

Sen Judiciary 4/2 L. Pass 4/9/91 (p 1154)

MAR 27 1991

Place On Calendar

HOUSE FILE 679  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 278)

Passed House, Date April 2, 1991 Passed Senate, Date 4/29/91 (p. 1524)  
Vote: Ayes 97 Nays 2 Vote: Ayes 50 Nays 0  
Approved May 10, 1991 (p. 2461)

A BILL FOR

1 An Act relating to forfeiture of excursion boats and related  
2 property and providing an effective date.

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

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HF 679

1 Section 1. Section 99F.16, Code 1991, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 4. Upon receipt of forfeited property,  
4 the county attorney or attorney general shall permit an owner  
5 or lienholder of record having a nonforfeitable property  
6 interest in the property the opportunity to purchase the  
7 property interest forfeited. If the owner or lienholder does  
8 not exercise the option under this subsection within thirty  
9 days the option is terminated, unless the time for exercising  
10 the option is extended by the county attorney or attorney  
11 general.

12 NEW SUBSECTION. 5. A person having a valid, recorded lien  
13 or property interest in forfeited property, which has not been  
14 purchased pursuant to subsection 4, shall either be reimbursed  
15 to the extent of the nonforfeitable interest or to the extent  
16 that the sale of the item produces sufficient revenue to do  
17 so, whichever amount is less. The sale of forfeited property  
18 should be conducted in a manner which is commercially  
19 reasonable and calculated to provide a sufficient return to  
20 cover the costs of the sale and reimburse any nonforfeitable  
21 interest. The validity of a lien or property interest is  
22 determined as of the date upon which property becomes  
23 forfeitable.

24 NEW SUBSECTION. 6. This section does not preclude a civil  
25 suit by an owner of an interest in forfeited property against  
26 the party who, by criminal use, caused the property to become  
27 forfeited to the state.

28 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill provides owners or lienholders having  
32 nonforfeitable property interests in excursion boats or other  
33 property with the opportunity to purchase the property subject  
34 to forfeiture. In addition, the bill provides that the  
35 lienholder is entitled to reimbursement up to the amount of

1 its nonforfeitable interest in the forfeited property,  
2 provides for the manner of sale of forfeited property, and for  
3 the determination of the validity of the lienholder's interest  
4 as of a certain date.

5 The bill takes effect upon enactment.

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Spf-Chair, Walderson of Clayton, McNeal

HSB 278

HOUSE FILE 679 Judiciary & Law Enforcement  
BY (PROPOSED COMMITTEE ON  
JUDICIARY AND LAW ENFORCEMENT  
BILL BY CHAIRPERSON JAY)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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HOUSE FILE 679

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AN ACT  
RELATING TO FORFEITURE OF EXCURSION BOATS AND RELATED  
PROPERTY AND PROVIDING AN EFFECTIVE DATE.

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

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NEW SUBSECTION. 5. A person having a valid, recorded lien or property interest in forfeited property, which has not been purchased pursuant to subsection 4, shall either be reimbursed to the extent of the nonforfeitable interest or to the extent that the sale of the item produces sufficient revenue to do so, whichever amount is less. The sale of forfeited property should be conducted in a manner which is commercially reasonable and calculated to provide a sufficient return to cover the costs of the sale and reimburse any nonforfeitable interest. The validity of a lien or property interest is determined as of the date upon which property becomes forfeitable.

NEW SUBSECTION. 6. This section does not preclude a civil suit by an owner of an interest in forfeited property against the party who, by criminal use, caused the property to become forfeited to the state.

ROBERT C. ARNOOLD  
Speaker of the House

JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 679, Seventy-fourth General Assembly.

JOSEPH O'HERN  
Chief Clerk of the House

Approved *May 10*, 1991

TERRY E. BRANSTAD  
Governor

HF 679