

TITLE 18  
CRIMES AND PUNISHMENTS

CHAPTER 86  
HUMAN TRAFFICKING

18-8601. LEGISLATIVE INTENT. It is the intent of the legislature to address the growing problem of human trafficking and to provide criminal sanctions for persons who engage in human trafficking in this state. In addition to the other provisions enumerated in this chapter, the legislature finds that it is appropriate for members of the law enforcement community to receive training from the respective training entities in order to increase awareness of human trafficking cases occurring in Idaho and to assist and direct victims of such trafficking to available community resources.

[(18-8601) 18-8501, added 2006, ch. 85, sec. 1, p. 249; am. and redesign. 2007, ch. 90, sec. 4, p. 249; am. 2019, ch. 143, sec. 1, p. 491.]

18-8602. DEFINITIONS. As used in this chapter:

(1) "Coercion" means compulsion or a threat, including but not limited to:

(a) Abusing or threatening abuse of the law or legal process against a person or a third party;

(b) Causing a person, without the person's consent, to become intoxicated to a degree that impairs the person's ability to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services;

(c) Destroying, concealing, confiscating, or withholding, or threatening to destroy, conceal, confiscate, or withhold, a person's or a third party's actual or purported government record or identifying information or identifying document;

(d) Threatening physical harm, financial harm, unwanted physical restraint, or any conduct that would be criminal under Idaho Code; or

(e) Withholding alcohol or a controlled substance to a degree that impairs the ability of a person with a chemical dependency to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services.

(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) "Force" means the use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or inflicting physical harm sufficient to compel submission by the victim.

(6) "Forced labor or services" means labor or services, other than labor or services that constitute sexual contact, that are performed or provided by another person and obtained through an actor's use of force, fraud, or coercion.

(7) "Fraud" means the intentional use of any deceit, trick, misrepresentation, false statement, or some dishonest means to achieve a desired result.

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

(9) "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.

(10) "Sexually explicit performance" means an act, show, production, recording, or any form of pornography made for the purpose of arousing or gratifying the sexual desire of any person.

(11) "Traffic" means to transport, entice, recruit, harbor, detain, hold, provide, or otherwise obtain another person by any means.

[18-8602, added 2024, ch. 147, sec. 21, p. 565.]

18-8603. PENALTIES. (1) A person who commits human sex trafficking as described in section [18-8607](#), Idaho Code, shall be guilty of a felony punishable by imprisonment for a period of no less than five (5) years and no more than twenty-five (25) years, or by a fine of no less than fifteen thousand dollars (\$15,000) and no more than eighty thousand dollars (\$80,000), or by both such fine and imprisonment.

(2) A person who commits human sex trafficking of a child as described in section [18-8608](#), Idaho Code, shall be guilty of a felony punishable by imprisonment for a period of no less than ten (10) years and no more than thirty (30) years, or by a fine of no less than twenty thousand dollars (\$20,000) and no more than one hundred thousand dollars (\$100,000), or by both such fine and imprisonment.

(3) A person who commits human labor trafficking as described in section [18-8609](#), Idaho Code, shall be guilty of a felony punishable by imprisonment for a period of no less than three (3) years and no more than twenty-five (25) years, or by a fine of no less than ten thousand dollars (\$10,000) and no more than eighty thousand dollars (\$80,000), or by both such fine and imprisonment.

(4) A person who commits human labor trafficking of a child as described in section [18-8610](#), Idaho Code, shall be guilty of a felony punishable by imprisonment for a period of no less than five (5) years and no more than twenty-five (25) years, or by a fine of no less than fifteen thousand dollars (\$15,000) and no more than eighty thousand dollars (\$80,000), or by both such fine and imprisonment.

[18-8603, added 2024, ch. 147, sec. 23, p. 566.]

