

Senate File 2012 - Introduced

SENATE FILE _____
BY RIELLY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An relating to notices regarding the disposition of seized
2 property and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5686XS 82
5 jm/rj/14

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1 1 Section 1. Section 809.5, subsection 1, paragraph a, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 a. ~~The If the value of the property is in excess of fifty~~
1 4 ~~dollars, the seizing agency shall send notice by restricted~~
1 5 ~~certified mail, return receipt requested, to the last known~~
1 6 ~~address of any person having an ownership or possessory right~~
1 7 ~~in the property stating that the property must be claimed~~
1 8 ~~within thirty days from the date of receipt of the notice.~~
1 9 ~~Refusal of restricted certified mail, return receipt~~
1 10 ~~requested, shall be construed as receipt of the notice. Such~~
1 11 ~~The notice shall state that if no written claim for the~~
1 12 ~~property is filed with the seizing agency within thirty days~~
1 13 ~~from the date of receipt of the notice, the property shall be~~
1 14 ~~deemed abandoned and disposed of accordingly.~~
1 15 b. ~~If the value of the property is equal to or less than~~
1 16 ~~fifty dollars, the seizing agency shall send notice by regular~~
1 17 ~~mail to the last known address of any person having an~~
1 18 ~~ownership or possessory right in the property stating that the~~
1 19 ~~property must be claimed within thirty days from the date of~~
1 20 ~~receipt of the notice. The notice shall state that if no~~
1 21 ~~written claim for the property is filed with the seizing~~
1 22 ~~agency within thirty days after the date of the mailing of the~~
1 23 ~~notice, the property shall be deemed abandoned and disposed of~~
1 24 ~~accordingly.~~
1 25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 26 immediate importance, takes effect upon enactment.
1 27 EXPLANATION
1 28 This bill relates to the disposition of seized property.
1 29 The bill provides that if seized property is equal to or less
1 30 than \$50 in value, the seizing agency shall send notice by
1 31 regular mail to the last known address of any person having an
1 32 ownership or possessory right in the seized property. The
1 33 bill provides that the notice shall state that if no written
1 34 claim for the property is filed with the seizing agency within
1 35 30 days after the date of mailing the notice, the property
2 1 shall be deemed abandoned.
2 2 Current law requires the seizing agency to send the notice
2 3 by restricted certified mail, return receipt requested,
2 4 regardless of the value of the seized property.
2 5 The bill takes effect upon enactment.
2 6 LSB 5686XS 82
2 7 jm/rj/14