

809A.13 In rem proceedings.

1. A judicial in rem forfeiture proceeding may be brought by the prosecuting attorney in addition to, or in lieu of, civil in personam forfeiture procedures, and is also subject to the provisions of [this section](#). If a forfeiture is authorized by [this chapter](#), it shall be ordered by the court in the in rem action.

2. An action in rem may be brought by the prosecuting attorney pursuant to a notice of pending forfeiture or verified complaint for forfeiture. The state may serve the complaint in the manner provided in [section 809A.8, subsection 2](#), or as provided by the rules of civil procedure.

3. For the purposes of [this section](#), an owner of or interest holder in property who has filed an answer shall be referred to as a claimant.

4. The answer shall be signed by the owner or interest holder under penalty of perjury and shall be in accordance with [rule of civil procedure 1.405](#) and shall also set forth all of the following:

a. The caption of the proceedings and identifying number, if any, as set forth on the notice of pending forfeiture or complaint and the name of the claimant.

b. The address where the claimant will accept mail.

c. The nature and extent of the claimant's interest in the property.

d. The date, the identity of the transferor, and the circumstances of the claimant's acquisition of the interest in the property.

e. The specific provision of [this chapter](#) relied on in asserting that it is not subject to forfeiture.

f. All essential facts supporting each assertion.

g. The specific relief sought.

5. The answer shall be filed within twenty days after service on the claimant of the civil in rem complaint.

6. The rules of civil procedure shall apply to discovery by the state and any claimant who has timely answered the complaint.

7. The forfeiture hearing shall be held without a jury and within sixty days after service of the complaint unless continued for good cause. The prosecuting attorney shall have the burden of proving by clear and convincing evidence that the property is subject to forfeiture. If the state so proves the property is subject to forfeiture, the claimant may assert that the claimant has an interest in the property which is exempt from forfeiture under [this chapter](#). If the claimant asserts and makes a prima facie showing of the existence of the exemption, the prosecuting attorney then has the burden of proving by clear and convincing evidence that the exemption does not apply.

8. The court shall order the interest in the property returned or conveyed to the claimant if the prosecuting attorney fails to meet the state's burden. The court shall order all other property forfeited to the state and conduct further proceedings pursuant to [sections 809A.16 and 809A.17](#).

[96 Acts, ch 1133, §13](#); [2013 Acts, ch 41, §1](#); [2017 Acts, ch 114, §10, 15](#)

Referred to in [§809A.8](#), [§809A.14](#), [§809A.15](#), [§809A.16](#)

2017 amendment to subsections 7 and 8 applies to forfeiture proceedings that begin on or after July 1, 2017; 2017 Acts, ch 114, §15

Subsections 7 and 8 amended