

FEB 15 1999

JUDICIARY

HOUSE FILE

280

BY FORD

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the allocation of forfeited property and
2 establishing a fund for grants to law enforcement agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 280

1 Section 1. Section 809A.17, Code 1999, 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 justice, ~~or, upon~~
9 ~~written authorization of the attorney general or the attorney~~
10 ~~general's designee, the property may and shall~~ be destroyed,
11 sold, or delivered to an appropriate agency for disposal in
12 accordance with this section and section 809A.17A.

13 ~~3.--Forfeited property may be used by the department of~~
14 ~~justice in the enforcement of the criminal law.--The~~
15 ~~department may give, sell, or trade property to any other~~
16 ~~state agency or to any other law enforcement agency within the~~
17 ~~state if, in the opinion of the attorney general, it will~~
18 ~~enhance law enforcement within the state.~~

19 ~~4.--Forfeited property which is not used by the department~~
20 ~~of justice in the enforcement of the law may be requisitioned~~
21 ~~by the department of public safety or any law enforcement~~
22 ~~agency within the state for use in enforcing the criminal laws~~
23 ~~of this state.--Forfeited property not requisitioned may be~~
24 ~~delivered to the director of the department of general~~
25 ~~services to be disposed of in the same manner as property~~
26 ~~received pursuant to section 18.15.~~

27 ~~5.--Notwithstanding subsection 1, 2, 3, or 4, the following~~
28 ~~apply:~~

29 3. a. Forfeited property which is a controlled substance
30 or a simulated, counterfeit, or imitation controlled substance
31 shall be disposed of as provided in section 124.506.

32 b. Forfeited property which is a weapon or ammunition
33 shall be deposited with the department of public safety to be
34 disposed of in accordance with the rules of the department.

35 All weapons or ammunition may be held for use in law

1 enforcement, testing, or comparison by the criminalistics
2 laboratory, or destroyed. Ammunition and firearms which are
3 not illegal and are not offensive weapons as defined by
4 section 724.1 may be sold by the department as provided in
5 section 809.21.

6 c. Material in violation of chapter 728 shall be
7 destroyed.

8 d. Property subject to the rules of the natural resource
9 commission shall be delivered to that commission for disposal
10 in accordance with its rules.

11 4. a. Forfeited property in the form of cash shall be
12 deposited in the fund established in section 809A.17A.

13 b. Forfeited property in the form of a liquid asset,
14 including, but not limited to, a marketable security, shall be
15 converted to cash and deposited in the fund established in
16 section 809A.17A.

17 5. Forfeited property other than that described in
18 subsections 3 and 4 shall be sold at public auction to the
19 highest bidder. The proceeds of the sale shall be deposited
20 in the fund established in section 809A.17A.

21 Sec. 2. NEW SECTION. 809A.17A FORFEITURE FUND.

22 1. A forfeiture fund is established in the state treasury
23 under the control of the division of criminal and juvenile
24 justice planning of the department of human rights for the
25 purpose of awarding grants under this section.

26 a. The fund shall consist of moneys received pursuant to
27 section 809A.17, and other funds allocated for the purpose of
28 supporting the grant program established under this section.

29 b. Notwithstanding section 8.33, unencumbered or
30 unobligated moneys and any interest remaining in the fund on
31 June 30 of any fiscal year shall not revert to the general
32 fund of the state, but shall remain available for expenditure
33 in subsequent fiscal years.

34 2. The criminal and juvenile justice planning advisory
35 council shall assist the division in administering the grant

1 program established in this section.

2 3. Not more than five percent of the moneys appropriated
3 to the forfeiture fund shall be used for administrative
4 purposes.

5 4. The forfeiture fund shall be used for the purpose of
6 awarding competitive grants to law enforcement agencies.

7 a. A law enforcement agency may apply to the division for
8 a grant on a matching basis to fund crime prevention and crime
9 fighting programs.

10 b. Applications shall describe how the grant moneys from
11 the fund will be used.

12 c. The division shall establish a point system for
13 determining eligibility for grants from the fund based on the
14 selection criteria. The selection criteria shall include the
15 nature of the plan and results to be obtained, the need of the
16 applicant, and other criteria as determined by the division.

17 d. Recipients of grant moneys shall cooperate with the
18 division in measuring program performance, including periodic
19 reporting according to standards set by the division.

20 5. The division shall adopt rules pursuant to chapter 17A
21 and this section regarding administration of the grant
22 program.

23 6. The division of criminal and juvenile justice planning
24 shall submit an annual report to the general assembly by
25 January 15 regarding the services and activities funded under
26 this section.

27 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
28 3, shall not apply to this Act.

29

EXPLANATION

30 This bill amends Code section 809A.17, regarding allocation
31 of forfeited property, to provide that cash and the proceeds
32 from liquid assets will be deposited into a new forfeiture
33 fund. In addition, the section is amended to provide that
34 forfeited property not otherwise specifically addressed in the
35 section is to be sold at public auction, with the proceeds to

1 be deposited in the forfeiture fund.
2 The forfeiture fund is created as a separate fund in the
3 state treasury, under the control of the division of criminal
4 and juvenile justice planning of the department of human
5 rights. The moneys in the fund are to be used for competitive
6 grants to law enforcement agencies on a matching basis for the
7 purpose of crime prevention and crime fighting. The division
8 will administer the grant program, basing eligibility on the
9 nature of the plan and results to be obtained, the need of the
10 applicant, and other criteria to be determined by the
11 division. The division is authorized to adopt rules to
12 administer the plan, and is required to submit an annual
13 report to the general assembly regarding the services and
14 activities funded under the plan.

15 This bill may include a state mandate as defined in Code
16 section 25B.3. This bill makes inapplicable Code section
17 25B.2, subsection 3, which would relieve a political
18 subdivision from complying with a state mandate if funding for
19 the cost of the state mandate is not provided or specified.
20 Therefore, political subdivisions are required to comply with
21 any state mandate included in this bill.

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