
SENATE BILL 5881

State of Washington 52nd Legislature 1991 Regular Session

By Senators Pelz, Madsen, McCaslin, Johnson and Owen.

Read first time February 28, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to property forfeiture by criminals; amending RCW
2 9A.82.100; reenacting and amending RCW 69.50.505; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9A.82.100 and 1989 c 271 s 111 are each amended to
6 read as follows:

7 (1) (a) A person who sustains injury to his or her person,
8 business, or property by an act of criminal profiteering that is part
9 of a pattern of criminal profiteering activity or by a violation of RCW
10 9A.82.060 or 9A.82.080 may file an action in superior court for the
11 recovery of damages and the costs of the suit, including reasonable
12 investigative and attorney's fees.

13 (b) The attorney general or county prosecuting attorney may file an
14 action: (i) On behalf of those persons injured or, respectively, on
15 behalf of the state or county if the entity has sustained damages, or

1 (ii) to prevent, restrain, or remedy a pattern of criminal profiteering
2 activity or a violation of RCW 9A.82.060 or 9A.82.080.

3 (c) An action for damages filed by or on behalf of an injured
4 person, the state, or the county shall be for the recovery of damages
5 and the costs of the suit, including reasonable investigative and
6 attorney's fees.

7 (d) In an action filed to prevent, restrain, or remedy a pattern of
8 criminal profiteering activity or a violation of RCW 9A.82.060 or
9 9A.82.080, the court, upon proof of the violation, may impose a civil
10 penalty not exceeding two hundred fifty thousand dollars, in addition
11 to awarding the cost of the suit, including reasonable investigative
12 and attorney's fees.

13 (2) The superior court has jurisdiction to prevent, restrain, and
14 remedy a pattern of criminal profiteering or a violation of RCW
15 9A.82.060 or 9A.82.080 after making provision for the rights of all
16 innocent persons affected by the violation and after hearing or trial,
17 as appropriate, by issuing appropriate orders.

18 (3) Prior to a determination of liability, orders issued under
19 subsection (2) of this section may include, but are not limited to,
20 entering restraining orders or prohibitions or taking such other
21 actions, including the acceptance of satisfactory performance bonds, in
22 connection with any property or other interest subject to damages,
23 forfeiture, or other restraints pursuant to this section as the court
24 deems proper. The orders may also include attachment, receivership, or
25 injunctive relief in regard to personal or real property pursuant to
26 Title 7 RCW. In shaping the reach or scope of receivership,
27 attachment, or injunctive relief, the superior court shall provide for
28 the protection of bona fide interests in property, including community
29 property, of persons who were not involved in the violation of this
30 chapter, except to the extent that such interests or property were

1 acquired or used in such a way as to be subject to forfeiture under
2 (~~RCW 9A.82.100~~) subsection (4)(f) of this section.

3 (4) Following a determination of liability, orders may include, but
4 are not limited to:

5 (a) Ordering any person to divest himself or herself of any
6 interest, direct or indirect, in any enterprise.

7 (b) Imposing reasonable restrictions on the future activities or
8 investments of any person, including prohibiting any person from
9 engaging in the same type of endeavor as the enterprise engaged in, the
10 activities of which affect the laws of this state, to the extent the
11 Constitutions of the United States and this state permit.

12 (c) Ordering dissolution or reorganization of any enterprise.

13 (d) Ordering the payment of actual damages sustained to those
14 persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act
15 of criminal profiteering that is part of a pattern of criminal
16 profiteering, and in the court's discretion, increasing the payment to
17 an amount not exceeding three times the actual damages sustained.

18 (e) Ordering the payment of all costs and expenses of the
19 prosecution and investigation of a pattern of criminal profiteering
20 activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and
21 criminal, incurred by the state or county, including any costs of
22 defense provided at public expense, as appropriate to the state general
23 fund or the antiprofitteering revolving fund of the county.

24 (f) Ordering forfeiture first as restitution to any person damaged
25 by an act of criminal profiteering that is part of a pattern of
26 criminal profiteering then to the state general fund or
27 antiprofitteering revolving fund of the county, as appropriate, to the
28 extent not already ordered to be paid in other damages, of the
29 following:

1 (i) Any property or other interest acquired or maintained in
2 violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment
3 of funds, and any appreciation or income attributable to the
4 investment, from a violation of RCW 9A.82.060 or 9A.82.080.

5 (ii) Any property, contractual right, or claim against property
6 used to influence any enterprise that a person has established,
7 operated, controlled, conducted, or participated in the conduct of, in
8 violation of RCW 9A.82.060 or 9A.82.080.

