

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB 2225
Version:	SAHB
Request Number:	NA
Author:	Rep. Moore
Date:	5/4/2021
Impact:	No Measureable Impact Anticipated

Research Analysis

HB 2225 allows a chief of police to designate a person to be authorized to dispose of personal property or money as provided by law. If the money or property was seized in connection with an investigation or arrest, a court with jurisdiction over the offense (or a prosecuting attorney if charges were disposed of or declined) determines whether the property is no longer needed as evidence and may be disposed of.

The bill transfers authority to file an application with the district court requesting sale of the personal property from the chief of police to the municipality. If the property has an actual or apparent value over \$250, written notice must be given to the person last in possession of the property. Current statute requires notice only to each owner.

The measure also allows a municipality to provide written notice at the time of arrest that certain property would be available for return within 90 days, if it was not seized as evidence. If the property is worth less than \$250, no further notice is required prior to obtaining a court order for disposition of the property.

Senate amendments to HB 2225 provide that property in the custody of a peace officer, which is not alleged to be stolen or embezzled, will not be returned to the owner if the owner is by law not permitted to possess the property. An owner of property which is in custody of law enforcement but is not needed as evidence would be required to provide proof of title to the property, or to sign an affidavit of ownership if title documents do not exist. Finally, a government entity with custody of property for which return is prohibited or ownership is disputed may request a hearing to decide disposition of the property.

Prepared By: Sean Webster

Fiscal Analysis

The measure relates to procedure regarding the disposition of property held by municipalities, including provision concerning notices. No measureable revenue or fiscal considerations are anticipated.

Prepared By: Mark Tygret

Other Considerations

None.

