

STATEMENT OF PURPOSE

RS22087

Current Senate Bill 1060 includes proposed §18-5612, which would provide that anyone who is convicted of either inducing a person under the age of eighteen (18) years of age into prostitution in violation of §18-5609, Idaho Code, or of inducing, compelling, enticing or procuring another person to engage in prostitution in violation of §18-5602, may be required to forfeit property gained as the result of the crime, or property used to commit or facilitate the commission of the crime. The current proposed legislation seeks to establish the process by which forfeiture to the State of Idaho would occur, the protections for innocent third parties with interests in the property, and to direct how the forfeited property or its proceeds will be distributed. The legislation seeks to protect innocent third-parties' interests in property subject to forfeiture, by utilizing the same procedures that are currently used in criminal drug forfeitures.

FISCAL NOTE

The exact fiscal impact of the forfeiture process depends upon how often the State chooses to seek forfeiture of property. The county prosecuting attorney or the attorney general has the authority to seek forfeiture, but is not required to. Thus, those agencies can assess the cost of proceedings and the value of the property likely to be forfeited in determining whether to seek forfeiture. Any fiscal impact is also mitigated by the fact that costs of the forfeiture proceeding are paid out of the proceeds of any sale of the forfeited property. Because neither the number of forfeiture actions that will be sought, nor the value of property that will be forfeited can be accurately predicted, the exact fiscal impact is not known.

Contact:

Brent Reinke, Chairman
Idaho Criminal Justice Commission
(208) 658-2115