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**SENATE BILL 6119**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Conway, Holy, King, Keiser, Pedersen, Van De Wege, Wilson, L., and Saldaña; by request of Gambling Commission

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

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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