



CO00030011

COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 80-051
PROVIDING FOR THE DESIGNATION OF A
SPECIAL FUND FOR THE ENFORCEMENT OF
CERTAIN LAWS AND ORDINANCES RELATING
TO CONTROLLED SUBSTANCES

WHEREAS, the Legislature of the State of Washington adopted House Bill 1762, Session Laws of the 46th Legislature, 1980 Regular Session, which provides for the payment of fines into a county drug fund as a condition of probation ordered by a court; and

WHEREAS, heretofore Snohomish County has had no such drug fund; and

WHEREAS, RCW 69.50.505(f) permits the sale by the Snohomish County Sheriff's Department of property forfeited to it under the terms of RCW 69.50.505, which is a part of the Uniform Controlled Substances Act; and

WHEREAS, the Snohomish County Sheriff's Department desires the designation of such a fund into which all such monies shall be paid whether the monies be so ordered paid as a fine by a court or whether the monies represents the proceeds of a sale conducted pursuant to the authority of RCW 69.50.505(f); and

WHEREAS, the purpose of the county drug fund shall be limited to the enforcement of all state statutes and county ordinances relating to controlled substances,

NOW THEREFORE, BE IT ORDAINED, that there is created the following amendments to Title 10 of the Snohomish County Code:

CHAPTER 10.44

DRUG BUY FUND

Sections:

- 10.44.010 County Drug Fund Established
- 10.44.020 Administration of Fund
- 10.44.030 Sources of Monies for Fund
- 10.44.040 Disbursement from Fund -- Use of Monies
- 10.44.050 Seizure and Forfeiture of Currency
- 10.44.060 Application of Chapter
- 10.44.070 Definitions

10.44.010 County Drug Fund Established

The Snohomish County Treasurer and the Snohomish County Auditor shall create separate and distinct from the general fund of the county, a special fund to be known as the Snohomish County Sheriff's Department Drug Buy Fund.

10.44.020 Administration of Fund

The fund established by this Chapter shall be administered by the Snohomish County Sheriff's Department according to sound accounting and principles consistent with all applicable laws, rules, regulations, and orders, consistent with the purpose of this Chapter.

10.44.030 Sources of Monies for Fund

The fund established by this Chapter shall consist of the following:

- (1) All fines, forfeitures and penalties ordered paid by court order into this fund; and
- (2) The proceeds from sales authorized by RCW 69.50.505(f), less the amount of proceeds deductible therefrom by authority of Chapter 63.40 RCW.

10.44.040 Disbursements from Fund -- Use of Monies

The Sheriff of Snohomish County or his designee may authorize disbursements from the fund created by this Chapter for purposes of enforcing any and all state statutes and county ordinances relating to controlled substances.

10.44.050 Seizure and Forfeiture of Currency

Where currency is seized by the Snohomish County Sheriff's Department as evidence that an act was committed which constitutes a violation of Chapter 69.50 RCW, the Uniform Controlled Substances Act, or of any county ordinance relating to controlled substances, a judge of either the Superior Court or of the District Justice Court may order that currency or, any portion thereof, be paid directly to the fund established by this Chapter as a fine, forfeiture, or penalty, Provided that the

person or persons who claim ownership of the currency, or any portion thereof, is convicted of a violation under Chapter 69.50 RCW and the currency no longer has evidentiary value. Should the person or persons, from whom the currency or any portion thereof was seized, be convicted of such a violation and should such person or persons disavow ownership of the currency, it shall be ordered forfeited to the fund established in this Chapter subject to its having no further evidentiary value.

In the event that there be no prosecution of the alleged violation for which purposes the seizure of currency was made, or in the event such a case is "closed" and there remains such currency in the custody of the Snohomish County Sheriff's Department, such currency shall be returned to the person or persons from whom the money was seized in the same manner as with any other evidence. Should no valid claim to such seized currency be received, the notice provisions of Chapter 63.40 RCW shall be used provided that, forfeiture to the fund established by this Chapter shall occur instead of there being conducted an auction or other sale. Should two or more persons contest rights to ownership or possession, and there can be reached between said contesting persons no agreement for receipt of possession, there may be instituted the appropriate legal proceedings to determine rights of ownership or possession.

10.44.060 Application of Chapter

This Chapter shall apply to all cases developed by the Snohomish County Sheriff's Department relating to the enforcement of state statutes and county ordinances pertaining to controlled substances including:

- (1) Active or existing cases, regardless of whether or not formal charges have yet been filed;
- (2) Cases developed hereafter; and
- (3) Inactive or closed cases wherein such a seizure of currency has been or was made and such currency is currently in the possession, custody or control of the Snohomish County Sheriff's Department.

10.44.070 Definitions

All terms used herein shall, in addition to their ordinary meaning, also be defined according to common law and any state statute or county ordinance.

PASSED this 25th day of August, 19 80.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Donald J. Butler
Chairperson

Ellie Snyder
Clerk of Council

APPROVED AS TO FORM:

Stephen R. Hensley
Deputy Prosecuting Attorney

- () APPROVED
() VETOED
() EMERGENCY

DATE: 9.4.80

Willis D. Tucker
County Executive

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