

**2SHB 2718** - H AMD 1001

By Representatives Shea, Goodman

ADOPTED 02/13/2018

1 On page 2, line 13, after "within" strike "forty-five" and insert  
2 "sixty"

3  
4 On page 2, line 14, after "property and" strike "ninety" and  
5 insert "one hundred twenty"

6  
7 On page 2, line 22, after "within" strike "forty-five" and insert  
8 "sixty"

9  
10 On page 2, line 23, after "property and" strike "ninety" and  
11 insert "one hundred twenty"

12  
13 On page 2, line 28, after "within the" strike "forty-five" and  
14 insert "sixty"

15  
16 On page 2, line 30, after "within the" strike "ninety-day" and  
17 insert "one hundred twenty day"

18  
19 On page 2, beginning on line 32, after "before" strike all  
20 material through "designee" on line 34 and insert "a hearing officer  
21 who is not in the direct chain of command of the chief law enforcement  
22 officer of the seizing agency"

23  
24 On page 2, line 35, after "before" insert "a hearing officer who  
25 is not in the direct chain of command of"

26  
27

1 On page 5, line 21, after "may" insert ", after satisfying any  
2 court ordered restitution"

3  
4 On page 8, line 15, after "(7)" insert "The state treasurer may  
5 recover its costs under this chapter by charging a fee to seizing  
6 agencies filing a report. The agency may use forfeiture proceeds to  
7 pay the costs of compiling and reporting data under this chapter, and  
8 to pay any fees imposed by the state treasurer.

9 (8)"

10  
11 On page 24, after line 25, insert the following:  
12 "(4) When property is seized under this chapter and forfeited  
13 pursuant to the new chapter created in section 17 of this act, the  
14 seizing agency must first satisfy any court ordered victim restitution  
15 before retaining, using, selling, or taking other action with respect  
16 to the property as permitted under section 4 of this act."

17  
18 On page 26, after line 36, insert the following:  
19 "(5)(a) When property is seized under this chapter and forfeited  
20 pursuant to the new chapter created in section 17 of this act, the  
21 seizing agency must first satisfy any court ordered victim restitution  
22 before retaining, using, selling, or taking other action with respect  
23 to the property as permitted under section 4 of this act.

24 (b) Within one hundred twenty days after the entry of an order of  
25 forfeiture, each seizing agency shall remit to, if known, the victim  
26 of the crime involving the seized property, an amount equal to fifty  
27 percent of the net proceeds of any property forfeited."

28  
29 On page 41, line 17, after "within" strike "forty-five" and insert  
30 "~~((forty-five))~~ sixty"

31  
32 On page 41, line 18, after "property and" strike "ninety" and  
33 insert "~~((ninety))~~ one hundred twenty"

1 On page 41, line 27, after "within" strike "forty-five" and insert  
2 "~~((forty-five))~~ sixty"

3  
4 On page 41, line 28, after "property and" strike "ninety" and  
5 insert "~~((ninety))~~ one hundred twenty"

6  
7 On page 41, at the beginning of line 34, after "the" strike  
8 "forty-five" and insert "~~((forty-five))~~ sixty"

9  
10 On page 41, line 35, after "within the" strike "ninety-day" and  
11 insert "~~((ninety-day))~~ one hundred twenty day"

12

EFFECT: Allows the State Treasurer to recover its costs by charging a fee to seizing agencies filing reports, and allows agencies to use forfeiture proceeds to pay the costs of compiling and reporting and any fees charged by the State Treasurer. Extends the time period for a person to notify the seizing agency of a claim of ownership from 45 days to 60 days in the case of personal property and from 90 days to 120 days in the case of real property. Revises provisions regarding agency hearings to provide that an agency hearing must be before a hearing officer who is not in the direct chain of command of the chief law enforcement officer of the seizing agency, rather than before the chief law enforcement officer or his or her designee. Reinstates provisions in two sections being amended (metal theft and felony forfeiture) that provide for satisfaction of court ordered restitution before an agency may retain, sell, or use property seized and forfeited.

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