9 (iii) All proceeds traceable to or derived from an offense included
10 in the pattern of criminal profiteering activity and all moneys,
11 negotiable instruments, securities, and other things of value
12 significantly used or intended to be used significantly to facilitate
13 commission of the offense.

14 (g) Ordering payment to the state general fund or antiprofitteering
15 revolving fund of the county, as appropriate, of an amount equal to the
16 gain a person has acquired or maintained through an offense included in
17 the definition of criminal profiteering.

18 (5) In addition to or in lieu of an action under this section, the
19 attorney general or county prosecuting attorney may file an action for
20 forfeiture to the state general fund or antiprofitteering revolving fund
21 of the county, as appropriate, to the extent not already ordered paid
22 pursuant to this section, of the following:

23 (a) Any interest acquired or maintained by a person in violation of
24 RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds
25 obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any
26 appreciation or income attributable to the investment.

27 (b) Any property, contractual right, or claim against property used
28 to influence any enterprise that a person has established, operated,
29 controlled, conducted, or participated in the conduct of, in violation
30 of RCW 9A.82.060 or 9A.82.080.

1 (c) All proceeds traceable to or derived from an offense included
2 in the pattern of criminal profiteering activity and all moneys,
3 negotiable instruments, securities, and other things of value
4 significantly used or intended to be used significantly to facilitate
5 the commission of the offense.

6 (6) Whenever any property forfeitable under subsection (4)(f) or
7 (5) of this section has been commingled with nonforfeitable property,
8 there shall be a presumption that the entire commingled property is
9 forfeitable. The presumption may be rebutted as to any portion claimed
10 to be nonforfeitable by clear and convincing evidence of the
11 independent, untainted source of such portion.

12 (7) A person or enterprise that acquires, maintains, or uses any
13 property so as to make the property forfeitable pursuant to the
14 provisions of this section is an involuntary trustee of the property.
15 The involuntary trustee and any other person or enterprise, except a
16 bona fide purchaser for value reasonably without notice of the unlawful
17 conduct and who is not knowingly taking part in an illegal transaction,
18 holds the property, its proceeds and its fruits in constructive trust
19 for the benefit of persons entitled to remedies under this section.

20 (8) If any of the property described in subsection (4)(f) or (5) of
21 this section, as a result of any act or omission of the defendant:

22 (a) Cannot be located upon the exercise of due diligence;

23 (b) Has been transferred or sold to, or deposited with, a third
24 party;

25 (c) Has been placed beyond the jurisdiction of the court;

26 (d) Has been substantially diminished in value; or

27 (e) Has been commingled with other property which cannot be divided
28 without difficulty;

1 the court shall order the forfeiture of any other property of the
2 defendant up to the value of any property described in (a) through (e)
3 of this subsection.

4 (9) The state or county may request the issuance of a warrant
5 authorizing the seizure of property subject to forfeiture or to being
6 used to satisfy a judgment entered in favor of the state or county
7 under this section in the same manner as provided for a search warrant.
8 If the court determines that there is probable cause to believe that
9 the property to be seized would, in the event the state or county
10 establishes liability, be subject to forfeiture or to being used to
11 satisfy a judgment entered in favor of the state or county and that an
12 order under subsection (3) of this section may not be sufficient to
13 assure the availability of the property for forfeiture or satisfaction
14 of judgment, the court shall issue a warrant authorizing the seizure of
15 such property. Seizure of personal property without process may be made
16 if:

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

19 (b) The property subject to seizure has been the subject of a prior
20 judgment in favor of the state or county in a forfeiture proceeding
21 based upon this section;

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

25 (d) A law enforcement officer has probable cause to believe that
26 the property is subject to forfeiture or to being used to satisfy a
27 judgment entered in favor of the state under this section.

28 All procedures for release or termination of criminal profiteering
29 liens shall apply also to seizures pursuant to this subsection.

1 (10) A defendant convicted in any criminal proceeding is precluded
2 in any civil proceeding from denying the essential allegations of the
3 criminal offense proven in the criminal trial in which the defendant
4 was convicted. For the purposes of this subsection, a conviction shall
5 be deemed to have occurred upon a verdict, finding, or plea of guilty,
6 notwithstanding the fact that appellate review of the conviction and
7 sentence has been or may be sought. If a subsequent reversal of the
8 conviction occurs, any judgment that was based upon that conviction may
9 be reopened upon motion of the defendant.

10 ~~((7))~~ (11) The initiation of civil proceedings under this section
11 shall be commenced within three years after discovery of the pattern of
12 criminal profiteering activity or after the pattern should reasonably
13 have been discovered.

