

# SENATE BILL REPORT

## SB 5728

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As of January 17, 2022

**Title:** An act relating to the state's portion of civil asset forfeiture collections.

**Brief Description:** Concerning the state's portion of civil asset forfeiture collections.

**Sponsors:** Senators Holy and Dhingra; by request of State Treasurer.

**Brief History:**

**Committee Activity:** Ways & Means: 1/18/22.

**Brief Summary of Bill**

- Requires the state's portion of property forfeited under the Controlled Substances Act be deposited in the Behavioral Health Loan Repayment Program Account.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Shani Bauer (786-7468)

**Background:** The Uniform Controlled Substances Act allows forfeiture of real and personal property used in drug-related offenses. When property is seized under the authority of the Uniform Controlled Substances Act, the seizing enforcement agency must serve notice of the seizure on the owner of the property and on any person having any known right or interest in the property. This notice must be served within 15 days of the seizure of the property.

A person asserting a claim of ownership or right to possession of the seized property must notify the seizing law enforcement agency of their claim within the time period prescribed by statute. If no person notifies the seizing law enforcement agency of the person's claim of ownership or right to possession within 45 days of the seizure of personal property or 90 days of the seizure of real property, the property seized is deemed forfeited.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Once property is deemed forfeited, the enforcement agency may retain the property for official use, sell the property, dispose of the property, or forward it to the Drug Enforcement Administration. Ten percent of the net proceeds of any property forfeited during the preceding calendar year must be remitted to the state treasurer for deposit to the general fund.

Prior to 2009, state proceeds of drug forfeitures and seizures were deposited in the Violence Reduction and Drug Enforcement Account (VRDEA). The VRDEA was established by the Legislature in 1989 to provide funding for public safety programs including drug and alcohol abuse prevention programs, juvenile rehabilitation programs, and local public safety grants. In 2009, the Legislature eliminated the VRDEA along with several other accounts and directed those funds be deposited in the State General Fund.

The Behavioral Health Loan Repayment Program was established in 2019 to address behavioral health professional shortages in rural and underserved urban communities. The program provides financial support to eligible licensed health professionals through loan repayment and conditional scholarships.

**Summary of Bill:** The state's portion of property forfeited under the Controlled Substances Act must be deposited in the Behavioral Health Loan Repayment Program Account instead of the State General Fund.

Terminology is updated and other typographical changes are made.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2022.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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