

# Senate File 2132 - Reprinted

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2012)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act 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 5686SV 82  
5 jm/rj/14

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1 1 Section 1. Section 809.5, subsection 1, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 1. Seized property which is no longer required as evidence  
1 4 or for use in an investigation shall be returned to the owner,  
1 5 provided that the person's possession of the property is not  
1 6 prohibited by law and there is no forfeiture claim filed on  
1 7 behalf of the state.  
1 8 a. ~~The~~ If the value of the property is greater than five  
1 9 hundred dollars, the seizing agency shall ~~send~~ serve notice by  
1 10 personal service or by sending the notice by restricted  
1 11 certified mail, return receipt requested, to the last known  
1 12 address of any person having an ownership or possessory right  
1 13 in the property stating that the property must be claimed  
1 14 within thirty days from the date of receipt of the notice.  
1 15 Refusal of restricted certified mail, return receipt  
1 16 requested, shall be construed as receipt of the notice. Such  
1 17 notice shall state that if no written claim for the property  
1 18 is filed with the seizing agency within thirty days from the  
1 19 date of receipt of the notice, the property shall be deemed  
1 20 abandoned and disposed of accordingly.  
1 21 b. If the value of the property is equal to or less than  
1 22 five hundred dollars, the seizing agency shall serve notice by  
1 23 personal service or by sending the notice by regular mail to  
1 24 the last known address of any person having an ownership or  
1 25 possessory right in the property.  
1 26 c. A person having an ownership or possessory right in the  
1 27 property must file a written claim for the property with the  
1 28 seizing agency within thirty days from the date of receipt of  
1 29 the notice and must take possession of the property within  
1 30 thirty days of the expiration of the period of time for filing  
1 31 a written claim. If no written claim is filed within thirty  
1 32 days from the date of receipt of the notice or if a written  
1 33 claim is filed but the claimant does not take possession of  
1 34 the property within thirty days of the expiration of the  
1 35 period of time for filing the written claim, the property  
2 1 shall be deemed abandoned and shall be disposed of  
2 2 accordingly.  
2 3 d. The notice served or sent pursuant to this subsection  
2 4 shall inform the recipient of the filing and possession  
2 5 requirements of paragraph "c".  
2 6 ~~b. e.~~ The seizing agency shall not release the property  
2 7 to any party until the expiration of the date for filing  
2 8 claims. In the event that there is more than one claim filed  
2 9 for the return of property under this section, at the  
2 10 expiration of the period for filing claims the seizing agency  
2 11 shall file a copy of all such claims with the clerk of court  
2 12 and the clerk shall proceed as if such claims were filed by  
2 13 the parties under section 809.3. ~~In the event that no owner~~  
2 14 ~~can be located or no claim is filed under this section for~~  
2 15 ~~property having a value of less than five hundred dollars, the~~  
2 16 ~~property shall be deemed abandoned and the seizing agency~~  
2 17 ~~shall become the owner of such property and may dispose of it~~  
2 18 ~~in any reasonable manner.~~

2 19 c. f. For unclaimed property having a In the event that  
2 20 the owner is unable to be located or the property is deemed  
2 21 abandoned the following shall apply:

2 22 (1) If the value ~~equal to or~~ of the property is greater  
2 23 than five hundred dollars, forfeiture proceedings shall be  
2 24 initiated pursuant to the provisions of chapter 809A. If the  
2 25 court does not order the property forfeited to the state in  
2 26 the forfeiture proceedings pursuant to chapter 809A, the  
2 27 seizing agency shall become the owner of the property and may  
2 28 dispose of it in any reasonable manner. ~~Unclaimed firearms~~

2 29 (2) If the value of the property is equal to or less than  
2 30 five hundred dollars, the seizing agency shall become the  
2 31 owner of the property and may dispose of it in any reasonable  
2 32 manner.

2 33 (3) ~~Firearms and ammunition, if not forfeited pursuant to~~  
2 34 ~~chapter 809A,~~ shall be disposed of by the department of public  
2 35 safety or the department of natural resources pursuant to

3 1 section 809.21, if not forfeited pursuant to chapter 809A.

3 2 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
3 3 immediate importance, takes effect upon enactment.

3 4 SF 2132

3 5 jm/rj/cc/26