14 ~~((8))~~ (12) The attorney general or county prosecuting attorney
15 may, in a civil action brought pursuant to this section, file with the
16 clerk of the superior court a certificate stating that the case is of
17 special public importance. A copy of that certificate shall be
18 furnished immediately by the clerk to the presiding chief judge of the
19 superior court in which the action is pending and, upon receipt of the
20 copy, the judge shall immediately designate a judge to hear and
21 determine the action. The judge so designated shall promptly assign
22 the action for hearing, participate in the hearings and determination,
23 and cause the action to be expedited.

24 ~~((9))~~ (13) The standard of proof in actions brought pursuant to
25 this section is the preponderance of the evidence test.

26 ~~((10))~~ (14) A person other than the attorney general or county
27 prosecuting attorney who files an action under this section shall serve
28 notice and one copy of the pleading on the attorney general within
29 thirty days after the action is filed with the superior court. The
30 notice shall identify the action, the person, and the person's

1 attorney. Service of the notice does not limit or otherwise affect the
2 right of the state to maintain an action under this section or
3 intervene in a pending action nor does it authorize the person to name
4 the state or the attorney general as a party to the action.

5 ~~((11))~~ (15) Except in cases filed by a county prosecuting
6 attorney, the attorney general may, upon timely application, intervene
7 in any civil action or proceeding brought under this section if the
8 attorney general certifies that in the attorney general's opinion the
9 action is of special public importance. Upon intervention, the
10 attorney general may assert any available claim and is entitled to the
11 same relief as if the attorney general had instituted a separate
12 action.

13 ~~((12))~~ (16) In addition to the attorney general's right to
14 intervene as a party in any action under this section, the attorney
15 general may appear as amicus curiae in any proceeding in which a claim
16 under this section has been asserted or in which a court is
17 interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or
18 9A.82.120, or this section.

19 ~~((13))~~ (17) A private civil action under this section does not
20 limit any other civil or criminal action under this chapter or any
21 other provision. Private civil remedies provided under this section
22 are supplemental and not mutually exclusive.

23 ~~((14))~~ (18) Upon motion by the defendant, the court may authorize
24 the sale or transfer of assets subject to an order or lien authorized
25 by this chapter for the purpose of paying actual attorney's fees and
26 costs of defense. The motion shall specify the assets for which sale
27 or transfer is sought and shall be accompanied by the defendant's sworn
28 statement that the defendant has no other assets available for such
29 purposes. No order authorizing such sale or transfer may be entered
30 unless the court finds that the assets involved are not subject to

1 possible forfeiture under ((RCW 9A.82.100)) subsection (4)(f) of this
2 section. Prior to disposition of the motion, the court shall notify
3 the state of the assets sought to be sold or transferred and shall hear
4 argument on the issue of whether the assets are subject to forfeiture
5 under ((RCW 9A.82.100)) subsection (4)(f) of this section. Such a
6 motion may be made from time to time and shall be heard by the court on
7 an expedited basis.

8 ((+15+)) (19) In an action brought under subsection (1) (a) and
9 (b)(i) of this section, either party has the right to a jury trial.

10 **Sec. 2.** RCW 69.50.505 and 1990 c 248 s 2 and 1990 c 213 s 12 are
11 each reenacted and amended to read as follows:

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

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

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

23 (3) All property which is used, or intended for use, as a container
24 for property described in paragraphs (1) or (2);

25 (4) All conveyances, including aircraft, vehicles, or vessels,
26 which are used, or intended for use, in any manner to facilitate the
27 sale, delivery, or receipt of property described in paragraphs (1) or
28 (2), except that:

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

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

9 (iii) No conveyance is subject to forfeiture under this section if
10 used in the receipt of only an amount of marijuana for which possession
11 constitutes a misdemeanor under RCW 69.50.401(e);

12 (iv) A forfeiture of a conveyance encumbered by a bona fide
13 security interest is subject to the interest of the secured party if
14 the secured party neither had knowledge of nor consented to the act or
15 omission; and

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

21 (5) All books, records, and research products and materials,
22 including formulas, microfilm, tapes, and data which are used, or
23 intended for use, in violation of this chapter or chapter 69.41 or
24 69.52 RCW;

25 (6) All drug paraphernalia;

26 (7) All moneys, negotiable instruments, securities, or other
27 tangible or intangible property of value furnished or intended to be
28 furnished by any person in exchange for a controlled substance in
29 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
30 or intangible personal property, proceeds, or assets acquired in whole

