

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 2718 2SHB	Title: Civil Forfeiture Proceedings	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would modify various civil asset forfeiture statutes, including:

- Explicitly providing that the burden of proof would be on the seizing agency;
- Allowing for claimants who prevail to recover attorneys' fees and expenses and damages for loss of use of property;
- Requiring that when ordered to return property, the seizing agency must return it in the same or similar condition as when it was seized;
- Making all seizing agencies subject to certain detailed reporting requirements.

This bill differs from HB 2718 by providing:

- The felony forfeiture statute is included and is amended consistent with other forfeiture statutes, making the new chapter governing forfeiture proceedings applicable to seizures under this statute;
- A requirement that the State Auditor's Office annually perform a financial audit and submit the report to the Office of the State Treasurer is removed;
- Provisions that would allow prevailing claimants to recover damages and expenses for loss of use of the property are removed; and
- Provisions regarding reporting requirements by seizing agencies is amended.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Indeterminate, but impact is expected to be minimal.

This bill would provide that a person who applies for return of property would be entitled to a hearing before the seizing agency, an administrative law judge, or in a court of competent jurisdiction. There is no data available to estimate the number of hearings that would result from this bill.

Court education would be required. This would be managed within existing resources.