
SENATE BILL 6192

State of Washington

56th Legislature

2000 Regular Session

By Senators Fairley, Prentice, Heavey, Thibaudeau, Loveland, Kohl-Welles, Gardner, Kline, Shin, Franklin, B. Sheldon, Spanel, Rasmussen, Hargrove, Costa, Eide, Fraser, Wojahn, McAuliffe and Winsley

Read first time 01/10/2000. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to the unlawful conveyance of domesticated dog or
2 cat fur; reenacting and amending RCW 9.94A.320; adding new sections to
3 chapter 16.72 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.72 RCW
6 to read as follows:

7 (1)(a) It is unlawful for any person to sell or place into the
8 stream of commerce the fur of a domestic dog or cat or any product that
9 contains the fur of a domestic dog or cat unless it is accurately
10 labeled as containing the same.

11 (b) The sale of each fur or fur product that is either improperly
12 labeled or has no label in violation of (a) of this subsection
13 constitutes a separate offense.

14 (c)(i) The first conviction under this subsection is a misdemeanor
15 punishable under RCW 9A.20.021(3), and by a mandatory fine of not less
16 than two hundred fifty dollars.

17 (ii) A second conviction under this subsection is a gross
18 misdemeanor punishable under RCW 9A.20.021(2), and by a mandatory fine
19 of not less than five hundred dollars.

1 (iii) A third or subsequent conviction under this subsection is a
2 class C felony punishable under RCW 9A.20.021(1)(c), and by a mandatory
3 fine of not less than one thousand dollars.

4 (d) For the purposes of this section, "fur" means the fur or pelt
5 of a domestic dog or cat.

6 (2) The fines imposed under this section shall not be suspended or
7 deferred in whole or in part.

8 (3) Violation of this section constitutes a violation of chapter
9 19.86 RCW, the consumer protection act.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.72 RCW
11 to read as follows:

12 (1)(a) In addition to the penalties imposed by the court under
13 section 1 of this act, the following are subject to seizure and
14 forfeiture and no property right exists in them:

15 (i) All fur that is not labeled as "domestic dog" or "domestic
16 cat";

17 (ii) All products containing fur that are not labeled as containing
18 domestic dog or cat fur.

19 (b) For the purposes of this section, "fur" means the fur or pelt
20 of a domestic dog or cat.

21 (2)(a) A forfeiture of property encumbered by a bona fide security
22 interest is subject to the interest of the secured party if, at the
23 time the security interest was created, the secured party neither had
24 knowledge of nor consented to the act or omission.

25 (b) Personal property subject to forfeiture under this chapter may
26 be seized by any law enforcement officer of this state upon process
27 issued by any superior court having jurisdiction over the property.
28 Seizure of personal property without process may be made if:

29 (i) The seizure is incident to an arrest or a search under a search
30 warrant; or

31 (ii) The property subject to seizure has been the subject of a
32 prior judgment in favor of the state in a criminal injunction or
33 forfeiture proceeding based upon this chapter.

34 (c) In the event of seizure pursuant to (b) of this subsection,
35 proceedings for forfeiture shall be deemed commenced by the seizure.
36 The law enforcement agency under whose authority the seizure was made
37 shall cause notice to be served within fifteen days following the
38 seizure on the owner of the property seized and the person in charge

1 thereof and any person having any known right or interest therein,
2 including any community property interest, of the seizure and intended
3 forfeiture of the seized property. Notice of seizure in the case of
4 property subject to a security interest that has been perfected by
5 filing a financing statement in accordance with chapter 62A.9 RCW, or
6 a certificate of title, shall be made by service upon the secured party
7 or the secured party's assignee at the address shown on the financing
8 statement or the certificate of title. The notice of seizure in other
9 cases may be served by any method authorized by law or court rule
10 including but not limited to service by certified mail with return
11 receipt requested. Service by mail shall be deemed complete upon
12 mailing within the fifteen-day period following the seizure.

13 (d) If no person notifies the seizing law enforcement agency in
14 writing of the person's claim of ownership or right to possession of
15 items specified in subsection (1)(a)(i) or (ii) of this section within
16 forty-five days of the seizure, the item seized shall be deemed
17 forfeited. The community property interest in real property of a
18 person whose spouse committed a violation giving rise to seizure of the
19 real property may not be forfeited if the person did not participate in
20 the violation.

