

ORDINANCE 2015-01

(Amending Skamania County Code Chapter 3.40 Drug Fund, Section .040 Sources of money for fund and Section .050 Disbursements from fund – Use of moneys)

WHEREAS, Skamania County has a separate and distinct fund from the general fund that is governed under Skamania County Code Chapter 3.40. This fund is commonly referred to as the Drug Fund and exists for the purpose of investigation and enforcement of county and state statutes related to controlled substances; and,

WHEREAS, the proceeds that have historically been deposited into this fund have been received from fines, forfeitures and penalties ordered by Superior Court; and,

WHEREAS, Skamania County has long received grant funding from Washington State, as well as federal grant funds, that are used for drug enforcement activities and prevention efforts; and,

WHEREAS, the Skamania County Sheriff is recommending amendments to Skamania County Code Chapter 3.40 Drug Fund, Section 3.40.040 Sources of moneys for fund and Section 3.40.050 Disbursements from fund – Use of moneys

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF SKAMANIA COUNTY COMMISSIONERS that Skamania County Code Chapter 3.40 Drug Fund, Sections .040 and .050 are hereby amended as follows:

Chapter 3.40 DRUG FUND

Sections:

- 3.40.010 County drug fund established.**
- 3.40.020 Definitions.**
- 3.40.030 Administration of the fund.**
- 3.40.040 Sources of moneys for fund.**
- 3.40.050 Disbursements from fund—Use of moneys.**
- 3.40.060 Disbursements from fund—Accounting, liability.**
- 3.40.070 Limitations on fund—Redeposit.**
- 3.40.080 Seizure and forfeiting of currency.**
- 3.40.090 Application of chapter.**

3.40.010 County drug fund established.

The Skamania County auditor shall create separate and distinct from the general fund of the county, a special fund to be known as the Skamania County sheriff's office drug fund. (Ord. 1985-07 (part))

3.40.020 Definitions.

All terms used in this chapter shall, in addition to their ordinary meaning, also be defined according to common law and any state statute or county ordinance. (Ord. 1985-07 (part))

3.40.030 Administration of the fund.

The fund established by this chapter shall be administered by the Skamania County sheriff's office according to sound accounting and principles consistent with all applicable laws, rules, regulations and orders, consistent with the purpose of this chapter. (Ord. 1985-07 (part))

3.40.040 Sources of moneys for fund.

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

- A. All fines, forfeitures and penalties ordered paid by superior court order into this fund;
- B. The proceeds from sales authorized by RCW 69.50.505(f);
- C. Moneys budgeted for such fund within the current expense fund. (Ord. 1985-07 (part) and,
- D. Federal and State grant funds acquired by the County to support enforcement and prevention of drug related crimes and substance abuse.

3.40.050 Disbursements from fund—Use of moneys.

The sheriff of Skamania 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. The Sheriff may also authorize disbursements to support drug enforcement and prevention efforts that align with state and federal grant requirements and are coordinated with revenue received and budgeted. (Ord. 1985-07 (part))

3.40.060 Disbursements from fund—Accounting, liability.

All disbursements from said fund shall be approved by signature of the county sheriff, or his designee. (Ord. 1985-07 (part))

3.40.070 Limitations on fund—Redeposit.

The maximum amount to be drawn on this fund shall not exceed the maximum amount budgeted. (Ord. 1985-07 (part))

3.40.080 Seizure and forfeiting of currency.

Where currency is seized by the Skamania County sheriff's office 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 Skamania County sheriff's office 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 their 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. (Ord. 1985-07 (part))

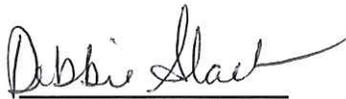
3.40.090 Application of chapter.

This chapter shall apply to all cases developed by the Skamania County sheriff's office relating to the enforcement of the state statutes and county ordinances pertaining to controlled substances, including:

- A. Active or existing cases, regardless of whether or not formal charges have yet been filed;
- B. Cases developed hereafter; and
- C. 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 Skamania County sheriff's office (Ord. 1985-07 (part))

ORDINANCE NO. 2015-01 IS HEREBY PASSED INTO LAW this 10th day of February 2015.

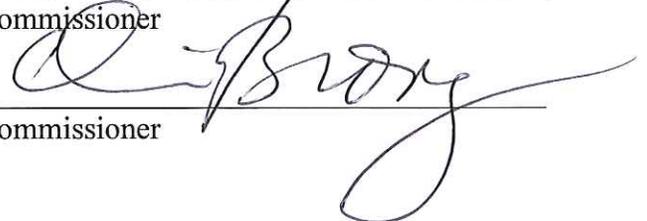
ATTEST:


Clerk of the Board

**BOARD OF COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**


Chairman


Commissioner


Commissioner

Approved as to form only:


Skamania County Prosecuting Attorney