MAR 1 8 1997 Place On Calendar

4/3/97 Unfinished Buse colors 4/29/97 Rereferred to Judicion 3/2/97 HOUSE FILE BY COMMITTEE ON JUDICIARY 3/24/98 Rereferred To: Judices (SUCCESSOR TO HSB 226)

E. C. C. M. C. S. S. S. S.

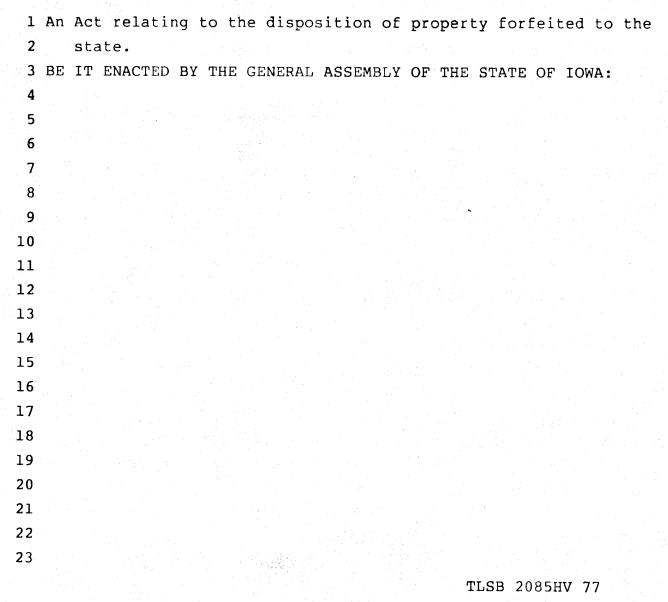
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Passed	House,	Date	·	Passed	Senate,	Date	
Vote:	Ayes	Nays	<u></u>	Vote:	Ayes	Nays	
	A A	pproved				<b></b>	

# A BILL FOR



jls/sc/14

s.f. H.F. 663

1 Section 1. Section 809A.17, Code 1997, is amended to read 2 as follows:

3 809A.17 ALLOCATION OF FORFEITED PROPERTY.

4 1. A person having control over forfeited property shall
5 communicate that fact to the attorney general or the attorney
6 general's designee.

7 2. Forfeited property not needed as evidence in a criminal 8 case shall be delivered to the department of justice7-or7-upon 9 written-authorization-of-the-attorney-general-or-the-attorney 10 general's-designee7-the-property-may-be and destroyed, sold7 11 or-delivered-to-an-appropriate-agency-for-disposal-in 12 accordance-with-this-section or otherwise shall be sold. 13 Ninety percent of the proceeds from any sale of forfeited 14 property shall be remitted to the law enforcement agency which 15 originally seized the property, and the remaining ten percent 16 of the sale proceeds shall be deposited in the general fund of

17 the state.

18 3:--Porfeited-property-may-be-used-by-the-department-of 19 justice-in-the-enforcement-of-the-criminal-law:--The 20 department-may-give;-sell;-or-trade-property-to-any-other 21 state-agency-or-to-any-other-law-enforcement-agency-within-the 22 state-if;-in-the-opinion-of-the-attorney-general;-it-will 23 enhance-law-enforcement-within-the-state;

4. --Forfeited-property-which-is-not-used-by-the-department of-justice-in-the-enforcement-of-the-law-may-be-requisitioned by-the-department-of-public-safety-or-any-law-enforcement agency-within-the-state-for-use-in-enforcing-the-criminal-laws of-this-state.--Forfeited-property-not-requisitioned-may-be delivered-to-the-director-of-the-department-of-general services-to-be-disposed-of-in-the-same-manner-as-property 1 received-pursuant-to-section-10.15.

32 5: 3. Notwithstanding subsection subsections  $1_7$  and 2,  $3_7$ 33 or  $-4_7$  the following apply:

34 a. Forfeited property which is a controlled substance or a
35 simulated, counterfeit, or imitation controlled substance



1 shall be disposed of as provided in section 124.506.

b. Forfeited property which is a weapon or ammunition 3 shall be deposited with the department of public safety to be 4 disposed of in accordance with the rules of the department. 5 All weapons or ammunition may be held for use in law 6 enforcement, testing, or comparison by the criminalistics 7 laboratory, or destroyed. Ammunition and firearms which are 8 not illegal and are not offensive weapons as defined by 9 section 724.1 may be sold by the department as provided in 10 section 809.21.

S.F. H.F. 663

11 c. Material in violation of chapter 728 shall be
12 destroyed.

16

d. Property subject to the rules of the natural resource14 commission shall be delivered to that commission for disposal15 in accordance with its rules.

#### EXPLANATION

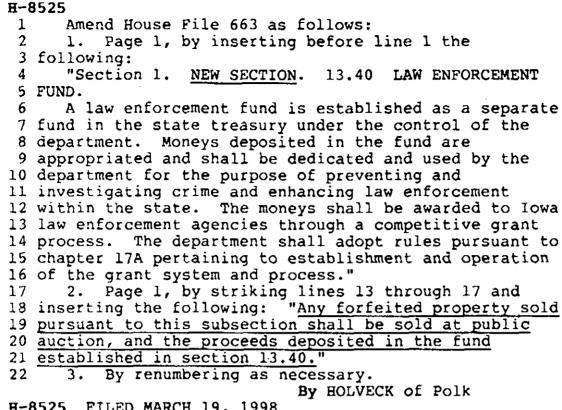
17 This bill amends Code section 809A.17 to provide that 18 property forfeited to the state shall be destroyed, or 19 otherwise shall be sold. If the property is sold, 90 percent 20 of the sale proceeds shall be remitted to the law enforcement 21 agency that originally seized the property, and the remainder 22 of the proceeds shall be deposited in the general fund of the 23 state.

