

JUDICIARY: Mann, Chair: Varn, Drake

Has Judiciary 3/31/87 Do Pass 4/8/87 (p. 1231)

FILED MAR 05 1987

SENATE FILE 341
BY MANN

Passed Senate, Date 3-26-87 (p. 912) Passed House, Date 4-13-87 (p. 1288)

Vote: Ayes 46 Nays 0 Vote: Ayes 88 Nays 10

Approved May 5, 1987 (p. 1712)
*Motion to reconsider (p. 1298)
4/22 (p. 1575)*

A BILL FOR

- 1 An Act relating to the standard of proof required under
- 2 forfeiture of property law.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 341

1 Section 1. Section 809.14, subsection 1, Code 1987, is
2 amended to read as follows:

3 1. Property shall not be forfeited under this chapter to
4 the extent of the interest of an owner, other than a joint
5 tenant, who had no part in the commission of the crime and who
6 had no knowledge of the criminal use or intended use of the
7 property. However, if it is established by a preponderance of
8 the evidence that the owner permitted the use of the property
9 under circumstances in which ~~a reasonable person should have~~
10 ~~inquired into the intended use of the property and that the~~
11 ~~owner failed to do so~~ the owner knew or should have known that
12 the property was being used for a criminal purpose, there is a
13 rebuttable presumption that the owner knew that the property
14 was intended to be used in the commission of a crime.

15 EXPLANATION

16 This bill establishes the standard of proof to be used in a
17 forfeiture action. It must be shown by a preponderance of the
18 evidence that the owner of the property knew or should have
19 known that the property was being used for a criminal purpose.

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rebuttable presumption that the owner knew that the property was intended to be used in the commission of a crime.

SENATE FILE 341

JO ANN ZIMMERMAN
President of the Senate

AN ACT
RELATING TO THE STANDARD OF PROOF REQUIRED UNDER FORFEITURE OF
PROPERTY LAW.

DONALD D. AVENSON
Speaker of the House

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

I hereby certify that this bill originated in the Senate and is known as Senate File 341, Seventy-second General Assembly.

Section 1. Section 809.14, subsection 1, Code 1987, is amended to read as follows:

1. Property shall not be forfeited under this chapter to the extent of the interest of an owner, other than a joint tenant, who had no part in the commission of the crime and who had no knowledge of the criminal use or intended use of the property. However, if it is established by a preponderance of the evidence that the owner permitted the use of the property under circumstances in which ~~a reasonable person should have inquired into the intended use of the property and that the owner failed to do so~~ the owner knew or should have known that the property was being used for a criminal purpose, there is a

JOHN F. DWYER
Secretary of the Senate

Approved *Mays*, 1987

TERRY E. HRANSTAD
Governor

SF 341