appraiser to determine the value of retained property. If an
34 appraiser is used, the value of the property appraised is net of the
35 cost of the appraisal. The value of destroyed property and retained
36 firearms or illegal property is zero.

37 (10) Forfeited property and net proceeds not required to be
38 remitted to the state shall be retained by the seizing law
39 enforcement agency exclusively for the expansion and improvement of
40 controlled substances related law enforcement activity. Money

1 retained under this section may not be used to supplant preexisting
2 funding sources.

3 (11) Controlled substances listed in Schedule I, II, III, IV, and
4 V that are possessed, transferred, sold, or offered for sale in
5 violation of this chapter are contraband and shall be seized and
6 summarily forfeited to the state. Controlled substances listed in
7 Schedule I, II, III, IV, and V, which are seized or come into the
8 possession of the commission, the owners of which are unknown, are
9 contraband and shall be summarily forfeited to the commission.

10 (12) Species of plants from which controlled substances in
11 Schedules I and II may be derived which have been planted or
12 cultivated in violation of this chapter, or of which the owners or
13 cultivators are unknown, or which are wild growths, may be seized and
14 summarily forfeited to the commission.

15 (13) The failure, upon demand by a commission inspector or law
16 enforcement officer, of the person in occupancy or in control of land
17 or premises upon which the species of plants are growing or being
18 stored to produce an appropriate registration or proof that he or she
19 is the holder thereof constitutes authority for the seizure and
20 forfeiture of the plants.

21 (14) Upon the entry of an order of forfeiture of real property,
22 the court shall forward a copy of the order to the assessor of the
23 county in which the property is located. Orders for the forfeiture of
24 real property shall be entered by the superior court, subject to
25 court rules. Such an order shall be filed by the seizing agency in
26 the county auditor's records in the county in which the real property
27 is located.

28 (15)(a) A landlord may assert a claim against proceeds from the
29 sale of assets seized and forfeited under subsection (7)(b) of this
30 section, only if:

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

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

39 (A) Only if the funds applied under (a)(ii) of this subsection
40 are insufficient to satisfy the damage directly caused by a law

1 enforcement officer, may the landlord seek compensation for the
2 damage by filing a claim against the governmental entity under whose
3 authority the law enforcement agency operates within thirty days
4 after the search;

5 (B) Only if the governmental entity denies or fails to respond to
6 the landlord's claim within sixty days of the date of filing, may the
7 landlord collect damages under this subsection by filing within
8 thirty days of denial or the expiration of the sixty-day period,
9 whichever occurs first, a claim with the seizing law enforcement
10 agency. The seizing law enforcement agency must notify the landlord
11 of the status of the claim by the end of the thirty-day period.
12 Nothing in this section requires the claim to be paid by the end of
13 the sixty-day or thirty-day period.

14 (b) For any claim filed under (a)(ii) of this subsection, the law
15 enforcement agency shall pay the claim unless the agency provides
16 substantial proof that the landlord either:

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

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

22 (16) The landlord's claim for damages under subsection (15) of
23 this section may not include a claim for loss of business and is
24 limited to:

25 (a) Damage to tangible property and clean-up costs;

26 (b) The lesser of the cost of repair or fair market value of the
27 damage directly caused by a law enforcement officer;

28 (c) The proceeds from the sale of the specific tenant's property
29 seized and forfeited under subsection (7)(b) of this section; and

30 (d) The proceeds available after the seizing law enforcement
31 agency satisfies any bona fide security interest in the tenant's
32 property and costs related to sale of the tenant's property as
33 provided by subsection (9)(b) of this section.

34 (17) Subsections (15) and (16) of this section do not limit any
35 other rights a landlord may have against a tenant to collect for
36 damages. However, if a law enforcement agency satisfies a landlord's
37 claim under subsection (15) of this section, the rights the landlord
38 has against the tenant for damages directly caused by a law
39 enforcement officer under the terms of the landlord and tenant's
40 contract are subrogated to the law enforcement agency.

1 (18) The protections afforded by the service members' civil
2 relief act, chapter 38.42 RCW, are applicable to proceedings under
3 this section.

4 **Sec. 17.** RCW 38.42.020 and 2014 c 65 s 2 are each amended to
5 read as follows:

6 (1) Any service member who is ordered to report for military
7 service and his or her dependents are entitled to the rights and
8 protections of this chapter during the period beginning on the date
9 on which the service member receives the order and ending one hundred
10 eighty days after termination of or release from military service.

11 (2) This chapter applies to any judicial or administrative
12 proceeding commenced in any court or agency in Washington state in
13 which a service member or his or her dependent is a party. This
14 chapter applies to civil asset forfeiture proceedings. This chapter
15 does not apply to criminal proceedings.

16 (3) This chapter shall be construed liberally so as to provide
17 fairness and do substantial justice to service members and their
18 dependents.

19 NEW SECTION. **Sec. 18.** Sections 1 through 7 of this act
20 constitute a new chapter in Title 7 RCW.

21 NEW SECTION. **Sec. 19.** This act applies to seizures occurring on
22 or after the effective date of this section.

23 NEW SECTION. **Sec. 20.** Except for section 7 of this act, this
24 act takes effect January 1, 2024.

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