TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 56
COMMERCIAL SEXUAL ACTIVITY

18-5601. DEFINITIONS. As used in this chapter:

(1) "Benefits of such proceeds" includes but is not limited to any real or personal property obtained with or by use of proceeds as defined in this chapter; any debt, rent, or other financial obligation paid with proceeds as defined in this chapter; and any service obtained in exchange for proceeds as defined in this chapter.

(2) "Child" means a person under eighteen (18) years of age.

(3) "Commercial sexual activity" means the exchange, or the attempted exchange, of sexual contact for a fee.

(4) "Fee" means any money, service, item of real or personal property, contraband, or thing of value.

(5) "Intimate body parts" includes human genitals, pubic area, buttocks, or breasts.

(6) "Proceeds" means any money, services, item of real or personal property, contraband, or thing of value paid or exchanged for sexual contact.

(7) "Sexual contact" means any touching of the intimate body parts of another person for the purpose of arousing or gratifying the sexual desire of either party, including but not limited to sexual intercourse, oral-genital contact, manual-genital contact, genital-anal contact, oral-anal contact, and other physical-genital contact.

[18-5601, added 2024, ch. 147, sec. 3, p. 559.]

18-5602. PROCUREMENT -- DEFINITION AND PENALTY. Any person who induces, compels, entices, or procures another person to engage in commercial sexual activity shall be guilty of a felony punishable by imprisonment for a period of no less than two (2) years and no more than twenty (20) years or by a fine of no less than one thousand dollars ($1,000) and no more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5602, added 1972, ch. 336, sec. 1, p. 951; am. 1981, ch. 324, sec. 2, p. 673; am. 1994, ch. 130, sec. 2, p. 292; am. 2024, ch. 147, sec. 4, p. 560.]

18-5603. RECEIVING PAY FOR PROCUREMENT. Any person who knowingly receives a fee to procure a third person to engage in commercial sexual activity shall be guilty of a felony punishable by imprisonment for a period of no less than two (2) years and no more than twenty (20) years or by a fine of no less than one thousand dollars ($1,000) and no more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5603, added 1972, ch. 336, sec. 1, p. 951; am. 1981, ch. 324, sec. 3, p. 673; am. 1994, ch. 130, sec. 3, p. 293; am. 2024, ch. 147, sec. 5, p. 560.]

18-5604. PAYING FOR PROCUREMENT. Any person who pays another a fee to procure a third person to engage in commercial sexual activity shall be

guilty of a felony punishable by imprisonment for no less than two (2) years and no more than twenty (20) years or by a fine of no less than one thousand dollars ($1,000) and no more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5604, added 1972, ch. 336, sec. 1, p. 951; am. 1981, ch. 324, sec. 4, p. 674; am. 1994, ch. 130, sec. 4, p. 293; am. 2024, ch. 147, sec. 6, p. 560.]

18-5605. DETENTION FOR COMMERCIAL SEXUAL ACTIVITY. Anyone who holds, detains, or restrains or who attempts to hold, detain or restrain another person for the purpose of compelling such person to engage in commercial sexual activity shall be guilty of a felony punishable by imprisonment for no less than two (2) years and no more than twenty (20) years or by a fine of no less than one thousand dollars ($1,000) and no more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5605, added 1972, ch. 336, sec. 1, p. 952; am. 1981, ch. 324, sec. 5, p. 674; am. 1994, ch. 130, sec. 5, p. 294; am. 2024, ch. 147, sec. 7, p. 560.]

18-5606. RECEIVING PROCEEDS OF ILLEGAL SEXUAL ACTIVITY. (1) Any person who knowingly receives or accepts any proceeds, or the benefits of such proceeds, derived from another person engaging in sexual contact shall be guilty of a felony punishable by imprisonment for a period of not more than twenty (20) years or by a fine of not more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

(2) The person who provides sexual contact in exchange for proceeds, as set forth in subsection (1) of this section, and such person's minor children or legal dependents incapable of self-support shall not be criminally liable pursuant to this section.

[18-5606, added 2023, ch. 311, sec. 3, p. 950; am. 2024, ch. 147, sec. 8, p. 561.]

