

SENATE BILL REPORT

SB 5421

As Reported By Senate Committee On:
Commerce & Labor, February 11, 1997

Title: An act relating to the seizure and forfeiture of gambling-related property.

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

Sponsors: Senators Schow, Newhouse, Prentice and Horn; by request of Gambling Commission.

Brief History:

Committee Activity: Commerce & Labor: 2/4/97, 2/11/97 [DPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Staff: Traci Ratzliff (786-7452)

Background: In 1994, the Legislature modified the procedures for the seizure and forfeiture of gambling related assets utilized in connection with professional gambling.

Assets that are subject to seizure and forfeiture include: gambling devices, such as slot machines, video lottery terminals, video pull-tabs; furnishings, fixtures, equipment and stock; aircraft, vehicles, vessels; real property; moneys, securities, and other tangible and intangible personal property, proceeds or assets utilized or generated as a result of professional gambling.

The statute contains provisions outlining the manner in which assets can be seized; the process by which owners or those holding an interest in such assets may appeal the seizure and forfeiture of such assets; and what happens to those assets that are eventually deemed forfeited.

The 1994 act inadvertently left out a reference to gambling devices in the provision which allows for a hearing by owners or those holding an interest in seized assets. However, the Gambling Commission's policy is to allow the owners of gambling devices the same right to a hearing that is afforded other owners of seized gambling assets under current law.

Summary of Substitute Bill: Gambling devices are specifically included in the provision of current law which allows owners of seized gambling related assets the opportunity to appeal the seizure and forfeiture of such assets.

Language is added which deems that the only issues to be determined at a forfeiture hearing held on a seized gambling device are whether the device is an illegal gambling device or whether it is an antique device.

A waiver of liability is provided for Gambling Commission agents in the performance of their duties under the seizure and forfeiture statutes.

Substitute Bill Compared to Original Bill: The waiver of liability for Gambling Commission agents is included in the substitute bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill just provides a technical fix to the seizure and forfeiture statutes that were rewritten in 1994 and mistakenly omitted the right to a hearing for owners of gambling devices.

Testimony Against: None.

Testified: Carrie Tellefson, Gambling Commission (pro).