21 (e) If any person notifies the seizing law enforcement agency in
22 writing of the person's claim of ownership or right to possession of
23 items specified in subsection (1)(a)(i) or (ii) of this section within
24 forty-five days of the seizure, the person or persons shall be afforded
25 a reasonable opportunity to be heard as to the claim or right. The
26 hearing shall be before the chief law enforcement officer of the
27 seizing agency or the chief law enforcement officer's designee, except
28 where the seizing agency is a state agency as defined in RCW
29 34.12.020(4), the hearing shall be before the chief law enforcement
30 officer of the seizing agency or an administrative law judge appointed
31 under chapter 34.12 RCW, except that any person asserting a claim or
32 right may remove the matter to a court of competent jurisdiction.
33 Removal of any matter involving personal property may only be
34 accomplished according to the rules of civil procedure. The person
35 seeking removal of the matter must serve process against the state,
36 county, political subdivision, or municipality that operates the
37 seizing agency, and any other party of interest, in accordance with RCW
38 4.28.080 or 4.92.020, within forty-five days after the person seeking
39 removal has notified the seizing law enforcement agency of the person's

1 claim of ownership or right to possession. The court to which the
2 matter is to be removed shall be the district court when the aggregate
3 value of personal property is within the jurisdictional limit set forth
4 in RCW 3.66.020. A hearing before the seizing agency and any appeal
5 therefrom shall be under Title 34 RCW. In a court hearing between two
6 or more claimants to the article or articles involved, the prevailing
7 party shall be entitled to a judgment for costs and reasonable
8 attorneys' fees. The burden of producing evidence shall be upon the
9 person claiming to be the lawful owner or the person claiming to have
10 the lawful right to possession of the property. The seizing law
11 enforcement agency shall promptly return the article or articles to the
12 claimant upon a determination by the administrative law judge or court
13 that the claimant is the present lawful owner or is lawfully entitled
14 to possession thereof of items specified in subsection (1)(a)(i) or
15 (ii) of this section.

16 (3) Upon the conviction of any person under section 1 of this act
17 and following the conclusion of all appeals in the matter, all fur
18 forfeited under this section shall be destroyed.

19 (4) Each seizing agency shall retain records of forfeited property
20 for at least seven years.

21 **Sec. 3.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999
22 c 45 s 4 are each reenacted and amended to read as follows:

23 TABLE 2

24 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

25	XVI	Aggravated Murder 1 (RCW 10.95.020)
26	XV	Homicide by abuse (RCW 9A.32.055)
27		Malicious explosion 1 (RCW 70.74.280(1))
28		Murder 1 (RCW 9A.32.030)
29	XIV	Murder 2 (RCW 9A.32.050)
30	XIII	Malicious explosion 2 (RCW 70.74.280(2))
31		Malicious placement of an explosive 1 (RCW
32		70.74.270(1))
33	XII	Assault 1 (RCW 9A.36.011)
34		Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation device
2 1 (RCW 70.74.272(1)(a))
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 XI Manslaughter 1 (RCW 9A.32.060)
6 Rape 2 (RCW 9A.44.050)
7 Rape of a Child 2 (RCW 9A.44.076)
8 X Child Molestation 1 (RCW 9A.44.083)
9 Indecent Liberties (with forcible
10 compulsion) (RCW 9A.44.100(1)(a))
11 Kidnapping 1 (RCW 9A.40.020)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Malicious explosion 3 (RCW 70.74.280(3))
15 Manufacture of methamphetamine (RCW
16 69.50.401(a)(1)(ii))
17 Over 18 and deliver heroin,
18 methamphetamine, a narcotic from
19 Schedule I or II, or flunitrazepam
20 from Schedule IV to someone under 18
21 (RCW 69.50.406)
22 IX Assault of a Child 2 (RCW 9A.36.130)
23 Controlled Substance Homicide (RCW
24 69.50.415)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Homicide by Watercraft, by being under the
28 influence of intoxicating liquor or
29 any drug (RCW ((88.12.029))
30 79A.60.050)
31 Inciting Criminal Profiteering (RCW
32 9A.82.060(1)(b))
33 Malicious placement of an explosive 2 (RCW
34 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Homicide by Watercraft, by the operation of
16 any vessel in a reckless manner (RCW
17 ((~~88.12.029~~)) 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Manufacture, deliver, or possess with
20 intent to deliver amphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Manufacture, deliver, or possess with
23 intent to deliver heroin or cocaine
24 (RCW 69.50.401(a)(1)(i))
25 Possession of ephedrine or pseudoephedrine
26 with intent to manufacture
27 methamphetamine (RCW 69.50.440)
28 Promoting Prostitution 1 (RCW 9A.88.070)
29 Selling for profit (controlled or
30 counterfeit) any controlled substance
31 (RCW 69.50.410)
32 Vehicular Homicide, by the operation of any
33 vehicle in a reckless manner (RCW
34 46.61.520)

