

1-12-95 Judiciary

FILED JAN 12 1995

SENATE FILE 29  
BY HALVORSON

WITHDRAWN  
5-4-95

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

A BILL FOR

1 An Act relating to the forfeiture of vehicles driven by persons  
2 convicted of a third or subsequent offense for operating a  
3 motor vehicle while intoxicated.

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

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WITHDRAWN

S.F. 29

1 Section 1. Section 809.1, subsection 2, Code 1995, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A motor vehicle that is operated to  
4 facilitate the commission of the offense of operating a motor  
5 vehicle while intoxicated by a person who is convicted of  
6 being a third or subsequent offender under section 321J.2,  
7 subsection 2, paragraph "c".

8 Sec. 2. Section 809.1, subsection 4, Code 1995, is amended  
9 to read as follows:

10 4. The Except as otherwise provided, the definitions  
11 contained in subsections 1 through 3 shall not apply to  
12 violations of chapter 321 or 321J.

13 Sec. 3. Section 809.2, Code 1995, is amended to read as  
14 follows:

15 809.2 NOTICE OF SEIZURE.

16 The officer taking possession of seized property shall make  
17 a written inventory of the property and deliver a copy of the  
18 inventory to the person from whom it was seized. The  
19 inventory shall include the name of the person taking custody  
20 of the seized property, the date and time of the seizure, and  
21 the law enforcement agency seizing the property. If the  
22 property seized is a motor vehicle that has been seized as a  
23 result of an arrest of a person for operating while  
24 intoxicated and being a third or subsequent offender under  
25 section 321J.2, subsection 2, paragraph "c", a copy of the  
26 inventory listing the motor vehicle shall also be sent to any  
27 registered owner of the vehicle if the registered owner is not  
28 the person from whom the vehicle was seized.

29 EXPLANATION

30 This bill includes motor vehicles used in the commission of  
31 third or subsequent violations of section 321J.2 (operating  
32 while intoxicated) in the definition of forfeitable property  
33 under Iowa's forfeiture law, chapter 809. Under the chapter  
34 forfeitable property may be seized by law enforcement and  
35 ownership transferred to the state. An inventory of seized

1 property is delivered to the person from whom the property is  
2 seized, except that if the operator of the vehicle is not the  
3 registered owner, under the bill the inventory will be sent to  
4 the person listed as the registered owner on the motor vehicle  
5 registration. Once an application for forfeiture is made,  
6 notice will be sent to all persons affected by the forfeiture.  
7 A hearing will be held on the forfeiture of the property and  
8 any person with an interest in the property who did not know  
9 of the use or intended use of the property will have the right  
10 and ability to establish that person's claim for return of the  
11 property.

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