1 or in part with proceeds traceable to an exchange or series of
2 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
3 and all moneys, negotiable instruments, and securities used or intended
4 to be used to facilitate any violation of this chapter or chapter 69.41
5 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable
6 instruments, securities, or other tangible or intangible property
7 encumbered by a bona fide security interest is subject to the interest
8 of the secured party if, at the time the security interest was created,
9 the secured party neither had knowledge of nor consented to the act or
10 omission: PROVIDED FURTHER, That no personal property may be forfeited
11 under this paragraph, to the extent of the interest of an owner, by
12 reason of any act or omission which that owner establishes was
13 committed or omitted without the owner's knowledge or consent; and

14 (8) All real property, including any right, title, and interest in
15 the whole of any lot or tract of land, and any appurtenances or
16 improvements which are being used with the knowledge of the owner for
17 the manufacturing, compounding, processing, delivery, importing, or
18 exporting of any controlled substance, or which have been acquired in
19 whole or in part with proceeds traceable to an exchange or series of
20 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
21 if such activity is not less than a class C felony and a substantial
22 nexus exists between the commercial production or sale of the
23 controlled substance and the real property: PROVIDED, That:

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

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

1 (iii) The possession of marijuana shall not result in the
2 forfeiture of real property unless the marijuana is possessed for
3 commercial purposes, the amount possessed is five or more plants or one
4 pound or more of marijuana, and a substantial nexus exists between the
5 possession of marijuana and the real property. In such a case, the
6 intent of the offender shall be determined by the preponderance of the
7 evidence, including the offender's prior criminal history, the amount
8 of marijuana possessed by the offender, the sophistication of the
9 activity or equipment used by the offender, and other evidence which
10 demonstrates the offender's intent to engage in commercial activity;

11 (iv) The unlawful sale of marijuana or a legend drug shall not
12 result in the forfeiture of real property unless the sale was forty
13 grams or more in the case of marijuana or one hundred dollars or more
14 in the case of a legend drug, and a substantial nexus exists between
15 the unlawful sale and the real property; and

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

20 (b) Real or personal property subject to forfeiture under this
21 chapter may be seized by any board inspector or law enforcement officer
22 of this state upon process issued by any superior court having
23 jurisdiction over the property. Seizure of real property shall include
24 the filing of a lis pendens by the seizing agency. Real property
25 seized under this section shall not be transferred or otherwise
26 conveyed until ninety days after seizure or until a judgment of
27 forfeiture is entered, whichever is later: PROVIDED, That real
28 property seized under this section may be transferred or conveyed to
29 any person or entity who acquires title by foreclosure or deed in lieu

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

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

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

8 (3) A board inspector or law enforcement officer has probable cause
9 to believe that the property is directly or indirectly dangerous to
10 health or safety; or

11 (4) The board inspector or law enforcement officer has probable
12 cause to believe that the property was used or is intended to be used
13 in violation of this chapter.

14 (c) Whenever any property forfeitable under subsection (a) of this
15 section has been commingled with nonforfeitable property, there shall
16 be a presumption that the entire commingled property is forfeitable.
17 The presumption may be rebutted as to any portion claimed to be
18 nonforfeitable by clear and convincing evidence of the independent,
19 untainted source of such portion.

20 (d) A person or enterprise that acquires, maintains, or uses any
21 property so as to make the property forfeitable pursuant to the
22 provisions of this section is an involuntary trustee of the property.
23 The involuntary trustee and any other person or enterprise, except a
24 bona fide purchaser for value reasonably without notice of the unlawful
25 conduct and who is not knowingly taking part in an illegal transaction,
26 holds the property, its proceeds and its fruits in constructive trust
27 for the benefit of persons entitled to remedies under this section.

28 (e) If any of the property described in subsection (a) of this
29 section, as a result of any act or omission of the defendant:

30 (1) Cannot be located upon the exercise of due diligence;

1 (2) Has been transferred or sold to, or deposited with, a third
2 party;

3 (3) Has been placed beyond the jurisdiction of the court;

4 (4) Has been substantially diminished in value; or

5 (5) Has been commingled with other property which cannot be divided
6 without difficulty;

7 the court shall order the forfeiture of any other property of the
8 defendant up to the value of any property described in (1) through (5)
9 of this subsection.

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

29 ~~((d))~~ (g) If no person notifies the seizing law enforcement
30 agency in writing of the person's claim of ownership or right to

1 possession of items specified in subsection (a)(4), (a)(7), or (a)(8)
2 of this section within forty-five days of the seizure 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 interest
5 in real property of a person whose spouse committed a violation giving
6 rise to seizure of the real property may not be forfeited if the person
7 did not participate in the violation.