35 VII Burglary 1 (RCW 9A.52.020)
36 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in
2 sexually explicit conduct (RCW
3 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard for
6 the safety of others (RCW
7 ((88.12.029)) 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1) (b) and
10 (c))
11 Introducing Contraband 1 (RCW 9A.76.140)
12 Involving a minor in drug dealing (RCW
13 69.50.401(f))
14 Malicious placement of an explosive 3 (RCW
15 70.74.270(3))
16 Sending, bringing into state depictions of
17 minor engaged in sexually explicit
18 conduct (RCW 9.68A.060)
19 Unlawful Possession of a Firearm in the
20 first degree (RCW 9.41.040(1)(a))
21 Use of a Machine Gun in Commission of a
22 Felony (RCW 9.41.225)
23 Vehicular Homicide, by disregard for the
24 safety of others (RCW 46.61.520)
25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(2)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation device
33 2 (RCW 70.74.272(1)(b))
34 Manufacture, deliver, or possess with
35 intent to deliver narcotics from
36 Schedule I or II (except heroin or
37 cocaine) or flunitrazepam from
38 Schedule IV (RCW 69.50.401(a)(1)(i))

1 Rape of a Child 3 (RCW 9A.44.079)
2 Theft of a Firearm (RCW 9A.56.300)
3 V Abandonment of dependent person 1 (RCW
4 9A.42.060)
5 Advancing money or property for
6 extortionate extension of credit (RCW
7 9A.82.030)
8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))
10 Child Molestation 3 (RCW 9A.44.089)
11 Criminal Mistreatment 1 (RCW 9A.42.020)
12 Custodial Sexual Misconduct 1 (RCW
13 9A.44.160)
14 Delivery of imitation controlled substance
15 by person eighteen or over to person
16 under eighteen (RCW 69.52.030(2))
17 Extortion 1 (RCW 9A.56.120)
18 Extortionate Extension of Credit (RCW
19 9A.82.020)
20 Extortionate Means to Collect Extensions of
21 Credit (RCW 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 On and after July 1, 2000: No-Contact
25 Order Violation: Domestic Violence
26 Pretrial Condition (RCW 10.99.040(4)
27 (b) and (c))
28 On and after July 1, 2000: No-Contact
29 Order Violation: Domestic Violence
30 Sentence Condition (RCW 10.99.050(2))
31 On and after July 1, 2000: Protection
32 Order Violation: Domestic Violence
33 Civil Action (RCW 26.50.110 (4) and
34 (5))
35 On and after July 1, 2000: Stalking (RCW
36 9A.46.110)
37 Perjury 1 (RCW 9A.72.020)
38 Persistent prison misbehavior (RCW
39 9.94.070)

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1 (RCW
5 9A.76.070)
6 Sexual Misconduct with a Minor 1 (RCW
7 9A.44.093)
8 Sexually Violating Human Remains (RCW
9 9A.44.105)

10 IV Arson 2 (RCW 9A.48.030)
11 Assault 2 (RCW 9A.36.021)
12 Assault by Watercraft (RCW (~~88.12.032~~)
13 79A.60.060)
14 Bribing a Witness/Bribe Received by Witness
15 (RCW 9A.72.090, 9A.72.100)
16 Commercial Bribery (RCW 9A.68.060)
17 Counterfeiting (RCW 9.16.035(4))
18 Escape 1 (RCW 9A.76.110)
19 Hit and Run--Injury Accident (RCW
20 46.52.020(4))
21 Hit and Run with Vessel--Injury Accident
22 (RCW (~~88.12.155(3)~~) 79A.60.200(3))
23 Indecent Exposure to Person Under Age
24 Fourteen (subsequent sex offense) (RCW
25 9A.88.010)
26 Influencing Outcome of Sporting Event (RCW
27 9A.82.070)
28 Knowingly Trafficking in Stolen Property
29 (RCW 9A.82.050(2))
30 Malicious Harassment (RCW 9A.36.080)
31 Manufacture, deliver, or possess with
32 intent to deliver narcotics from
33 Schedule III, IV, or V or nonnarcotics
34 from Schedule I-V (except marijuana,
35 amphetamine, methamphetamines, or
36 flunitrazepam) (RCW 69.50.401(a)(1)
37 (iii) through (v))
38 Residential Burglary (RCW 9A.52.025)
39 Robbery 2 (RCW 9A.56.210)