18-8604. RESTITUTION -- REHABILITATION. (1) In addition to any other amount of loss resulting from a violation of section [18-8607](#), [18-8608](#), [18-8609](#), or [18-8610](#), Idaho Code, the court shall order restitution, as applicable, including the greater of:

(a) The gross income or value to the defendant of the victim's labor or services; or

(b) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal fair labor standards act.

(2) In addition to any order for restitution as provided in this section, the court shall order the defendant to pay an amount determined by the court to be necessary for the mental and physical rehabilitation of the victim or victims.

[(18-8604) 18-8504, added 2006, ch. 85, sec. 1, p. 250; am. and re-desig. 2007, ch. 90, sec. 7, p. 250; am. 2024, ch. 147, sec. 24, p. 566.]

18-8605. AUTHORITY OF THE ATTORNEY GENERAL. The attorney general shall employ such attorneys, investigators, and other personnel as necessary to carry out the following responsibilities using funds allocated to the office of the attorney general for such purpose:

(1) To issue, by January 1 of each even-numbered year, a report outlining the status of the state's efforts to combat human trafficking and recommending next steps one (1) or more bodies of state government should take to eradicate human trafficking in Idaho;

(2) To compile and maintain curriculum for the training of prosecutors, law enforcement, victim advocates, and the public on identifying, investigating, and prosecuting human trafficking; and

(3) To assist, upon request, county prosecuting attorneys and other law enforcement agencies in the investigation and prosecution of human trafficking.

[18-8605, added 2024, ch. 147, sec. 26, p. 566.]

18-8606. SAFE HARBOR PROVISIONS. (1) Diversion of minor victim.

(a) When a minor is alleged to have committed any offense not listed in section [18-310](#)(2), Idaho Code, a prosecutor shall divert the offense if the minor committed the offense as a direct and immediate result of being a victim of conduct prohibited by section [18-8607](#), [18-8608](#), [18-8609](#), or [18-8610](#), Idaho Code.

(b) If a minor has an offense diverted pursuant to paragraph (a) of this subsection, the minor shall be placed in a state-licensed residential facility, as defined in section [39-1202](#), Idaho Code, that provides a comprehensive rehabilitation program with access to:

- (i) Comprehensive case management;
- (ii) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (iii) Education and employment training services; and
- (iv) Off-site specialized services, as appropriate.

(c) A diversion agreement under this subsection may extend for up to twelve (12) months.

(d) Diversion shall only be available pursuant to this section if the minor expresses a willingness to cooperate and receive specialized services. If the minor is unwilling to cooperate with specialized services, continuation of the diversion shall be at the discretion of the court.

(2) A person charged with any offense not identified in section [18-310](#)(2), Idaho Code, committed as a direct and immediate result of being a victim of conduct prohibited by section [18-8607](#), [18-8608](#), [18-8609](#), or [18-8610](#), Idaho Code, may assert an affirmative defense that the person is a victim of such conduct.

[18-8606, added 2019, ch. 257, sec. 1, p. 767; am. 2024, ch. 147, sec. 27, p. 567.]

18-8607. HUMAN SEX TRAFFICKING. A person commits the felony of human sex trafficking if the person knowingly:

(1) Traffics another person and causes or attempts to cause, through force, fraud, or coercion, the trafficked person to engage in or become the victim of:

- (a) Commercial sexual activity;
- (b) A sexually explicit performance; or
- (c) Conduct prohibited by:
  - (i) Section [18-5602](#) (procurement);
  - (ii) Section [18-5603](#) (receiving pay for procurement);
  - (iii) Section [18-5604](#) (paying for procurement);
  - (iv) Section [18-5605](#) (detention for commercial sexual activity);
  - (v) Section [18-5606](#) (receiving proceeds of illegal sexual activity);
  - (vi) Section [18-5608](#) (place of commercial sexual activity);
  - (vii) Section [18-5609](#) (inducing a child into commercial sexual activity);
  - (viii) Section [18-5610](#) (utilizing a child for commercial sexual activity);
  - (ix) Section [18-5611](#) (inducing a child to engage in commercial sexual activity);
  - (x) Section [18-5613](#) (providing commercial sexual activity); or
  - (xi) Section [18-5614](#) (soliciting commercial sexual activity);

(2) Engages in sexual contact with a person being trafficked in the manner described in subsection (1) of this section; or

(3) Receives any benefit from participating in a venture that involves an activity described in subsection (1) of this section.

