

IDAPA 11 – IDAHO STATE POLICE

Idaho State Police Directors Office

11.06.01 – Rules Governing Civil Asset Forfeiture Reporting

Who does this rule apply to?

Law enforcement agencies, prosecuting attorneys, and members of the public.

What is the purpose of this rule?

This rule concerns the creation, maintenance, and accessibility of a civil asset forfeiture reporting form that the Idaho State Police is charged with promulgating pursuant to Section 37-2744, Idaho Code. Per Section 37-2744 (Chapter 27, Article V), Idaho Code, each local law enforcement agency is required to use such form to submit certain information regarding individual civil asset forfeitures to their local prosecuting attorneys.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

Idaho State Police:

- [Section 67-2901, Idaho Code](#) – Idaho State Police Created – Director – Divisions – Powers and Duties – Failure of Peace Officers to Obey Orders, Misdemeanor – Deputies – Compensation and Powers

Food, Drugs, and Oil -

Uniform Controlled Substances (Article V):

- [Section 37-2744, Idaho Code](#) – Forfeitures

Who do I contact for more information on this rule?

Idaho State Police

Headquarters

Monday through Friday, 8:00 a.m. to 5:00 p.m.

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11.06.01 – RULES GOVERNING CIVIL ASSET FORFEITURE REPORTING

000. LEGAL AUTHORITY.

01. General. The Director of the Idaho State Police has general rulemaking authority to prescribe rules for civil asset forfeiture reporting, pursuant to Section 67-2901, Idaho Code. (3-20-20)

02. Specific. In accordance with Section 37-2744 (Chapter 27, Article V), Idaho Code, the Idaho State Police is authorized to promulgate such rules and forms it deems necessary to carry out the provisions and mandate of said Section 37-2744, Idaho Code. (3-20-20)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 11.06.01, “Rules Governing Civil Asset Forfeiture Reporting,” IDAPA 11, Title 06, Chapter 01. (3-20-20)

02. Scope. These rules concern the civil asset forfeiture reporting form that the Idaho State Police is charged with promulgating pursuant to Section 37-2744, Idaho Code. (3-20-20)

002. INCORPORATION BY REFERENCE.

The following is incorporated by reference in this chapter of rules: (3-20-20)

01. Idaho Civil Asset Forfeiture Reporting Form. As adopted February 7, 2019, this document is available on the Internet at <https://www.isp.idaho.gov>. (3-20-20)

003. – 009. (RESERVED)

010. DEFINITIONS.

01. Civil Asset Forfeiture Reporting Form. A form promulgated by and available from the Idaho State Police, to be used by each state and local law enforcement agency. (3-20-20)

011. CONTENTS OF CIVIL ASSET FORFEITURE REPORTING FORM.

01. Asset Forfeiture Reporting Form. The Asset Forfeiture Reporting Form shall contain fields for entry of the following information: (3-20-20)

- a. The name of the law enforcement agency that seized the property; (3-20-20)
- b. The date of seizure; (3-20-20)
- c. The type and description of property seized, including make, model, year, and serial number, if applicable; (3-20-20)
- d. The crime(s), if any, for which the suspect has been charged, including whether such crime is a violation of state or federal law; (3-20-20)
- e. The criminal case number, if any; (3-20-20)
- f. The outcome, if any, of the suspect’s case; (3-20-20)
- g. If the forfeiture was not processed under state law, the reason for the federal transfer, if known; (3-20-20)
- h. The forfeiture case number; (3-20-20)
- i. The date of the forfeiture decision; (3-20-20)
- j. Whether there was a forfeiture settlement; (3-20-20)
- k. The date and outcome of property disposition as described by one (1) or more of the following: returned to owner; partially returned to owner; sold; destroyed; or retained by law enforcement; and (3-20-20)

1. The value of the property forfeited based on the value realized, if sold, or a reasonable good faith estimate of the value, if possible. (3-20-20)

012. – 999. (RESERVED)

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