1 Theft of Livestock 1 (RCW 9A.56.080)
2 Threats to Bomb (RCW 9.61.160)
3 Use of Proceeds of Criminal Profiteering
4 (RCW 9A.82.080 (1) and (2))
5 Vehicular Assault (RCW 46.61.522)
6 Willful Failure to Return from Furlough
7 (RCW 72.66.060)

8 III Abandonment of dependent person 2 (RCW
9 9A.42.070)
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Bail Jumping with class B or C Felony (RCW
13 9A.76.170(2)(c))
14 Burglary 2 (RCW 9A.52.030)
15 Communication with a Minor for Immoral
16 Purposes (RCW 9.68A.090)
17 Criminal Gang Intimidation (RCW 9A.46.120)
18 Criminal Mistreatment 2 (RCW 9A.42.030)
19 Custodial Assault (RCW 9A.36.100)
20 Delivery of a material in lieu of a
21 controlled substance (RCW
22 69.50.401(c))
23 Escape 2 (RCW 9A.76.120)
24 Extortion 2 (RCW 9A.56.130)
25 Harassment (RCW 9A.46.020)
26 Intimidating a Public Servant (RCW
27 9A.76.180)
28 Introducing Contraband 2 (RCW 9A.76.150)
29 Maintaining a Dwelling or Place for
30 Controlled Substances (RCW
31 69.50.402(a)(6))
32 Malicious Injury to Railroad Property (RCW
33 81.60.070)
34 Manufacture, deliver, or possess with
35 intent to deliver marijuana (RCW
36 69.50.401(a)(1)(iii))
37 Manufacture, distribute, or possess with
38 intent to distribute an imitation

1 controlled substance (RCW
2 69.52.030(1))
3 Patronizing a Juvenile Prostitute (RCW
4 9.68A.100)
5 Perjury 2 (RCW 9A.72.030)
6 Possession of Incendiary Device (RCW
7 9.40.120)
8 Possession of Machine Gun or Short-Barreled
9 Shotgun or Rifle (RCW 9.41.190)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Securities Act violation (RCW 21.20.400)
14 Tampering with a Witness (RCW 9A.72.120)
15 Telephone Harassment (subsequent conviction
16 or threat of death) (RCW 9.61.230)
17 Theft of Livestock 2 (RCW 9A.56.080)
18 Unlawful Imprisonment (RCW 9A.40.040)
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(1)(b))
21 Unlawful Use of Building for Drug Purposes
22 (RCW 69.53.010)
23 Willful Failure to Return from Work Release
24 (RCW 72.65.070)

25 II Computer Trespass 1 (RCW 9A.52.110)
26 Counterfeiting (RCW 9.16.035(3))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Domestic Dog or Cat Fur Labeling Violation
31 (section 1(1)(c)(iii) of this act)
32 Escape from Community Custody (RCW
33 72.09.310)
34 Health Care False Claims (RCW 48.80.030)
35 Malicious Mischief 1 (RCW 9A.48.070)
36 Possession of controlled substance that is
37 either heroin or narcotics from
38 Schedule I or II or flunitrazepam from
39 Schedule IV (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Theft of Rental, Leased, or Lease-purchased
7 Property (valued at one thousand five
8 hundred dollars or more) (RCW
9 9A.56.096(4))
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlawful Practice of Law (RCW 2.48.180)
13 Unlicensed Practice of a Profession or
14 Business (RCW 18.130.190(7))
15 I Attempting to Elude a Pursuing Police
16 Vehicle (RCW 46.61.024)
17 False Verification for Welfare (RCW
18 74.08.055)
19 Forged Prescription (RCW 69.41.020)
20 Forged Prescription for a Controlled
21 Substance (RCW 69.50.403)
22 Forgery (RCW 9A.60.020)
23 Malicious Mischief 2 (RCW 9A.48.080)
24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or V
26 or Non-narcotic from Schedule I-V
27 (except phencyclidine or
28 flunitrazepam) (RCW 69.50.401(d))
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Taking Motor Vehicle Without Permission
33 (RCW 9A.56.070)
34 Theft 2 (RCW 9A.56.040)
35 Theft of Rental, Leased, or Lease-purchased
36 Property (valued at two hundred fifty
37 dollars or more but less than one
38 thousand five hundred dollars) (RCW
39 9A.56.096(4))

1 Unlawful Issuance of Checks or Drafts (RCW
2 9A.56.060)
3 Unlawful Use of Food Stamps (RCW 9.91.140
4 (2) and (3))
5 Vehicle Prowl 1 (RCW 9A.52.095)

--- **END** ---