

# House File 2458 - Introduced

HOUSE FILE \_\_\_\_\_  
BY DE BOEF

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the disposition of property seized during an  
2 investigation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5415YH 82  
5 jm/rj/8

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1 1 Section 1. Section 809.5, subsection 1, paragraph a, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 a. The seizing agency shall send notice by ~~restricted~~  
1 4 ~~certified mail, return receipt requested regular mail or by~~  
1 5 ~~hand delivery~~, to the last known address of any person having  
1 6 an ownership or possessory right in the property, stating that  
1 7 the property must be claimed within thirty days from the date  
1 8 of ~~receipt of mailing or delivering~~ the notice. If the value  
1 9 of the property is greater than five hundred dollars, the  
1 10 notice shall be sent by restricted certified mail, return  
1 11 receipt requested, stating that the property must be claimed  
1 12 within thirty days from the date of receipt of the notice.  
1 13 Refusal of restricted certified mail, return receipt  
1 14 requested, shall be construed as receipt of the notice. Such  
1 15 notice shall state that if no written claim for the property  
1 16 is filed with the seizing agency within thirty days of mailing  
1 17 or delivering the notice or within thirty days from the date  
1 18 of receipt of the notice, if the value of the property is  
1 19 greater than five hundred dollars, the property shall be  
1 20 deemed abandoned and disposed of accordingly.

1 21 EXPLANATION

1 22 This bill relates to the disposition of property seized  
1 23 during an investigation.

1 24 The bill permits the seizing agency to send notice by  
1 25 regular mail or by hand delivery to the last known address of  
1 26 any person having an ownership or possessory right in the  
1 27 seized property, if the value of the property is \$500 or less.  
1 28 The bill also provides that such notice shall state that if no  
1 29 written claim is filed within 30 days of mailing or delivering  
1 30 the notice by regular mail the property shall be deemed  
1 31 abandoned.

1 32 The bill does not change current law if the value of the  
1 33 property is greater than \$500 which requires the seizing  
1 34 agency to send notice by restricted certified mail, return  
1 35 receipt requested, to the last known address of any person  
2 1 with an ownership or possessory right in the seized property.

2 2 LSB 5415YH 82

2 3 jm/rj/8.2