
SUBSTITUTE HOUSE BILL 1385

State of Washington

68th Legislature

2023 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Hackney, Goodman, Fitzgibbon, and Simmons)

READ FIRST TIME 02/14/23.

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 RCW 69.50.505; adding a new chapter to Title
5 7 RCW; creating a new section; prescribing penalties; and providing
6 an 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) For purposes of this section, "seizing agency" does not
14 include a state child support agency under Title IV-D of the Social
15 Security Act (49 Stat. 620; 42 U.S.C. Sec. 651 et seq.).

16 (4)(a) The seizing agency must keep a record, about property
17 seized and forfeited under state law and any agreement with any
18 federal agency, of each forfeiture indicating:

19 (i) The name of the seizing agency;

20 (ii) Date of seizure;

21 (iii) Type of property seized;

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

24 (v) Street address or description of the location where the
25 seizure occurred;

26 (vi) Whether the seizure was adopted by the federal government,
27 part of a joint task force with the federal government, or other
28 arrangement with the federal government;

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

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

35 (ix) Date of disposition of the property;

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

38 (xi) Value of the property forfeited; and

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

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

14 (c) By March 1st each year, the seizing agency shall file with
15 the state treasurer a report that summarizes the agency's
16 expenditures from the sum of the net proceeds of all seized and
17 forfeited property during the previous calendar year. The report must
18 be posted and made available on the web site created in this
19 subsection (4). The report must use the following categories to
20 summarize expenditures and values:

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

34 (5) One hundred twenty days after the close of each fiscal year,
35 the state treasurer shall submit to the speaker of the house of
36 representatives, president of the senate, attorney general, and
37 governor a written report summarizing forfeiture activity in the
38 state for the preceding fiscal year; the type, approximate value, and
39 disposition of the property seized; and the amount of any proceeds
40 received or expended at the state and local levels. The report must

1 provide a categorized accounting of all proceeds expended. Summary
2 data on seizures, forfeitures, and expenditures of forfeiture
3 proceeds must be disaggregated by agency. The aggregate report must
4 be made available on the state treasurer's web site.

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

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

19 (8) The data and reports compiled and prepared under this chapter
20 are public information under chapter 42.56 RCW.

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

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

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

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

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

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

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

20 The following are subject to seizure and forfeiture:

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

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

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

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

1 (c) A forfeiture of property encumbered by a bona fide security
2 interest is subject to the interest of the secured party if the
3 secured party neither had knowledge of nor consented to the act or
4 omission; and

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

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

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

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

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

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

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

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

1 complete upon mailing within the fifteen day period following the
2 seizure.

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

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

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

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

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

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

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

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

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

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

23 ~~(11) Forfeited property and net proceeds not required to be~~
24 ~~remitted to the state under this chapter shall be used for payment of~~
25 ~~all proper expenses of the investigation leading to the seizure,~~
26 ~~including any money delivered to the subject of the investigation by~~
27 ~~the law enforcement agency, and of the proceedings for forfeiture and~~
28 ~~sale, including expenses of seizure, maintenance of custody,~~
29 ~~advertising, actual costs of the prosecuting or city attorney, and~~
30 ~~court costs. Money remaining after payment of these expenses shall be~~
31 ~~retained by the seizing law enforcement agency for the exclusive use~~
32 ~~of enforcing the provisions of this chapter or chapter 9A.88 RCW))~~
33 ~~are governed by chapter 7.--- RCW (the new chapter created in section~~
34 ~~18 of this act).~~

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

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

1 (a) Any property or other interest acquired or maintained in
2 violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of
3 the investment of funds, and any appreciation or income attributable
4 to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or
5 9A.88.070;

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

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

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

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

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

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

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

36 (e) All books, records, and research products and materials,
37 including formulas, microfilm, tapes, and data which are used, or
38 intended for use, in violation of RCW 9.68A.100, 9.68A.101, or
39 9A.88.070;

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

19 (g) All real property, including any right, title, and interest
20 in the whole of any lot or tract of land, and any appurtenances or
21 improvements which are being used with the knowledge of the owner for
22 a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have
23 been acquired in whole or in part with proceeds traceable to an
24 exchange or series of exchanges in violation of RCW 9.68A.100,
25 9.68A.101, or 9A.88.070, if a substantial nexus exists between the
26 violation and the real property. However:

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

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

35 (2) Real or personal property subject to forfeiture under this
36 section may be seized by any law enforcement officer of this state
37 upon process issued by any superior court having jurisdiction over
38 the property. Seizure of real property shall include the filing of a
39 lis pendens by the seizing agency. Real property seized under this
40 section shall not be transferred or otherwise conveyed until ninety