[18-8607, added 2024, ch. 147, sec. 28, p. 567.]

18-8608. HUMAN SEX TRAFFICKING OF A CHILD. A person who is eighteen (18) years of age or older commits the felony of human sex trafficking of a child if the person:

(1) Traffics a child and knowingly, by any means, causes or attempts to cause the trafficked person to engage in or become the victim of:

- (a) Commercial sexual activity;
- (b) A sexually explicit performance; or
- (c) Conduct prohibited by:
  - (i) Section [18-924](#) (sexual battery);
  - (ii) Section [18-925](#) (aggravated sexual battery);
  - (iii) Section [18-1601](#) (rape);
  - (iv) Section [18-1506](#) (sexual abuse of a child under sixteen years);
  - (v) Section [18-1507](#) (sexual exploitation of a child);
  - (vi) Section [18-1507A](#) (sexual exploitation of a child by electronic means);
  - (vii) Section [18-1508](#) (lewd conduct with a minor child under sixteen);
  - (viii) Section [18-1508A](#) (sexual battery of a minor child sixteen or seventeen years of age);
  - (ix) Section [18-5602](#) (procurement);
  - (x) Section [18-5603](#) (receiving pay for procurement);
  - (xi) Section [18-5604](#) (paying for procurement);
  - (xii) Section [18-5605](#) (detention for commercial sexual activity);
  - (xiii) Section [18-5606](#) (receiving proceeds of illegal sexual activity);

(xiv) Section [18-5608](#) (place of commercial sexual activity);  
 (xv) Section [18-5609](#) (inducing a child into commercial sexual activity);  
 (xvi) Section [18-5610](#) (utilizing a child for commercial sexual activity);  
 (xvii) Section [18-5611](#) (inducing a child to engage in commercial sexual activity);  
 (xviii) Section [18-5613](#) (providing commercial sexual activity);  
 (xix) Section [18-5614](#) (soliciting commercial sexual activity);  
 (xx) Section [18-6601](#) (incest);  
 (xxi) Section [18-6602](#) (sexual abuse of an animal);  
 (xxii) Section [18-6603](#) (sexual abuse of human remains); or  
 (xxiii) Section [18-6604](#) (forcible penetration by use of a foreign object);

(2) Engages in sexual contact with a child being trafficked in the manner described in subsection (1) of this section; or

(3) Receives any benefit from participating in a venture knowing that the venture involves an activity described in subsection (1) of this section.

[18-8608, added 2024, ch. 147, sec. 29, p. 568.]

18-8609. HUMAN LABOR TRAFFICKING. A person commits the felony of human labor trafficking if the person knowingly:

(1) Traffics another person with the intent that the trafficked person engage in forced labor or services; or

(2) Receives any benefit from participating in a venture that involves an activity described in subsection (1) of this section, including by receiving labor or services the person knows are forced labor or services.

[18-8609, added 2024, ch. 147, sec. 30, p. 569.]

18-8610. HUMAN LABOR TRAFFICKING OF A CHILD. A person commits the felony of human labor trafficking of a child if the person knowingly:

(1) Traffics a child with the intent that the trafficked child engage in forced labor or services; or

(2) Receives any benefit from participating in a venture that involves an activity described in subsection (1) of this section, including by receiving labor or services the person knows are forced labor or services.

[18-8610, added 2024, ch. 147, sec. 31, p. 569.]

