

**24-3-102 Property received in evidence.**

- (1) When property is received in evidence by the court, the clerk of the court shall retain the property or the clerk shall return the property to the custody of the peace officer or the agency employing the peace officer.
- (2) The property shall be retained by the clerk or the officer or the officer's agency until all direct appeals and retrials are final, at which time the property shall be disposed of in accordance with this title.
- (3) If the prosecuting attorney considers it necessary to retain control over the evidence in anticipation of possible collateral attacks upon the judgment or for use in a potential prosecution, the prosecutor may decline to authorize the disposal of the property under this chapter.

Enacted by Chapter 394, 2013 General Session