



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 26, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 175, an Act relating to the disposition of seized property in a criminal proceeding.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 175

AN ACT


RELATING TO THE DISPOSITION OF SEIZED PROPERTY IN A CRIMINAL PROCEEDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 809.5, subsection 1, Code 2007, is amended to read as follows:

1. Seized property which is no longer required as evidence or for use in an investigation ~~may~~ shall be returned to the owner ~~without the requirement of a hearing,~~ provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim filed on behalf of the state. The seizing agency ~~or prosecuting attorney~~ shall send notice by regular restricted certified mail, if the value of the property is less than fifty dollars, or certified mail, if the value of the property is equal to or greater than fifty dollars, return receipt requested, to the last known address of any person having an ownership or possessory right in the property stating that the property ~~is released and~~ must be claimed within thirty days from the date of receipt of the notice. Refusal of restricted certified mail, return receipt requested, shall be construed as receipt of the notice. Such notice shall state that if no written claim for the property is ~~made upon~~ filed with the seizing agency within thirty days ~~after the mailing of~~ from the date of receipt of the notice, the property shall be deemed abandoned and disposed of accordingly. ~~In the event that there is more than one party who may assert a right to possession or ownership of the property,~~ The seizing agency shall not release the property to any party until the expiration of the date for filing claims ~~unless all other claimants execute a written waiver.~~ In the event that there is more than one claim filed for the return of property under this section, at the

expiration of the period for filing claims the seizing agency ~~or prosecuting attorney~~ shall file a copy of all such claims with the clerk of court and the clerk shall proceed as if such claims were filed by the parties under section 809.3. In the event that no owner can be located or no claim is filed under this section for property having a value of less than five hundred dollars, the property shall be deemed abandoned and the seizing agency shall become the owner of such property and may dispose of it in any reasonable manner. For unclaimed property having a value equal to or greater than five hundred dollars, forfeiture proceedings shall be initiated pursuant to the provisions of chapter 809A. If the court does not order the property forfeited to the state in the forfeiture proceedings pursuant to chapter 809A, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner. Unclaimed firearms and ammunition, if not forfeited pursuant to chapter 809A, shall be disposed of by the department of public safety or the department of natural resources pursuant to section 809.21.



JOHN P. KIBBIE
President of the Senate



PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 175, Eighty-second General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 26th, 2007



CHESTER J. CULVER
Governor