

House Study Bill 226

Bill Text

PAG LIN

1 1 Section 1. Section [809A.17](#), Code 1997, is amended to read
1 2 as follows:

1 3 809A.17 ALLOCATION OF FORFEITED PROPERTY.

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

1 7 2. Forfeited property not needed as evidence in a criminal
1 8 case shall be delivered to the department of justice

~~, or, upon~~

1 9

~~written authorization of the attorney general or the attorney~~

1 10

~~general's designee, the property may be
and destroyed,~~

~~sold,~~

1 11

~~or delivered to an appropriate agency for disposal in~~

1 12

~~accordance with this section
or otherwise shall be sold.~~

1 13 Ninety percent of the proceeds from any sale of forfeited
1 14 property shall be remitted to the law enforcement agency which
1 15 originally seized the property, and the remaining ten percent
1 16 of the sale proceeds shall be deposited in the general fund of
1 17 the state.

1 18

~~3. Forfeited property may be used by the department of~~

1 19

~~justice in the enforcement of the criminal law. The~~

1 20

~~department may give, sell, or trade property to any other~~

1 21

~~state agency or to any other law enforcement agency within the~~

1 22

~~state if, in the opinion of the attorney general, it will~~

1 23

~~enhance law enforcement within the state.~~

1 24

~~4. Forfeited property which is not used by the department~~

1 25

~~of justice in the enforcement of the law may be requisitioned~~

1 26

~~by the department of public safety or any law enforcement~~

1 27

~~agency within the state for use in enforcing the criminal laws~~

1 28

~~of this state. Forfeited property not requisitioned may be~~

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~~delivered to the director of the department of general~~

1 30

~~services to be disposed of in the same manner as property~~

1 31

~~received pursuant to section 18.15.~~

1 32

~~5.~~

~~3.~~ Notwithstanding

~~subsection~~

~~subsections 1~~

~~and 2,~~

~~3,~~

1 33

~~or 4,~~

the following apply:

1 34 a. Forfeited property which is a controlled substance or a
1 35 simulated, counterfeit, or imitation controlled substance

2 1 shall be disposed of as provided in section 124.506.

2 2 b. Forfeited property which is a weapon or ammunition

2 3 shall be deposited with the department of public safety to be

2 4 disposed of in accordance with the rules of the department.

2 5 All weapons or ammunition may be held for use in law

2 6 enforcement, testing, or comparison by the criminalistics

2 7 laboratory, or destroyed. Ammunition and firearms which are

2 8 not illegal and are not offensive weapons as defined by

2 9 section 724.1 may be sold by the department as provided in

2 10 section 809.21.

2 11 c. Material in violation of chapter 728 shall be

2 12 destroyed.

2 13 d. Property subject to the rules of the natural resource

2 14 commission shall be delivered to that commission for disposal
2 15 in accordance with its rules.

2 16 EXPLANATION

2 17 This bill amends Code section 809A.17 to provide that
2 18 property forfeited to the state shall be destroyed, or
2 19 otherwise shall be sold. If the property is sold, 90 percent
2 20 of the sale proceeds shall be remitted to the law enforcement
2 21 agency that originally seized the property, and the remainder
2 22 of the proceeds shall be deposited in the general fund of the
2 23 state.

2 24 LSB 2085HC 77

2 25 jls/sc/14