

Superseded 5/10/2016

13-32a-109.5 Seizure of property.

- (1) If a law enforcement agency determines seizure of property pawned or sold to a pawn or secondhand business is necessary under this chapter during the course of a criminal investigation, in addition to the holding provisions under Section 13-32a-109, the law enforcement agency shall:
 - (a) notify the pawnshop of the specific item to be seized;
 - (b) issue to the pawnshop a seizure ticket in a form approved by the division and that:
 - (i) provides the active case number related to the item to be seized;
 - (ii) provides the date of the seizure request;
 - (iii) provides the reason for the seizure;
 - (iv) describes the article to be seized;
 - (v) states each reason the article is necessary during the course of a criminal investigation; and
 - (vi) includes any information that facilitates the pawnbroker's ability to track the article when the prosecution agency takes over the case.
- (2) If the purpose for the seizure of an article under this section is terminated before final disposition of the criminal case and the property is no longer needed as evidence, the law enforcement agency that required the seizure shall within 15 days after the property is no longer needed as evidence:
 - (a) notify the pawn or secondhand business in writing that the purpose for the seizure has been terminated and the property is available for return to the pawn or secondhand business; or
 - (b) return the article to the pawn or secondhand business.
- (3) If the law enforcement agency seizing the pawned or sold property is not the local law enforcement agency, the seizing agency shall, in addition to compliance with Subsection (1):
 - (a) notify the local law enforcement agency prior to any seizure; and
 - (b) facilitate the seizure of the pawned property in cooperation with the local law enforcement agency to provide the pawnshop or secondhand business the ability to monitor the proceedings.