

809A.12A Limitations on civil forfeiture.

1. If the total value of the property seized for forfeiture is less than the minimum civil forfeiture amount, a judicial forfeiture proceeding shall not be brought unless one of the following applies:

a. The conduct giving rise to forfeiture resulted in a conviction.

b. The property owner is deceased.

c. Charges have been filed against the property owner, a warrant was issued for the arrest of the property owner, and either of the following applies:

(1) The property owner is outside the state and is unable to be extradited or brought back to the state for prosecution.

(2) Law enforcement has made reasonable efforts to locate and arrest the property owner, but the property owner has not been located.

d. The property owner has not claimed the property subject to forfeiture or asserted any interest in the property at any time during or after the seizure of the property, and all claims brought under [section 809A.11](#) have been denied.

2. The prosecuting attorney has the burden to prove by clear and convincing evidence that the value of the property is or exceeds the minimum civil forfeiture amount in any civil action.

[2017 Acts, ch 114, §8, 15](#)

Section applies to forfeiture proceedings that begin on or after July 1, 2017; 2017 Acts, ch 114, §15
NEW section