8 (~~(e)~~) (h) If any person notifies the seizing law enforcement
9 agency in writing of the person's claim of ownership or right to
10 possession of items specified in subsection (a)(2), (a)(3), (a)(4),
11 (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five
12 days of the seizure in the case of personal property and ninety days in
13 the case of real property, the person or persons shall be afforded a
14 reasonable opportunity to be heard as to the claim or right. The
15 hearing shall be before the chief law enforcement officer of the
16 seizing agency or the chief law enforcement officer's designee, except
17 where the seizing agency is a state agency as defined in RCW
18 34.12.020(4), the hearing shall be before the chief law enforcement
19 officer of the seizing agency or an administrative law judge appointed
20 under chapter 34.12 RCW, except that any person asserting a claim or
21 right may remove the matter to a court of competent jurisdiction if the
22 aggregate value of the article or articles involved is more than five
23 hundred dollars. The court to which the matter is to be removed shall
24 be the district court when such aggregate value is ten thousand dollars
25 or less of personal property. A hearing before the seizing agency and
26 any appeal therefrom shall be under Title 34 RCW. In a court hearing
27 between two or more claimants to the article or articles involved, the
28 prevailing party shall be entitled to a judgment for costs and
29 reasonable attorney's fees. In cases involving personal property, the
30 burden of producing evidence shall be upon the person claiming to be

1 the lawful owner or the person claiming to have the lawful right to
2 possession of the property. In cases involving real property, the
3 burden of producing evidence shall be upon the law enforcement agency.
4 The burden of proof that the seized real property is subject to
5 forfeiture shall be upon the law enforcement agency. The seizing law
6 enforcement agency shall promptly return the article or articles to the
7 claimant upon a determination by the administrative law judge or court
8 that the claimant is the present lawful owner or is lawfully entitled
9 to possession thereof of items specified in subsection (a)(2), (a)(3),
10 (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

11 ~~((f))~~ (i) When property is forfeited under this chapter the board
12 or seizing law enforcement agency may:

13 (1) Retain it for official use or upon application by any law
14 enforcement agency of this state release such property to such agency
15 for the exclusive use of enforcing the provisions of this chapter;

16 (2) (i) Sell that which is not required to be destroyed by law and
17 which is not harmful to the public. The proceeds and all moneys
18 forfeited under this title shall be used for payment of all proper
19 expenses of the investigation leading to the seizure, including any
20 money delivered to the subject of the investigation by the law
21 enforcement agency, and of the proceedings for forfeiture and sale,
22 including expenses of seizure, maintenance of custody, advertising,
23 actual costs of the prosecuting or city attorney, and court costs.
24 Money remaining after the payment of all expenses shall be distributed
25 as follows:

26 (A) Twenty-five percent of the money derived from the forfeiture of
27 real property and seventy-five percent of the money derived from the
28 forfeiture of personal property shall be deposited in the general fund
29 of the state, county, and/or city of the seizing law enforcement agency
30 and shall be used exclusively for the expansion or improvement of law

1 enforcement services. These services may include the creation of
2 reward funds for the purpose of rewarding informants who supply
3 information leading to the arrest, prosecution and conviction of
4 persons who violate laws relating to controlled substances. Such
5 moneys shall not supplant preexisting funding sources;

6 (B) Twenty-five percent of money derived from the forfeiture of
7 real property and twenty-five percent of money derived from the
8 forfeiture of personal property shall be remitted to the state
9 treasurer for deposit in the public safety and education account
10 established in RCW 43.08.250;

11 (C) Until July 1, 1995, fifty percent of money derived from the
12 forfeiture of real property shall be remitted to the state treasurer
13 for deposit in the drug enforcement and education account under RCW
14 69.50.520, on and after July 1, 1995, the fifty percent of the money
15 shall be remitted in the same manner as the twenty-five percent of the
16 money remitted under (2)(i)(A) of this subsection; and

17 (D) If an investigation involves a seizure of moneys and proceeds
18 having an aggregate value of less than five thousand dollars, the
19 moneys and proceeds may be deposited in total in the general fund of
20 the governmental unit of the seizing law enforcement agency and shall
21 be appropriated exclusively for the expansion of narcotics enforcement
22 services. Such moneys shall not supplant preexisting funding sources.

23 (ii) Money deposited according to this section must be deposited
24 within ninety days of the date of final disposition of either the
25 administrative seizure or the judicial seizure;

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

29 (4) Forward it to the drug enforcement administration for
30 disposition.

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

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

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

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