

SENATE BILL REPORT

SB 5030

As of February 13, 2003

Title: An act relating to civil forfeiture of property used for fish and wildlife code violations.

Brief Description: Revising provisions relating to civil forfeiture of property used for fish and wildlife code violations.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Parks, Fish & Wildlife: 2/18/03.

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Staff: Genevieve Pisarski (786-7488)

Background: Fish and wildlife officers are authorized to seize boats, airplanes, vehicles, and various other property, if they have probable cause to believe the property was used or intended to be used to violate the fish and wildlife code or rules. The property is forfeited, unless the owner files a claim contesting the forfeiture. If a claim is properly filed, either an administrative tribunal or a court may hear the case, depending on the value of the property. The Department of Fish and Wildlife must establish that it had probable cause to seize the property. The owner must produce evidence and by a preponderance of the evidence prove the right to possess the property and prove that there was not illegal use or intent. The department may retain forfeited property for official use, release it to a law enforcement agency for use in enforcing fish and wildlife laws, or sell it. Proceeds of sale go to the wildlife fund.

Summary of Bill: Authorization to seize and seek forfeiture of property is limited to violations of statute. Fair market value is the specified method for determining the value of seized property. Administrative proceedings must be before an administrative law judge. The Department of Fish and Wildlife has the burden of production of evidence and proof. Seized property must be either destroyed or sold. Proceeds are deposited in the wildlife fund. An owner of seized property who prevails receives reasonable attorney fees and return of the property.

Appropriation: None.

Fiscal Note: Available.

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