

61—33.4(809A) Disposition of forfeited property.

33.4(1) *Controlled substances.* An agency in possession of a controlled substance which has been forfeited shall dispose of it as required by Iowa Code section 124.506.

33.4(2) *Obscene materials.* Materials which violate the provisions of Iowa Code chapter 728 shall be destroyed. An inventory and a record of the destruction of obscene materials shall be maintained by the agency.

33.4(3) *Firearms and ammunition.* Forfeited firearms and ammunition must be disposed of pursuant to the rules of the department of public safety.

33.4(4) *Real property.* An agency seizing real property for forfeiture must do the following:

a. Accept transfer of title from the department.

b. Pay all costs associated with transfer of title, including abstracting costs, property taxes and assessments.

c. Indemnify the state for any expenses it might become liable for by being the owner of the property during the forfeiture and transfer process, including but not limited to environmental cleanup costs, abstracting costs, and any expenses the department incurs to comply with reasonable community standards of maintenance.

d. Indemnify the state for any expenditures incurred as a result of liability to a third party for any injury associated with the property which occurs during the period from seizure through transfer of ownership to the agency.

e. The department will retain 10 percent of the gross sale price of the real property. The balance of the proceeds, 90 percent, will be given to the seizing agency for its use or for division among law enforcement agencies and prosecutors pursuant to agreement.

33.4(5) *Alcoholic beverages and beer.* Alcoholic beverages and beer shall be destroyed. An inventory and a record of the destruction of forfeited alcoholic beverages and beer shall be maintained by the agency.

33.4(6) *Motor vehicles.*

a. Orders forfeiting motor vehicles must include a physical description of the vehicle, as well as the vehicle identification number.

b. Motor vehicles must be titled to the department prior to being transferred to the seizing agency or its designee.

c. The department requires payment of a fee of \$200 for processing the transfer of title to a vehicle.

d. The seizing agency shall, within ten days of receipt of the transferred title, send to the Iowa department of transportation an application for certificate of title or a junking certificate for the vehicle.

33.4(7) *Cash.*

a. The department will retain 10 percent of forfeited cash. The balance of forfeited cash, 90 percent, will be given to the seizing agency for its use or for division among law enforcement agencies and prosecutors pursuant to agreement.

b. In the event of a cash forfeiture in excess of \$400,000, amounts over \$400,000 shall be apportioned as follows: 45 percent to the seizing agency or agencies; 45 percent to other law enforcement agencies within the region; and 10 percent to be retained by the department.

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