24 25 26 27 28 29 30 31 32 33 34 35

LSB 2085HV 77 jls/sc/14

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## HOUSE FILE 663



H-8525 FILED MARCH 19, 1998

#### H-8526

### HOUSE FILE 663

- 1
  - Amend House File 663 as follows:
  - 2 1. Page 1, by striking lines 13 through 17 and
  - 3 inserting the following: "Any forfeited property sold
  - 4 pursuant to this subsection shall be sold at public
  - 5 auction."

By HOLVECK of Polk

H-8526 FILED MARCH 19, 1998



HOUSE FILE 663 H-1601 Amend the amendment, H-1492, to House File 663, as 1 2 follows: 1. Page 1, by inserting before line 2 the 3 4 following: Page 1, line 14, by striking the word 5 6 "agency" and inserting the following: "agency, 7 agencies, or task force". 8 2. By renumbering as necessary. By LAMBERTI of Polk H-1601 FILED APRIL 8, 1997 HOUSE FILE 663 8-1492 1 Amend House File 663 as follows: 2 Page 1, by striking lines 16 and 17, and 1. 3 inserting the following: "of the sale proceeds shall 4 be retained by the department of justice for the 5 enforcement of the criminal law by the attorney 6 general." 7 Page 1, by striking lines 18 through 23, and 2. 8 inserting the following: 9 "3. Forfeited-property-may-be-used-by-the 10 department-of-justice-in-the-enforcement-of-the 11 criminal-law---The-department A law enforcement agency 12 may give, sell, or trade property to any other state 13 agency or to any other law enforcement agency within 14 the state if -in-the-opinion-of-the-attorney-general; 15 it will enhance law enforcement within the state." 16 Page 1, by striking line 32 and inserting the 3. 17 following: "<del>5.</del> 4. 18 Notwithstanding subsection subsections 1, 19 2, and 3,". 20 4. By renumbering as necessary. By LAMBERTI of Polk H-1492 FILED APRIL 1, 1997

### HOUSE FILE 663 FISCAL NOTE

A fiscal note for House File 663 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 663 amends the provisions regarding forfeited property disposition. The Bill requires the Department of Justice to either destroy or sell forfeited The Bill requires proceeds from the sale of the property to be property. remitted 90.0% to the law enforcement agency that originally seized the property and the remaining 10.0% to be deposited in the State General Fund.

#### BACKGROUND

Currently, local law enforcement agencies dispose of seized property. The Department of Justice then receives 10.0% of seized cash forfeitures and \$100. per car title processed.

#### **ASSUMPTIONS**

- Sales value of forfeited vehicles will remain constant at the 1997 level 1. of \$2,000 per vehicle with an average of 134 vehicles being seized during each of the previous two years. An average of 14 of these are currently retained by the seizing law enforcement agency and may affect the average value of the sold vehicles. valu.
- 2. Forfeited missellaneous personal property will remain constant at an average of \$300 per year per seizing law enforcement agency.
- 3. Forfeited real property will remain constant at an average net value of \$40,000 per parcel per year.
- The Department of Justice will receive no deposits in the Forfeiture Fund 4. for car title processing or 10.0% of the cash forfeitures.
- 5. Cash forfeitures remain constant at \$1.0 million per year. The Department of Justice would adopt administrative rules to distribute cash forfeitures as if it were receipts of forfeited property.
- The Department of Justice will expend \$80,000 for a supervisor and a 6. secretary to manage the forfeited property activities.
- The 7. Department of Justice will expend \$76,200 for the storage, transportation, and sale of forfeited property and real estate.

#### FISCAL IMPACT

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House File 663 is expected to increase revenues to the State General Fund by approximately \$140,000 annually. The Bill would increase State General Fund expenditures for the Department of Justice by \$156,000 annually. Revenues to the solving law enforcement agencies will remain constant. Revenues to the Forfaiture Fund in the Department of Justice would decrease by \$120,000 annually.

MARCH 13, 1998

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PAGE 2 , FISCAL NOTE, HOUSE FILE 663

## SOURCES

Department of General Services Department of Justice Department of Public Safety

FILED MARCH 12, 1998

(LSB 2085hv, DHK)

BY DENNIS PROUTY, FISCAL DIRECTOR

HS\$ 226

Jamberti; Chs. Dinala Howerk

JUDICIARY

Succeeded By HOUSE FILESF HP BY (PROPOSED COMMITTEE ON JUDICIARY BILL BY CHAIR-PERSON LAMBERTI)

Passed	House,	Date	Passed	Senate, Da	ite
Vote:	Ayes	Nays	Vote:	Ayes	Nays
	Ap	proved			

# A BILL FOR

1	An	Act	relati	ng	to tl	ne dispo	sition of	pro	pert	cy for	Eeit	ed to	the
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S.F. \_\_\_\_\_ H.F.

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31 received-pursuant-to-section-18-15-

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