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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **77-24-2** is amended to read:

**77-24-2. Property not needed as evidence -- Child interview retention -- Return procedure -- Conflict resolution for secondhand merchandise.**

(1) Property which is not needed as evidence shall be returned to the owner, if the owner may lawfully possess it, or disposed of in accordance with this chapter.

(2) (a) When the peace officer or the officer's employing agency becomes aware that the property is not needed as evidence, the officer or the agency shall inform the prosecuting attorney that the property is not needed and provide a description and details of ownership.

(b) When the prosecuting attorney is informed or otherwise becomes aware that the property is not needed as evidence, the prosecuting attorney shall authorize release of the property to the owner.

(c) When the peace officer or the officer's employing agency becomes aware that any property is to be returned to its owner, the officer or employing agency shall exercise due diligence in attempting to notify the rightful owner that the property is to be returned.

(d) If the property is a weapon, the peace officer [~~shall dispose of it in accordance with Section 76-10-525.~~] or the peace officer's employing agency shall retain or dispose of a weapon pursuant to the agency's weapon disposal policy, if:

(i) the peace officer or the peace officer's employing agency is unable to determine the legal owner of the weapon;

(ii) the legal owner may not lawfully possess the weapon; or

(iii) the legal owner was convicted of a crime for which the weapon was

~~§~~ → **[used] held** ← ~~§~~ as

evidence.

(e) (i) Upon proof of ownership and of lawfulness of possession satisfactory to the evidence custodian, the custodian shall release the property to the owner.

(ii) The evidence custodian shall ~~§~~ → **[accept] receive and consider** ← ~~§~~ a sworn declaration of ownership to establish ownership of the property.

~~[(i)]~~ (iii) If the evidence custodian is unable to locate an owner of the property or if the owner is not entitled to lawfully possess the property, the agency having custody of the property shall dispose of the property in accordance with Section 77-24-4.