

SENATE BILL REPORT

SB 5036

As Reported By Senate Committee On:
Law & Justice, February 5, 1997

Title: An act relating to forfeiture of property.

Brief Description: Prohibiting law enforcement officers and their immediate family members from purchasing seized property.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Law & Justice: 1/20/97, 2/5/97 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Stevens and Zarelli.

Minority Report: Do not pass substitute.

Signed by Senators Haugen, Long and McCaslin.

Staff: Harry Steinmetz (786-7421)

Background: Certain property, such as firearms found in the possession of anyone prohibited from having them or used in or in the possession of persons committing certain crimes, gambling devices, personal property used to manufacture or process printed matter depicting a child engaged in explicit sexual conduct, property used in a criminal profiteering scheme or activity, real or personal property used in money laundering, real or personal property used in the manufacture, sale, distribution, etc., of controlled substances, are subject to seizure and forfeiture. These items of property, after certain conditions are met, are frequently sold or auctioned by the local law enforcement agency or other governmental entity possessing them.

Summary of Substitute Bill: A law enforcement officer and his or her spouse, or anyone acting in concert with or on his or her behalf may not purchase, by auction or any other means, any property seized by or forfeited as a result of an arrest or investigation in which that officer participated.

Substitute Bill Compared to Original Bill: The substitute bill narrows the prohibition against purchase from immediate family to a law enforcement officer, his or her spouse, and anyone acting in concert, and provides for return of items purchased and payment of costs of the auction for wrongful purchase.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Forfeiture laws can now be abused. A recent example is the purchase of a home seized from a drug dealer by the officer making the arrest and his son. This raises questions of bias, conflict of interest, etc. That is bad for public perception of law enforcement.

Testimony Against: None.

Testified: Mike Burriss (pro).