1 days after seizure or until a judgment of forfeiture is entered,
2 whichever is later: PROVIDED, That real property seized under this
3 section may be transferred or conveyed to any person or entity who
4 acquires title by foreclosure or deed in lieu of foreclosure of a
5 security interest. Seizure of personal property without process may
6 be made if:

7 (a) The seizure is incident to an arrest or a search under a
8 search warrant;

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

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

15 (3) In the event of seizure pursuant to subsection (2) of this
16 section, proceedings for forfeiture (~~shall be deemed commenced by~~
17 ~~the seizure. 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. Notice of~~
30 ~~seizure in the case of property subject to a security interest that~~
31 ~~has been perfected by filing a financing statement, or a certificate~~
32 ~~of title, shall be made by service upon the secured party or the~~
33 ~~secured party's assignee at the address shown on the financing~~
34 ~~statement or the certificate of title. The notice of seizure in other~~
35 ~~cases may be served by any method authorized by law or court rule~~
36 ~~including, but not limited to, service by certified mail with return~~
37 ~~receipt requested. Service by mail shall be deemed complete upon~~
38 ~~mailing within the fifteen day period following the seizure.~~

39 ~~(4) If no person notifies the seizing law enforcement agency in~~
40 ~~writing of the person's claim of ownership or right to possession of~~

1 items specified in subsection (1) of this section within forty-five
2 days of the service of notice from the seizing agency in the case of
3 personal property and ninety days in the case of real property, the
4 item seized shall be deemed forfeited. The community property
5 interest in real property of a person whose spouse or domestic
6 partner committed a violation giving rise to seizure of the real
7 property may not be forfeited if the person did not participate in
8 the violation.

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

1 proof is upon the law enforcement agency to establish, by a
2 preponderance of the evidence, that the property is subject to
3 forfeiture.

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

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

15 (7) When property is forfeited under this chapter, the seizing
16 law enforcement agency may:

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

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

22 (c) Request the appropriate sheriff or director of public safety
23 to take custody of the property and remove it for disposition in
24 accordance with law.

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

30 (b) Each seizing agency shall retain records of forfeited
31 property for at least seven years.

32 (c) Each seizing agency shall file a report including a copy of
33 the records of forfeited property with the state treasurer each
34 calendar quarter.

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

39 (9) (a) By January 31st of each year, each seizing agency shall
40 remit to the state an amount equal to ten percent of the net proceeds

1 of any property forfeited during the preceding calendar year. Money
2 remitted shall be deposited in the prostitution prevention and
3 intervention account under RCW 43.63A.740.

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

12 (c) The value of sold forfeited property is the sale price. The
13 value of destroyed property and retained firearms or illegal property
14 is zero.

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

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

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

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

38 (b) The landlord has applied any funds remaining in the tenant's
39 deposit, to which the landlord has a right under chapter 59.18 RCW,

1 ~~to cover the damage directly caused by a law enforcement officer~~
2 ~~prior to asserting a claim under the provisions of this section:~~

3 ~~(i) Only if the funds applied under (b) of this subsection are~~
4 ~~insufficient to satisfy the damage directly caused by a law~~
5 ~~enforcement officer, may the landlord seek compensation for the~~
6 ~~damage by filing a claim against the governmental entity under whose~~
7 ~~authority the law enforcement agency operates within thirty days~~
8 ~~after the search;~~

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

18 ~~(c) For any claim filed under (b) of this subsection, the law~~
19 ~~enforcement agency shall pay the claim unless the agency provides~~
20 ~~substantial proof that the landlord either:~~

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

23 ~~(ii) Failed to respond to a notification of the illegal activity,~~
24 ~~provided by a law enforcement agency under RCW 59.18.075, within~~
25 ~~seven days of receipt of notification of the illegal activity.~~

26 ~~(13) The landlord's claim for damages under subsection (12) of~~
27 ~~this section may not include a claim for loss of business and is~~
28 ~~limited to:~~

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

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

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

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

38 ~~(14) Subsections (12) and (13) of this section do not limit any~~
39 ~~other rights a landlord may have against a tenant to collect for~~
40 ~~damages. However, if a law enforcement agency satisfies a landlord's~~

1 ~~claim under subsection (12) of this section, the rights the landlord~~
2 ~~has against the tenant for damages directly caused by a law~~
3 ~~enforcement officer under the terms of the landlord and tenant's~~
4 ~~contract are subrogated to the law enforcement agency)) are governed~~
5 ~~by chapter 7.--- RCW (the new chapter created in section 18 of this~~
6 ~~act).~~

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

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

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

29 (a) The seizure is incident to an arrest or a search under a
30 search warrant or an inspection under an administrative inspection
31 warrant issued pursuant to RCW 69.50.502; or

