
HOUSE BILL 2280

State of Washington

66th Legislature

2020 Regular Session

By Representatives MacEwen, Goodman, Lovick, Kirby, Peterson, Irwin, Thai, Kloba, Kilduff, Klippert, Leavitt, and Appleton; by request of Gambling Commission

Prefiled 12/27/19. Read first time 01/13/20. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to authorizing that money laundering forfeited
2 proceeds and property be used for improvement of gambling-related law
3 enforcement activities; and amending RCW 9A.83.030.

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

5 **Sec. 1.** RCW 9A.83.030 and 2008 c 6 s 630 are each amended to
6 read as follows:

7 (1) Proceeds traceable to or derived from specified unlawful
8 activity or a violation of RCW 9A.83.020 are subject to seizure and
9 forfeiture. The attorney general or county prosecuting attorney may
10 file a civil action for the forfeiture of proceeds. Unless otherwise
11 provided for under this section, no property rights exist in these
12 proceeds. All right, title, and interest in the proceeds shall vest
13 in the governmental entity of which the seizing law enforcement
14 agency is a part upon commission of the act or omission giving rise
15 to forfeiture under this section.

16 (2) Real or personal property subject to forfeiture under this
17 chapter may be seized by any law enforcement officer of this state
18 upon process issued by a superior court that has jurisdiction over
19 the property. Any agency seizing real property shall file a lis
20 pendens concerning the property. Real property seized under this
21 section shall not be transferred or otherwise conveyed until ninety

1 days after seizure or until a judgment of forfeiture is entered,
2 whichever is later. Real property seized under this section may be
3 transferred or conveyed to any person or entity who acquires title by
4 foreclosure or deed in lieu of foreclosure of a security interest.
5 Seizure of personal property without process may be made if:

6 (a) The seizure is incident to an arrest or a search under a
7 search warrant or an inspection under an administrative inspection
8 warrant issued pursuant to RCW 69.50.502; or

9 (b) The property subject to seizure has been the subject of a
10 prior judgment in favor of the state in a criminal injunction or
11 forfeiture proceeding based upon this chapter.

12 (3) A seizure under subsection (2) of this section commences
13 proceedings for forfeiture. The law enforcement agency under whose
14 authority the seizure was made shall cause notice of the seizure and
15 intended forfeiture of the seized proceeds to be served within
16 fifteen days after the seizure on the owner of the property seized
17 and the person in charge thereof and any person who has a known right
18 or interest therein, including a community property interest. Service
19 of notice of seizure of real property shall be made according to the
20 rules of civil procedure. However, the state may not obtain a default
21 judgment with respect to real property against a party who is served
22 by substituted service absent an affidavit stating that a good faith
23 effort has been made to ascertain if the defaulted party is
24 incarcerated within the state, and that there is no present basis to
25 believe that the party is incarcerated within the state. The notice
26 of seizure in other cases may be served by any method authorized by
27 law or court rule including but not limited to service by certified
28 mail with return receipt requested. Service by mail is complete upon
29 mailing within the fifteen-day period after the seizure.

30 (4) If no person notifies the seizing law enforcement agency in
31 writing of the person's claim of ownership or right to possession of
32 the property within forty-five days of the seizure in the case of
33 personal property and ninety days in the case of real property, the
34 property seized shall be deemed forfeited. The community property
35 interest in real property of a person whose spouse or domestic
36 partner committed a violation giving rise to seizure of the real
37 property may not be forfeited if the person did not participate in
38 the violation.

39 (5) If a person notifies the seizing law enforcement agency in
40 writing of the person's claim of ownership or right to possession of

1 property within forty-five days of the seizure in the case of
2 personal property and ninety days in the case of real property, the
3 person or persons shall be afforded a reasonable opportunity to be
4 heard as to the claim or right. The provisions of RCW 69.50.505(5)
5 shall apply to any such hearing. The seizing law enforcement agency
6 shall promptly return property to the claimant upon the direction of
7 the administrative law judge or court.

8 (6) Disposition of forfeited property shall be made in the manner
9 provided for in RCW 69.50.505 (8) through (10) and (14) or 9.46.231
10 (6) through (8) and (10).

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