18-5607. INTERSTATE TRAFFICKING IN COMMERCIAL SEXUAL ACTIVITY. Any person who imports a person or persons into this state, or who exports a person or persons from this state, for the purpose of commercial sexual activity, or any person who induces, entices, or procures such activity, shall be guilty of a felony punishable by imprisonment for a period of no less than two (2) years and no more than twenty (20) years, or by a fine of no less than one thousand dollars ($1,000), and no more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5607, added 2024, ch. 147, sec. 9, p. 561.]

18-5608. PLACE OF COMMERCIAL SEXUAL ACTIVITY. Any person maintaining, controlling or supporting a place where commercial sexual activity is carried on by one (1) or more persons under the control, management, or supervision of another shall be guilty of a felony punishable by imprisonment for no less than two (2) years and no more than twenty (20) years or by a fine of no less than one thousand dollars ($1,000) and no more than fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5608, added 1972, ch. 336, sec. 1, p. 952; am. 1981, ch. 324, sec. 8, p. 675; am. 1994, ch. 130, sec. 8, p. 294; am. 2024, ch. 147, sec. 10, p. 561.]

18-5609. INDUCING A CHILD INTO COMMERCIAL SEXUAL ACTIVITY -- PENALTIES. Every person who induces or attempts to induce a child to engage in commercial sexual activity shall be guilty of a felony punishable by imprisonment in the state penitentiary for a period of not less than two (2) years, which may be extended to life imprisonment, or by a fine not exceeding fifty thousand dollars ($50,000), or by both such fine and imprisonment.

[18-5609, added 1972, ch. 336, sec. 1, p. 953; am. 1981, ch. 324, sec. 9, p. 675; am. 1994, ch. 130, sec. 9, p. 295; am. 2024, ch. 147, sec. 11, p. 562.]

18-5610. UTILIZING A CHILD FOR COMMERCIAL SEXUAL ACTIVITY -- PENALTIES. Every person who engages in commercial sexual activity with a child shall be guilty of a felony punishable by imprisonment in the state penitentiary for a period of not less than two (2) years, which may be extended to life imprisonment, or by a fine not exceeding fifty thousand dollars ($50,000), or by both such imprisonment and fine.

[18-5610, added 2013, ch. 240, sec. 1, p. 566; am. 2024, ch. 147, sec. 12, p. 562.]

18-5611. INDUCING A CHILD TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY -- PENALTIES. Any person who induces or attempts to induce a child to patronize a third person in commercial sexual activity shall be guilty of a felony.

[18-5611, added 1972, ch. 336, sec. 1, p. 953; am. 1994, ch. 130, sec. 11, p. 295; am. 2024, ch. 147, sec. 13, p. 562.]

18-5612. PROPERTY SUBJECT TO CRIMINAL FORFEITURE. (1) Any person who is found guilty of, who enters a plea of guilty or who is convicted of a violation of section 18-5602, 18-5603, 18-5604, 18-5605, 18-5606, 18-5608, 18-5609, 18-5610, 18-5611, 18-5613, or 18-5614, Idaho Code, no matter the form of the judgment or order withholding judgment, shall forfeit to the state of Idaho:

(a) Any property constituting, or derived from, any proceeds the person obtained directly or indirectly as the result of such violation; and

(b) Any of the person's property used, or intended to be used, in any manner or part to commit or to facilitate the commission of such violation.

(2) The court, in imposing sentence on such person as described in subsection (1) of this section, shall order, in addition to any other sentence imposed, that the person forfeit to the state of Idaho all property described in this section. The provisions of this chapter shall not be construed in any manner to prevent the state of Idaho, the attorney general or the appropriate prosecuting attorney from requesting restitution pursuant to section 19-5304, Idaho Code. The issue of criminal forfeiture shall be for the court alone, without submission to a jury, as a part of the sentencing procedure within the criminal action.

[18-5612, added 2013, ch. 240, sec. 2, p. 567; am. 2024, ch. 147, sec. 14, p. 562.]

18-5613. PROVIDING COMMERCIAL SEXUAL ACTIVITY. (1) A person is guilty of providing commercial sexual activity when such person:

(a) Engages in, offers to engage in, or agrees to engage in sexual contact in return for a fee; or

(b) Loiters in or within view of any public place for the purpose of being hired to engage in sexual contact.

(2) Providing commercial sexual activity shall be a misdemeanor, provided, however, that on a third or subsequent conviction for commercial sexual activity, it shall be a felony. For purposes of this subsection, a prior conviction for prostitution counts as a conviction for providing commercial sexual activity.

