

RCW 76.48.201 Protection of items seized under RCW 76.48.191—

Disposition of items. (1) (a) Reasonable protection must be provided for any equipment, vehicles, tools, paperwork, huckleberries, or specialized forest products seized under RCW 76.48.191 during the period of adjudication unless the court before which the arrested person is ordered to appear orders the disposal of any or all of the seized materials.

(b) Given the perishable nature of huckleberries and specialized forest products, the seizing agency may sell the product at fair market value and retain all proceeds until a final disposition of the case has been reached.

(2) Upon any disposition of the case by the court, the court shall:

(a) Make a reasonable effort to return all materials seized under RCW 76.48.191 to its lawful owner or owners; or

(b) Order the disposal of or return of any or all materials seized under this section, including tools, vehicles, equipment, paperwork, or specialized forest products.

(3) If the court orders the disposal of seized materials, it may:

(a) Pay the proceeds of any sale of seized specialized forest products or huckleberries, less any reasonable expenses of the sale, to the lawful owner; or

(b) Pay the proceeds of any sale of seized tools, equipment, or vehicles, less any reasonable expenses of the sale or, if applicable, towards any outstanding court costs, and then to the lawful owner or owners.

(4) If, for any reason, the proceeds of any sale of materials seized under this section cannot be provided to the lawful owner, the proceeds of the sale, less reasonable expenses relating to the sale, shall be paid to the treasurer of the county in which the violation occurred for deposit into the county general fund and for distribution equally among the district courts in the county, the county sheriff's office, and the state treasurer. The portion of the revenue provided to the state treasurer must be distributed to the specialized forest products outreach and education account created in RCW 76.48.251.

(5) The owner or owners of materials seized under RCW 76.48.191 must be offered an opportunity to appeal an order for the disposal of the seized materials.

(6) The return of materials seized under RCW 76.48.191, or the payment of the proceeds of any sale of products seized to the owner, shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

[2009 c 245 s 21; 2008 c 191 s 6; 2005 c 401 s 11; 1995 c 366 s 11; 1979 ex.s. c 94 s 13; 1977 ex.s. c 147 s 8; 1967 ex.s. c 47 s 12. Formerly RCW 76.48.110.]

Finding—Intent—2009 c 245: See note following RCW 76.48.011.

Severability—1995 c 366: See note following RCW 76.48.021.