

**809A.1 Definitions.**

As used in [this chapter](#):

1. “*Convicted*” or “*conviction*” includes a finding of guilt, a plea of guilty, deferred judgment, deferred or suspended sentence, adjudication of delinquency, or circumstances where a person is not charged with a criminal offense that is a serious or aggravated misdemeanor or felony related to the action for forfeiture based in whole or in part on the person’s cooperation in providing information regarding the criminal activity of another person.

2. “*Instrumentality*” means property otherwise lawful to possess that is used in or intended to be used in a public offense.

3. “*Interest holder*” means a secured party within the meaning of [chapter 554](#), or the beneficiary of a security interest or encumbrance pertaining to an interest in property, whose interest is perfected against a good faith purchaser for value. A person who holds property for the benefit of or as an agent or nominee for another person, or who is not in substantial compliance with any statute requiring an interest in property to be recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value, is not an interest holder.

4. “*Minimum civil forfeiture amount*” means five thousand dollars.

5. “*Omission*” means the failure to perform an act that is required by law.

6. “*Owner*” means a person, other than an interest holder, who has an interest in property. A person who holds property for the benefit of or as an agent or nominee for another person, or who is not in substantial compliance with any statute requiring an interest in property to be recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value, is not an owner.

7. “*Proceeds*” means property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission and includes any property of any kind without reduction for expenses incurred for acquisition, maintenance, production, or any other purpose.

8. “*Property*” means anything of value, and includes any interest in property, including any benefit, privilege, claim, or right with respect to anything of value, whether real or personal, tangible or intangible.

9. “*Prosecuting attorney*” means an attorney who is authorized by law to appear on the behalf of the state in a criminal case, and includes the attorney general, an assistant attorney general, the county attorney, an assistant county attorney, or a special or substitute prosecutor whose appearance is approved by a court having jurisdiction to try a defendant for the offense with which the defendant is charged.

10. “*Regulated interest holder*” means an interest holder that is a business authorized to do business in this state and is under the jurisdiction of any state or federal agency regulating banking, insurance, real estate, or securities.

11. “*Seizing agency*” means a department or agency of this state or its political subdivisions that regularly employs law enforcement officers, and that employs the law enforcement officer who seizes property for forfeiture, or such other agency as the department or agency may designate by its chief executive officer or the officer’s designee.

12. “*Seizure for forfeiture*” means seizure of property by a law enforcement officer, including a constructive seizure, accompanied by an assertion by the seizing agency or by a prosecuting attorney that the property is seized for forfeiture, in accordance with [section 809A.6](#).

[96 Acts, ch 1133, §1](#); [98 Acts, ch 1074, §37, 38](#); [2017 Acts, ch 114, §1, 15](#)

2017 amendment adding NEW subsections 1, 2, and 4 applies to forfeiture proceedings that begin on or after July 1, 2017; 2017 Acts, ch 114, §15

NEW subsections 1 and 2 and former subsection 1 renumbered as 3

NEW subsection 4 and former subsections 2 – 9 renumbered as 5 – 12