(3) It shall be an affirmative defense to providing commercial sexual activity that the defendant was at the time of the alleged crime the victim of conduct prohibited by section 18-8607, Idaho Code.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, the provisions of this section do not apply to a child who is alleged to have engaged in conduct that would, if committed by an adult, violate the provisions of this section. A commercially sexually exploited child under this subsection may be taken into shelter care by a peace officer pursuant to section 16-1608, Idaho Code, if the conditions allowing emergency removal are met.

[18-5613, added 2024, ch. 147, sec. 16, p. 563.]

18-5614. SOLICITING COMMERCIAL SEXUAL ACTIVITY. (1) A person is guilty of soliciting commercial sexual activity when he or she:

(a) Pays, offers, or agrees to pay another person a fee for the purpose of engaging in sexual contact; or

(b) Offers a third person to engage in, or agrees to provide a third person to engage in, sexual contact in return for a fee.

(2) Soliciting commercial sexual activity shall be a misdemeanor, provided that a second or subsequent conviction therefor shall be a felony. Any person convicted of a misdemeanor violation of this section shall be sentenced to a minimum period of confinement of five (5) days in jail and may be sentenced to up to one (1) year in jail or fined up to two thousand dollars ($2,000), or both. The minimum period of confinement shall be served in a county jail, and a court shall not have the power to suspend, withhold, retain jurisdiction over, or commute the minimum period of confinement imposed pursuant to this section.

[18-5614, added 1977, ch. 175, sec. 3, p. 451; am. 1994, ch. 130, sec. 13, p. 295; am. 2024, ch. 147, sec. 17, p. 563.]

18-5618. PROPERTY SUBJECT TO FORFEITURE. Property subject to criminal forfeiture under this chapter includes:

(1) "Real property" including things growing on, affixed to or found on the land; and

(2) "Tangible and intangible personal property" including rights, privileges, interests, claims and securities.

[18-5618, added 2013, ch. 249, sec. 1, p. 601.]

18-5619. INVENTORY. Any peace officer of this state seizing property subject to forfeiture under the provisions of this chapter shall cause a written inventory to be made and shall maintain custody of the same until all legal actions have been exhausted. A copy of the inventory shall be sent, within five (5) days of the seizure, to the director of the Idaho state police. Upon completion of the forfeiture action, pursuant to this chapter, a final inventory shall be made that indicates the disposition of the seized property, and a copy of that inventory shall also be sent to the director of the Idaho state police.

[18-5619, added 2013, ch. 249, sec. 2, p. 601.]

18-5620. FORFEITURE REQUEST -- REBUTTABLE PRESUMPTION. (1) Property subject to criminal forfeiture under the provisions of this chapter shall not be ordered forfeited unless the attorney general or the appropriate prosecuting attorney has filed a separate allegation within the criminal proceeding seeking forfeiture of specific property as described in section 18-5612, Idaho Code. The attorney general or appropriate prosecuting attorney shall file, within fourteen (14) days of the filing of the criminal information or indictment, a separate part II forfeiture request and notice with the trial court.

(2) There is a rebuttable presumption that any property of a person subject to the provisions of section 18-5612, Idaho Code, is subject to forfeiture under this chapter if the state of Idaho establishes by a preponderance of the evidence that:

(a) The property was acquired by a person during the period of the violation of any section of this chapter for which criminal forfeiture may be ordered, pursuant to section 18-5612, Idaho Code, or within a reasonable time after such violation; and

(b) There was no likely source for such property other than the violation of any section of this chapter for which criminal forfeiture may be ordered, pursuant to section 18-5612, Idaho Code.

[18-5620, added 2013, ch. 249, sec. 3, p. 602; am. 2024, ch. 147, sec. 18, p. 564.]

18-5621. PRESERVATION OF PROPERTY -- WARRANT OF SEIZURE -- PROTECTIVE ORDERS. (1) Upon application of the state of Idaho, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond or take any other action to preserve the availability of property described in section 18-5612, Idaho Code, for forfeiture under the provisions of this chapter upon the filing of an indictment or information charging a violation of any section of this chapter for which criminal forfeiture may be ordered, pursuant to section 18-5612, Idaho Code, and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this chapter.

(2) The state may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this chapter in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (1) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the

seizure of such property by the appropriate law enforcement agency upon such terms and conditions as the court shall deem proper.