18-8611. PROPERTY SUBJECT TO FORFEITURE. (1) Any person who is found guilty of, who enters a plea of guilty for, or who is convicted of a violation of section [18-8607](#), [18-8608](#), [18-8609](#), or [18-8610](#), 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 a sentence on such person as described in subsection (1) of this section, shall order, in addition to any other sen-

tence 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.

(3) With respect to property ordered forfeited under the provisions of this chapter, the attorney general or appropriate prosecuting attorney is authorized to:

- (a) 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;
- (b) Compromise claims arising under this chapter;
- (c) Award compensation to persons providing information resulting in a forfeiture under this chapter; and
- (d) Take appropriate measures necessary to safeguard and maintain property ordered forfeited under this chapter pending its disposition.

(4) Property subject to criminal forfeiture under this chapter includes:

- (a) Real property, including things growing on, affixed to, or found on the land; and
- (b) Tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

[18-8611, added 2024, ch. 147, sec. 32, p. 569.]

18-8612. 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.

[18-8612, added 2024, ch. 147, sec. 33, p. 570.]

18-8613. 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 [18-8611](#), 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 shall be a rebuttable presumption that any property of a person subject to the provisions of section [18-8611](#), 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 [18-8611](#), 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 [18-8611](#), Idaho Code.

[18-8613, added 2024, ch. 147, sec. 34, p. 570.]

18-8614. 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 [18-8611](#), 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 [18-8611](#), 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 related to the property that are required by law, or that are necessary to protect the interests of the state of Idaho or third parties.

[18-8614, added 2024, ch. 147, sec. 35, p. 571.]

18-8615. INSTITUTION OF PROCEEDINGS -- THIRD PARTIES. Upon the filing of a part II forfeiture request pursuant to section [18-8613](#), 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 [18-8611](#), Idaho Code, the attorney general or appropriate prosecuting attorney shall, if appropriate, institute proceedings pursuant to section [18-8616](#) or [18-8617](#), Idaho Code, or both, within five (5) days of such event.

[18-8615, added 2024, ch. 147, sec. 36, p. 571.]

18-8616. PERSONAL PROPERTY -- RIGHTS OF THIRD PARTIES. (1) Within five (5) days of any of the events specified in section [18-8615](#), 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 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 documented in 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 [18-8611](#), 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 in 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; and

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 witness fees, reporter fees, transcripts, printing, travel, and investigation;

(B) To the law enforcement agency of this state that seized the property for all expenditures for travel, 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; and

(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.

[18-8616, added 2024, ch. 147, sec. 37, p. 571.]

18-8617. 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 the 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 on 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 [18-8613](#), 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 mailing 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 [18-8611](#), 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; and

(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 witness fees, reporter fees, transcripts, printing, travel, investigation, title company fees, and insurance premiums; and

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.

[18-8617, added 2024, ch. 147, sec. 38, p. 573.]

18-8618. 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.

[18-8618, added 2024, ch. 147, sec. 39, p. 575.]

18-8619. BAR ON INTERVENTION. Except as provided in sections [18-8616](#) and [18-8617](#), 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.

[18-8619, added 2024, ch. 147, sec. 40, p. 575.]

18-8620. JURISDICTION -- DEPOSITIONS. (1) The district courts of the state of Idaho shall have jurisdiction over:

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

(b) 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.

(2) 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.

[18-8620, added 2024, ch. 147, sec. 41, p. 575.]

18-8621. 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; and
- (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; or
  - (b) Sell it if it is not required to be destroyed by law and is not harmful to the public, pursuant to section [18-8616](#) or [18-8617](#), Idaho Code.

[18-8621, added 2024, ch. 147, sec. 42, p. 576.]

18-8622. FORFEITURE OF SUBSTITUTE PROPERTY. If any of the property described in section [18-8611](#), 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, then the court shall order the forfeiture of any other property of the defendant up to the value of any property described in section [18-8611](#), Idaho Code.

[18-8622, added 2024, ch. 147, sec. 43, p. 576.]