

# FINAL BILL REPORT

## SHB 1364

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C 128 L 97

Synopsis as Enacted

**Brief Description:** Updating provisions about the seizure and forfeiture of gambling-related property.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives K. Schmidt, Delvin, Mitchell and Wensman; by request of Gambling Commission).

**House Committee on Commerce & Labor**  
**Senate Committee on Commerce & Labor**

**Background:** Real and personal property that is involved in a violation of state gambling laws is subject to seizure by law enforcement officers. Once property is seized, law enforcement notifies the owner and the owner may seek recovery of the property. Property subject to seizure includes:

- gambling devices, such as slot machines or video lottery terminals;
- furniture, fixtures, and equipment;
- vehicles including aircraft;
- books and records;
- money, negotiable instruments;
- other personal property acquired with proceeds of professional gambling; and
- real property.

If certain seized property is not claimed by the owner within a specified time period, it is forfeited. This property includes vehicles, money and negotiable instruments, personal property acquired with proceeds of professional gambling activity, and real property. Any security interest that is held by innocent parties in property subject to seizure, is protected.

A person claiming property that has been seized, other than gambling devices, may assert his or her ownership interest at an administrative hearing before the agency seizing the property or before a court. The law enforcement agency must return property that is shown to belong to the owner claiming it.

The Gambling Commission must file an annual report with the state treasurer on property that is forfeited.

Only gambling devices or equipment authorized by the commission may be lawfully owned or possessed. There is no authority for a person to own or possess a slot machine unless it is an antique slot machine not used for any gambling purpose.

The commission and members of the commission are protected from personal liability for their actions and actions of commission employees while acting within the scope of their authority.

**Summary:** Any property subject to seizure in connection with a violation of gambling laws may be forfeited without further hearing if, after notice is given to the owner, the owner fails to claim the property in the time required.

If the owner of a gambling device claims ownership of the machine that has been seized, he or she must be afforded a hearing on the claim of ownership. At the hearing, the only issues to be decided are whether the device is a gambling device and whether it is an antique device.

The Gambling Commission is no longer required to submit an annual report on forfeited property to the state treasurer.

State and local law enforcement officers and any special agents of the commission are protected from liability when lawfully performing their duties relating to the seizure and forfeiture of property under the gambling law.

**Votes on Final Passage:**

House 95 0  
Senate 47 1

**Effective:** July 27, 1997