(3) The court may, upon application of the state of Idaho, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants or trustees, or take any other action to protect the interest of the state of Idaho in the property subject to forfeiture. Any income accruing to or derived from property subject to forfeiture under this chapter may be used to offset ordinary and necessary expenses to the property that are required by law or that are necessary to protect the interests of the state of Idaho or third parties.

[18-5621, added 2013, ch. 249, sec. 4, p. 602; am. 2024, ch. 147, sec. 19, p. 564.]

18-5622. INSTITUTION OF PROCEEDINGS -- THIRD PARTIES. Upon the filing of a part II forfeiture request pursuant to section 18-5620, Idaho Code, or in the event of seizure pursuant to a warrant of seizure, or upon entry of an order of forfeiture pursuant to section 18-5612, Idaho Code, the attorney general or appropriate prosecuting attorney shall, if appropriate, institute proceedings pursuant to section 18-5623 or 18-5624, Idaho Code, or both, within five (5) days of such event.

[18-5622, added 2013, ch. 249, sec. 5, p. 603.]

18-5623. PERSONAL PROPERTY -- RIGHTS OF THIRD PARTIES. (1) Within five (5) days of any of the events specified in section 18-5622, Idaho Code, notice, including a copy of the request for forfeiture, shall be given to each co-owner or party in interest who has or claims any right, title or interest in any such personal property according to one (1) of the following methods:

(a) Upon each co-owner of or party in interest in a titled motor vehicle, aircraft or other conveyance, by mailing notice by certified mail to the address of each co-owner and party in interest as given upon the records of the appropriate department of state or federal government where records relating to such conveyances are maintained;

(b) Upon each secured party and assignee designated as such in any UCC-1 financing statement on file in an appropriate filing office covering any personal property sought to be forfeited, by mailing notice by certified mail to the secured party and the assignee, if any, at their respective addresses as shown on such financing statement; or

(c) Upon each co-owner or party in interest whose name and address is known, by mailing notice by registered mail to the last known address of such person.

(2) Within twenty (20) days after the mailing of the notice, the co-owner or party in interest may file a verified answer and claim to the property described in the notice.

(3) If a verified answer is filed within twenty (20) days after mailing of the notice, the forfeiture proceeding against all co-owners and parties in interest who have filed verified answers shall be set for hearing before the court without a jury on a day not less than sixty (60) days after the mailing of the notice; and the proceeding shall have priority over other civil cases.

(a) At the hearing, any co-owner or party in interest who has a verified answer on file may show by competent evidence that his interest in

the titled motor vehicle, aircraft or other conveyance is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the titled motor vehicle, aircraft or other conveyance was being used, had been used or was intended to be used for the purposes described in section 18-5612, Idaho Code.

(b) A co-owner or claimant of any right, title or interest in the property may prove that his right, title or interest, whether under a lien, mortgage, security agreement, conditional sales contract or otherwise, was created without any knowledge or reason to believe that the property was being used, had been used or was intended to be used for the purpose alleged.

(i) In the event of such proof, the court shall order that portion of the property or interest released to the bona fide or innocent co-owner, purchaser, lienholder, mortgagee, secured party or conditional sales vendor.

(ii) If the amount due to such person is less than the value of the property, the property may be sold at public auction or in another commercially reasonable method by the attorney general or appropriate prosecuting attorney. If sold at public auction, the attorney general or appropriate prosecuting attorney shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the property. The proceeds from such sale shall be distributed as follows in the order indicated:

1. To the bona fide or innocent co-owner, purchaser, conditional sales vendor, lienholder, mortgagee or secured party of the property, if any, up to the value of his interest in the property;

2. The balance, if any, in the following order:

(A) To the attorney general or appropriate prosecuting attorney for all expenditures made or incurred in connection with the sale, including expenditure for any necessary repairs, storage or transportation of the property, and for all expenditures made or incurred by him in connection with the forfeiture proceedings including, but not limited to, expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.

(B) To the law enforcement agency of this state that seized the property for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any property seized under the provisions of this chapter.

(C) The remainder, if any, to the crime victims compensation account as established in section 72-1009, Idaho Code.

(4) Notwithstanding any other provision of this section, upon being satisfied that the interest of a co-owner or claimant should not be subject to forfeiture because they neither knew nor should have known that the personal property was being used or had been used for the purposes alleged, or that due to preexisting security interests in such property there is no

equity that may be forfeited, the attorney general or appropriate prosecuting attorney may release the property to the co-owner, holder of the security interest or other claimant.

