

House Study Bill 656 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the release to the press of the names of
2 persons who have been arrested for prostitution, and to the
3 forfeiture of motor vehicles used to facilitate the illegal
4 conduct.

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

1 Section 1. Section 725.1, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Upon an person's arrest pursuant
4 to this section, the state or local law enforcement agency
5 employing the peace officer who made the arrest shall, as soon
6 as possible but no later than within twenty-four hours of the
7 arrest, issue a press release regarding the arrest, including
8 the arrested person's name. Information released to the press
9 shall comply with section 22.7, subsections 5 and 9. As used
10 in this subsection, "arrest" means the same as defined in
11 section 804.5.

12 Sec. 2. NEW SECTION. **809A.4A Mandatory forfeiture.**

13 Notwithstanding section 809A.5, a motor vehicle that is
14 property subject to forfeiture under section 809A.4 and that
15 was used in any manner to facilitate an act or omission that
16 resulted in a conviction under section 725.1 shall be seized
17 and forfeited under this chapter.

18 Sec. 3. Section 809A.12A, subsection 1, unnumbered
19 paragraph 1, Code 2018, is amended to read as follows:

20 If the total value of the property seized for forfeiture is
21 less than the minimum civil forfeiture amount, or the property
22 is a motor vehicle and the alleged conduct giving rise to
23 forfeiture is an act or omission that violates section 725.1, a
24 judicial forfeiture proceeding shall not be brought unless one
25 of the following applies:

26 Sec. 4. Section 809A.17, subsection 5, Code 2018, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *f.* A forfeited motor vehicle used in
29 violation of section 725.1 shall be destroyed.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the release to the press of the name
34 of a person who has been arrested for prostitution and to the
35 forfeiture of a motor vehicle used by the person to facilitate

1 the illegal conduct.

2 The bill requires the release to the press of the name of
3 any person arrested for prostitution. The bill requires that
4 any information released complies with the confidentiality
5 requirements of Code section 22.7(5) and 22.7(9). Arrest is
6 defined in the bill.

7 If a person is arrested for prostitution pursuant to Code
8 section 725.1, a motor vehicle the person uses in any manner to
9 facilitate the illegal conduct shall be subject to forfeiture.
10 If the person is convicted, the bill requires the forfeited
11 motor vehicle to be destroyed.

12 Typically, property with a value of \$5,000 or more may
13 be forfeited even if the conduct giving rise to forfeiture
14 does not result in a conviction. The bill provides that
15 for a motor vehicle used to facilitate the public offense of
16 prostitution, a conviction is required before forfeiture may
17 result, regardless of the value of the motor vehicle.

18 Under current law, property is exempt from forfeiture if the
19 owner of the property was not involved with and was not aware
20 of the conduct giving rise to forfeiture or if the property was
21 purchased after the conduct giving rise to forfeiture in good
22 faith and for value by a person not involved with the conduct
23 giving rise to forfeiture. The bill provides that these
24 exemptions do not apply to the forfeiture of a motor vehicle
25 used to facilitate the public offense of prostitution.