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

35 (3) A seizure under subsection (2) of this section commences
36 proceedings for forfeiture pursuant to chapter 7.--- RCW (the new
37 chapter created in section 18 of this act). (~~The law enforcement~~
38 ~~agency under whose authority the seizure was made shall cause notice~~
39 ~~of the seizure and intended forfeiture of the seized proceeds to be~~

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

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

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

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

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

1 (1) The following are subject to seizure and forfeiture and no
2 property right exists in them: All personal property, including, but
3 not limited to, any item, object, tool, substance, device, weapon,
4 machine, vehicle of any kind, money, security, or negotiable
5 instrument, which has been or was actually employed as an
6 instrumentality in the commission of, or in aiding or abetting in the
7 commission of any felony, or which was furnished or was intended to
8 be furnished by any person in the commission of, as a result of, or
9 as compensation for the commission of, any felony, or which was
10 acquired in whole or in part with proceeds traceable to the
11 commission of a felony. No property may be forfeited under this
12 section until after there has been a superior court conviction of the
13 owner of the property for the felony in connection with which the
14 property was employed, furnished, or acquired.

15 A forfeiture of property encumbered by a bona fide security
16 interest is subject to the interest of the secured party if at the
17 time the security interest was created, the secured party neither had
18 knowledge of nor consented to the commission of the felony.

19 (2) Personal property subject to forfeiture under this chapter
20 may be seized by any law enforcement officer of this state upon
21 process issued by any superior court having jurisdiction over the
22 property. Seizure of personal property without process may be made
23 if:

24 (a) The seizure is incident to an arrest or a search under a
25 search warrant;

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

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

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

34 (3) In the event of seizure pursuant to this section, proceedings
35 for forfeiture (~~shall be deemed commenced by the seizure. The law~~
36 ~~enforcement agency under whose authority the seizure was made shall~~
37 ~~cause notice to be served within fifteen days following the seizure~~
38 ~~on the owner of the property seized and the person in charge thereof~~
39 ~~and any person having any known right or interest therein, including~~
40 ~~any community property interest, of the seizure and intended~~

1 forfeiture of the seized property. The notice of seizure may be
2 served by any method authorized by law or court rule including but
3 not limited to service by certified mail with return receipt
4 requested. Service by mail shall be deemed complete upon mailing
5 within the fifteen day period following the seizure. Notice of
6 seizure in the case of property subject to a security interest that
7 has been perfected by filing a financing statement in accordance with
8 chapter 62A.9A RCW, or a certificate of title shall be made by
9 service upon the secured party or the secured party's assignee at the
10 address shown on the financing statement or the certificate of title.

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

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

1 ~~evidence shall be upon the person claiming to be the lawful owner or~~
2 ~~the person claiming to have the lawful right to possession of the~~
3 ~~property. The seizing law enforcement agency shall promptly return~~
4 ~~the property to the claimant upon a determination by the~~
5 ~~administrative law judge or court that the claimant is the present~~
6 ~~lawful owner or is lawfully entitled to possession of the property.~~

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

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

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

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

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

27 ~~(b) 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 ~~(c) Retained property and net proceeds not required to be~~
38 ~~remitted to the state, or otherwise required to be spent under this~~
39 ~~section, shall be retained by the seizing law enforcement agency~~
40 ~~exclusively for the expansion and improvement of law enforcement~~

1 activity. Money retained under this section may not be used to
2 supplant preexisting funding sources)) are governed by chapter 7.---
3 RCW (the new chapter created in section 18 of this act).

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

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

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

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

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

1 secured party neither had actual or constructive knowledge of nor
2 consented to the commission of any crime involving the theft,
3 trafficking, or unlawful possession of commercial metal property; and

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

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

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

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

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

12 (a) The seizure is incident to an arrest or a search under a
13 search warrant; or

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

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

1 ~~or the secured party's assignee at the address shown on the financing~~
2 ~~statement or the certificate of title.~~

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

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

1 ~~the person claiming to have the lawful right to possession of the~~
2 ~~property.~~

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

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

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

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

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

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

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

38 ~~(c) The net proceeds of forfeited property is the value of the~~
39 ~~forfeitable interest in the property after deducting the cost of~~
40 ~~satisfying any bona fide security interest to which the property is~~

1 subject at the time of seizure; and in the case of sold property,
2 after deducting the cost of sale, including reasonable fees or
3 commissions paid to independent selling agents, and the cost of any
4 valid landlord's claim for damages.

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

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

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

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

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

34 (1) Upon the arrest of a person or upon the filing of a
35 complaint, citation, or information in a court of competent
36 jurisdiction, based upon probable cause to believe that a person has
37 violated RCW 46.20.740, 46.61.502, or 46.61.504 or any similar
38 municipal ordinance, if such person has a prior offense within seven
39 years as defined in RCW 46.61.5055, and where the person has been

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

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

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

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

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

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

1 subject of a prior judgment in favor of the state in a forfeiture
2 proceeding based upon this section.