(5) In any case, the attorney general or appropriate prosecuting attorney may, within thirty (30) days after order of forfeiture, pay the balance due to the bona fide lienholder, mortgagee, secured party or conditional sales vendor and thereby purchase the property for use to enforce this chapter.

[18-5623, added 2013, ch. 249, sec. 6, p. 603; am. 2014, ch. 97, sec. 2, p. 266.]

18-5624. REAL PROPERTY -- RIGHTS OF THIRD PARTIES. (1) Real property subject to forfeiture under the provisions of this chapter may be seized by the attorney general or appropriate prosecuting attorney upon determining that a parcel of property is subject to forfeiture, by filing a notice of seizure with the recorder of the county in which the property or any part thereof is situated. The notice must contain a legal description of the property sought to be forfeited; provided however, that in the event the property sought to be forfeited is part of a greater parcel, the attorney general or appropriate prosecuting attorney may, for the purposes of this notice, use the legal description of the greater parcel. The attorney general or appropriate prosecuting attorney shall also send by certified mail a copy of the notice of seizure to any persons holding a recorded interest or of whose interest the attorney general or appropriate prosecuting attorney has actual knowledge. The attorney general or appropriate prosecuting attorney shall post a similar copy of the notice conspicuously upon the property and publish a copy thereof once a week for three (3) consecutive weeks immediately following the seizure in a newspaper published in the county. The co-owner or party in lawful possession of the property sought to be forfeited may retain possession and use thereof and may collect and keep income from the property while the forfeiture proceedings are pending.

(2) In the event of a seizure pursuant to subsection (1) of this section, a request for forfeiture shall be filed with the trial court within the time limit imposed by section 18-5620, Idaho Code. The request shall be served in the same manner as complaints subject to Idaho rules of civil procedure on all persons having an interest in the real property sought to be forfeited.

(3) Notwithstanding any other provision of this section, upon being satisfied that the interest of a co-owner or claimant should not be subject to forfeiture because they neither knew nor should have known that the real property was being used or had been used for the purposes alleged, or that due to preexisting security interests in such property there is no equity that may be forfeited, the attorney general or appropriate prosecuting attorney may release the property to the co-owner, holder of the security interest or other claimant.

(4) Within twenty (20) days of the mailing of the notice, the co-owner or party in interest may file a verified answer and claim to the property described in the notice.

(5) If a verified answer is filed within twenty (20) days after mailing of the notice, the forfeiture proceeding against all co-owners and parties in interest who have filed verified answers shall be set for hearing before the court without a jury on a day not less than sixty (60) days after the mail-

ing of the notice; and the proceeding shall have priority over other civil cases.

(a) A co-owner or claimant of any right, title or interest in the real property sought to be forfeited may prove that his right, title or interest, whether under a lien, mortgage, deed of trust or otherwise, was created without any knowledge or reason to believe that the real property was being used or had been used for the purposes alleged;

(b) Any co-owner who has a verified answer on file may show by competent evidence that his interest in the property sought to be forfeited is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the real property was being used or had been used in any manner in violation of the provisions of section 18-5612, Idaho Code.

(6) In the event of such proof, the court shall order the release of the interest of the co-owner, purchaser, lienholder, mortgagee or beneficiary.

(a) If the amount due to such person is less than the value of the real property, the real property may be sold in a commercially reasonable manner by the attorney general or appropriate prosecuting attorney. The proceeds from such sale shall be distributed as follows in the order indicated:

(i) To the innocent co-owner, purchaser, mortgagee or beneficiary of the real property, if any, up to the value of his interest in the real property;

(ii) The balance, if any, in the following order:

1. To the attorney general or appropriate prosecuting attorney for all expenditures made or incurred in connection with the sale, including expenditure for any necessary repairs or maintenance of the real property, and for all expenditures made or incurred in connection with the forfeiture proceedings including, but not limited to, expenditures for witnesses' fees, reporters' fees, transcripts, printing, travel, investigation, title company fees and insurance premiums.

2. The remainder, if any, to the crime victims compensation account as established in section 72-1009, Idaho Code.

(b) In any case, the attorney general or appropriate prosecuting attorney may, within thirty (30) days after the order of forfeiture, pay the balance due to the innocent co-owner, purchaser, lienholder, mortgagee or beneficiary and thereby purchase the real property for use in the enforcement of this chapter.

