

**Chapter 66.32 RCW
SEARCH AND SEIZURE**

Sections

- 66.32.010 Possession of contraband liquor.
- 66.32.020 Search warrant—Search and seizure.
- 66.32.030 Service of warrant—Receipt for seized property.
- 66.32.040 Forfeiture of liquor directed if kept unlawfully.
- 66.32.050 Hearing.
- 66.32.060 Claimants may appear.
- 66.32.070 Judgment of forfeiture—Disposition of proceeds of property sold.
- 66.32.080 Forfeiture action no bar to criminal prosecution.
- 66.32.090 Seized liquor to be reported to board.

RCW 66.32.010 Possession of contraband liquor. The board may, to the extent required to control unlawful diversion of liquor from authorized channels of distribution, require that packages of liquor transported within the state be sealed with such official seal as may be adopted by the board, except in the case of:

- (1) Liquor manufactured in the state; or
- (2) Liquor purchased within the state or for shipment to a consumer within the state in accordance with the provisions of law; or
- (3) Wine or beer exempted in RCW 66.12.010. [2012 c 2 s 208 (Initiative Measure No. 1183, approved November 8, 2011); 1955 c 39 s 3. Prior: 1943 c 216 s 3(1); 1933 ex.s. c 62 s 33(1); Rem. Supp. 1943 s 7306-33(1).]

Finding—Application—Rules—Effective date—Contingent effective date—2012 c 2 (Initiative Measure No. 1183): See notes following RCW 66.24.620.

RCW 66.32.020 Search warrant—Search and seizure. If, upon the sworn complaint of any person, it is made to appear to any judge of the superior court or district court, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished, or otherwise disposed of or kept in violation of the provisions of this title, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the state duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the board, commanding the civil officer or inspector to search the premises, room, house, building, boat, vehicle, structure or place designated and described in the complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture, and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing, or otherwise disposing of the liquor, and to safely keep the same, and to make a return of the warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession they were found, if any, and if no person is found in the possession of the articles, the return shall so state. [1987 c 202 s 220; 1955 c 288 s 1; 1955 c 39 s 4. Prior: 1943 c 216 s 3(2),

part; 1933 ex.s. c 62 s 33(2), part; Rem. Supp. 1943 s 7306-33(2), part.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 66.32.030 Service of warrant—Receipt for seized property.

A copy of the warrant, together with a detailed receipt for the property taken shall be served upon the person found in possession of any intoxicating liquor, furniture, or fixtures so seized, and if no person is found in possession thereof, a copy of the warrant and receipt shall be left in a conspicuous place upon the premises wherein they are found. [1955 c 39 s 5. Prior: 1943 c 216 s 3(2), part; 1933 ex.s. c 62 s 33(2), part; Rem. Supp. 1943 s 7306-33(2), part.]

RCW 66.32.040 Forfeiture of liquor directed if kept unlawfully.

All liquor seized pursuant to the authority of a search warrant or an arrest shall, upon adjudication that it was kept in violation of this title, be forfeited and upon forfeiture be disposed of by the agency seizing the liquor. [1993 c 26 s 1; 1955 c 39 s 6. Prior: 1943 c 216 s 3(2), part; 1933 ex.s. c 62 s 23(2), part; Rem. Supp. 1943 s 7306-33(2), part.]

RCW 66.32.050 Hearing. Upon the return of the warrant as provided herein, the judge shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of the return, when he or she shall proceed to hear and determine whether or not the articles seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this title. [1987 c 202 s 221; 1955 c 39 s 7. Prior: 1943 c 216 s 3(3), part; 1933 ex.s. c 62 s 33(2), part; Rem. Supp. 1943 s 7306-33(3), part.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 66.32.060 Claimants may appear. At the hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his or her interest, and the burden shall rest upon the claimant to show, by competent evidence, his or her property right or interest in the articles claimed, and that they were not used in violation of any of the provisions of this title, and were not in any manner kept or possessed with the intention of violating any of its provisions. [2012 c 117 s 283; 1955 c 39 s 8. Prior: 1943 c 216 s 3(3), part; 1933 ex.s. c 62 s 33(2), part; Rem. Supp. 1943 s 7306-33(3), part.]

RCW 66.32.070 Judgment of forfeiture—Disposition of proceeds of property sold. If, upon the hearing, the evidence warrants, or, if no person appears as claimant, the judge shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: PROVIDED, That if, in the opinion of the judge, any of the forfeited articles

other than intoxicating liquors are of value and adapted to any lawful use, the judge shall, as a part of the order and judgment, direct that the articles other than intoxicating liquor be sold as upon execution by the officer having them in custody, and the proceeds of the sale after payment of all costs of the proceedings shall be paid into the liquor revolving fund. [1987 c 202 s 222; 1955 c 39 s 9. Prior: 1943 c 216 s 3(3), part; 1933 ex.s. c 62 s 33(2), part; Rem. Supp. 1943 s 7306-33(3), part.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 66.32.080 Forfeiture action no bar to criminal prosecution.

Action under RCW 66.32.010 through 66.32.080 and the forfeiture, destruction, or sale of any articles thereunder shall not bar prosecution under any other provision. [1955 c 39 s 10. Prior: 1943 c 216 s 3(3), part; 1933 ex.s. c 62 s 33(2), part; Rem. Supp. 1943 s 7306-33(3), part.]

RCW 66.32.090 Seized liquor to be reported to board.

In every case in which liquor is seized by a sheriff or deputy of any county or by a police officer of any municipality or by a member of the Washington state patrol, or any other authorized peace officer or inspector, it shall be the duty of the sheriff or deputy of any county, or chief of police of the municipality, or the chief of the Washington state patrol, as the case may be, to forthwith report in writing to the board of particulars of such seizure. [1993 c 26 s 2; 1987 c 202 s 223; 1935 c 174 s 8; 1933 ex.s. c 62 s 55; RRS s 7306-55.]

Intent—1987 c 202: See note following RCW 2.04.190.