

1995-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson and Wood)

Brief Description: Prohibiting civil forfeitures of property unless the owner has been convicted of a crime. (REVISED FOR ENGROSSED: Revising provisions relating to civil forfeitures of property and convening a workgroup to evaluate civil forfeiture laws.)

HB 1995-S.E - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Provides that, in all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.

Declares that, in any proceeding to forfeit property under this act, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

Requires the senate and house of representatives judiciary committees to convene a workgroup to evaluate Washington civil forfeiture laws and practices. The efforts of the workgroup shall include: An evaluation of the enacted changes to the federal civil forfeiture act and how they compare to current Washington law; an analysis of whether a requirement for a criminal conviction before civil forfeiture would raise additional constitutional issues; a comprehensive review of every civil forfeiture case that took place in Washington state under state law during the year 2000; a discussion of recommendations and issues in the Washington civil forfeiture statutes, including issues upon which the workgroup can agree and those that remain in dispute; and any other civil forfeiture issues identified by the workgroup during its deliberations.