[18-5624, added 2013, ch. 249, sec. 7, p. 605; am. 2014, ch. 97, sec. 3, p. 267.]

18-5625. PROPORTIONALITY. In issuing any order under the provisions of this chapter, the court shall make a determination that the property, or a portion thereof in the case of real property, was actually used in violation of the relevant provisions of this chapter. The size of the property forfeited shall not be unfairly disproportionate to the size of the property actually used in violation of the provisions of this chapter.

[18-5625, added 2013, ch. 249, sec. 8, p. 606.]

18-5626. AUTHORITY OF THE ATTORNEY GENERAL. With respect to property ordered forfeited under the provisions of this chapter, the attorney general or appropriate prosecuting attorney is authorized to:

(1) Restore forfeited property to victims of a violation of relevant provisions of this chapter, or take any other action to protect the rights of innocent persons that is in the interest of justice and that is not inconsistent with the provisions of this chapter;

(2) Compromise claims arising under this chapter;

(3) Award compensation to persons providing information resulting in a forfeiture under this chapter; and

(4) Take appropriate measures necessary to safeguard and maintain property ordered forfeited under this chapter pending its disposition.

[18-5626, added 2013, ch. 249, sec. 9, p. 606.]

18-5627. BAR ON INTERVENTION. Except as provided in sections 18-5623 and 18-5624, Idaho Code, no party claiming an interest in property subject to forfeiture under this section may:

(1) Intervene in a trial or appeal of a criminal case involving the forfeiture of such property under the provisions of this chapter; or

(2) Commence an action at law or equity against the state of Idaho concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this chapter.

[18-5627, added 2013, ch. 249, sec. 10, p. 607.]

18-5628. JURISDICTION -- DEPOSITIONS. The district courts of the state of Idaho shall have jurisdiction over:

(1) Property for which forfeiture is sought that is within the state at the time the action is filed; or

(2) The interest of a co-owner or interest holder in the property if the co-owner or interest holder is subject to personal jurisdiction in this state.

In order to facilitate the identification and location of property declared forfeited after the entry of an order declaring property forfeited to the state of Idaho, the court may, upon application of the state of Idaho, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 27 of the Idaho rules of civil procedure.

[18-5628, added 2013, ch. 249, sec. 11, p. 607.]

18-5629. DISPOSITION OF PROPERTY. On the motion of a party and after notice to any persons who are known to have an interest in the property and an opportunity to be heard, the court may order property that has been seized for forfeiture sold, leased, rented or operated to satisfy an interest of any interest holder who has timely filed a proper claim or to preserve the interests of any party. The court may order a sale or any other disposition of the property if the property may perish, waste, be foreclosed on or otherwise be significantly reduced in value or if the expenses of maintaining the property are or will become greater than its fair market value. If the

court orders a sale, the court shall designate a third party or state property manager to dispose of the property by public sale or other commercially reasonable method and shall distribute the proceeds in the following order of priority:

(1) Payment of reasonable expenses incurred in connection with the sale.

(2) Satisfaction of exempt interests in the order of their priority.

(3) Preservation of the balance, if any, in the actual or constructive custody of the court in an interest-bearing account, subject to further proceedings under the provisions of this chapter. When property is forfeited under this chapter, the attorney general or appropriate prosecuting attorney may:

(a) Retain it for official use; and/or

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public, pursuant to section 18-5623 or 18-5624, Idaho Code.

[18-5629, added 2013, ch. 249, sec. 12, p. 607.]

18-5630. FORFEITURE OF SUBSTITUTE PROPERTY. If any of the property described in section 18-5612, Idaho Code, as a result of any act or omission of the defendant:

(1) Cannot be located upon the exercise of due diligence;

(2) Has been transferred or sold to, or deposited with, a third party;

(3) Has been placed beyond the jurisdiction of the court;

(4) Has been substantially diminished in value; or

(5) Has been commingled with other property that cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in section 18-5612, Idaho Code.

[18-5630, added 2013, ch. 249, sec. 13, p. 608.]

18-5631. CONSTRUCTION. The provisions of this chapter shall be liberally construed to effectuate its remedial purposes.

[18-5631, added 2013, ch. 249, sec. 14, p. 608.]