

FINAL BILL REPORT

SSB 5728

Brief Description: Concerning the state's portion of civil asset forfeiture collections.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Holy, Dhingra and Nobles; by request of State Treasurer).

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The Uniform Controlled Substances Act allows forfeiture of real and personal property used in drug-related offenses. When property is seized under the authority of the Uniform Controlled Substances Act, the seizing enforcement agency must serve notice of the seizure on the owner of the property and on any person having any known right or interest in the property. This notice must be served within 15 days of the seizure of the property.

A person asserting a claim of ownership or right to possession of the seized property must notify the seizing law enforcement agency of their claim within the time period prescribed by statute. If no person notifies the seizing law enforcement agency of the person's claim of ownership or right to possession within 45 days of the seizure of personal property or 90 days of the seizure of real property, the property seized is deemed forfeited.

Once property is deemed forfeited, the enforcement agency may retain the property for official use, sell the property, dispose of the property, or forward it to the Drug Enforcement Administration. Ten percent of the net proceeds of any property forfeited during the preceding calendar year must be remitted to the state treasurer for deposit to the general fund.

Prior to 2009, state proceeds of drug forfeitures and seizures were deposited in the Violence Reduction and Drug Enforcement Account (VRDEA). The VRDEA was established by the Legislature in 1989 to provide funding for public safety programs including drug and alcohol abuse prevention programs, juvenile rehabilitation programs, and local public safety grants. In 2009, the Legislature eliminated the VRDEA along with several other accounts and directed those funds be deposited in the State General Fund.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Behavioral Health Loan Repayment Program was established in 2019 to address behavioral health professional shortages in rural and underserved urban communities. The program provides financial support to eligible licensed health professionals through loan repayment and conditional scholarships.

Summary: The state's portion of civil asset forfeiture collections must be deposited in the Behavioral Health Loan Repayment Program Account until June 30, 2027, at which time revenues will revert back to the state general fund. The Behavioral Health Loan Repayment Program Account will retain its own interest earnings.

Terminology is updated and other typographical changes are made.

Votes on Final Passage:

Senate	48	1	
House	94	2	(House amended)
Senate	48	1	(Senate concurred)

Effective: July 1, 2022.