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

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

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

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

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

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

28 ~~((9))~~ (7) Each seizing agency shall retain records of forfeited
29 vehicles for at least seven years.

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

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

37 ~~(12) By January 31st of each year, each seizing agency shall
38 remit to the state an amount equal to ten percent of the net proceeds
39 of vehicles forfeited during the preceding calendar year for deposit
40 into the behavioral health loan repayment program account created in~~

1 ~~RCW 28B.115.135 through June 30, 2027, and into the state general~~
2 ~~fund thereafter.~~

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

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

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

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

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

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

31 (a) The seizure is incident to arrest or a search under a search
32 warrant;

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

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

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

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

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

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

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

1 ~~detonated, or used in violation of a provision of this chapter with~~
2 ~~the person's knowledge or consent.~~

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

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

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

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

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

37 (2) In the event of a seizure of property under this section,
38 jurisdiction to begin the forfeiture proceedings shall commence upon
39 seizure, and shall be governed by chapter 7.--- RCW (the new chapter

1 created in section 18 of this act). ((Within fifteen days following
2 the seizure, the seizing authority shall serve a written notice of
3 intent to forfeit property on the owner of the property seized and on
4 any person having any known right or interest in the property seized.
5 Notice may be served by any method authorized by law or court rule,
6 including service by certified mail with return receipt requested.
7 Service by mail is deemed complete upon mailing within the fifteen-
8 day period following the seizure.

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

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

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

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

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

1 ~~(6) A forfeiture of a conveyance encumbered by a perfected~~
2 ~~security interest is subject to the interest of the secured party if~~
3 ~~the secured party neither had knowledge of nor consented to the act~~
4 ~~or omission. No security interest in seized property may be perfected~~
5 ~~after seizure.~~

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

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

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

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

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

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

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

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

37 (ii) No conveyance is subject to forfeiture under this section by
38 reason of any act or omission (~~established by the owner thereof to~~

1 ~~have been~~) committed or omitted without the owner's knowledge or
2 consent;

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

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

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

15 (e) All books, records, and research products and materials,
16 including formulas, microfilm, tapes, and data which are used, or
17 intended for use, in violation of this chapter or chapter 69.41 or
18 69.52 RCW;

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

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

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

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

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

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

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

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

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

13 (a) The seizure is incident to an arrest or a search under a
14 search warrant or an inspection under an administrative inspection
15 warrant;

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

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

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

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

1 has been perfected by filing a financing statement in accordance with
2 chapter 62A.9A RCW, or a certificate of title, shall be made by
3 service upon the secured party or the secured party's assignee at the
4 address shown on the financing statement or the certificate of title.
5 The notice of seizure in other cases may be served by any method
6 authorized by law or court rule including but not limited to service
7 by certified mail with return receipt requested. Service by mail
8 shall be deemed complete upon mailing within the fifteen day period
9 following the seizure.

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

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

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

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

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

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

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

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

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

39 (d) Forward it to the drug enforcement administration for
40 disposition.

1 (8) ~~((a) When property is forfeited, the seizing agency shall~~
2 ~~keep a record indicating the identity of the prior owner, if known, a~~
3 ~~description of the property, the disposition of the property, the~~
4 ~~value of the property at the time of seizure, and the amount of~~
5 ~~proceeds realized from disposition of the property.~~

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

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

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

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

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

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

1 (10) Forfeited property and net proceeds not required to be
2 remitted to the state shall be retained by the seizing law
3 enforcement agency exclusively for the expansion and improvement of
4 controlled substances related law enforcement activity. If the
5 seizing agency is a port district operating an airport in a county
6 with a population of more than one million, it may use the net
7 proceeds not required to be remitted to the state for purposes
8 related to controlled substances law enforcement, substance abuse
9 education, human trafficking interdiction, and responsible gun
10 ownership. Money retained under this section may not be used to
11 supplant preexisting funding sources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (17) Subsections (15) and (16) of this section do not limit any
6 other rights a landlord may have against a tenant to collect for
7 damages. However, if a law enforcement agency satisfies a landlord's
8 claim under subsection (15) of this section, the rights the landlord
9 has against the tenant for damages directly caused by a law
10 enforcement officer under the terms of the landlord and tenant's
11 contract are subrogated to the law enforcement agency.

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

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

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

22 (2) This chapter applies to any judicial or administrative
23 proceeding commenced in any court or agency in Washington state in
24 which a service member or his or her dependent is a party. This
25 chapter applies to civil asset forfeiture proceedings. This chapter
26 does not apply to criminal proceedings.

27 (3) This chapter shall be construed liberally so as to provide
28 fairness and do substantial justice to service members and their
29 dependents.

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

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

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

--- **END** ---