

# JUDICIAL IMPACT FISCAL NOTE

|                                   |   |  |
|-----------------------------------|---|--|
| <b>Bill Number:</b><br>2718 E2SHB | <b>Title:</b><br>Civil Forfeiture Proceedings | <b>Agency:</b><br>055 – Administrative Office<br>of the Courts (AOC) |
|-----------------------------------|---|--|

## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

|               | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|---------------|---------|---------|---------|---------|---------|
|               |         |         |         |         |         |
|               |         |         |         |         |         |
| <b>Total:</b> |         |         |         |         |         |

### Estimated Expenditures from:

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

*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:           |
| Agency Preparation: Sam Knutson | Phone: 360-704-5528 | Date: 2/16/2018 |
| 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 2SHB 2718:

The bill would make similar changes to the Uniform Controlled Substances Act (UCSA):

- Strikes language regarding forfeiture of conveyances and personal property that requires the owner, in order to avoid forfeiture, to establish that the commission or omission was without the owner's knowledge or consent;
- Requires that when property is ordered to be returned to a claimant, it shall be returned in the same or substantially similar condition as when seized;
- Strikes the provision governing recovery of costs and reasonable attorneys' fees in a court hearing between two or more claimants;
- Strikes the current reporting requirements, and makes the UCSA subject to the reporting requirements in the new chapter created by the bill; and
- Provides the protections afforded by the Service Members' Civil Relief are applicable to proceedings under the UCSA.

### 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.