

PUBLIC NOTICE OF UNCLAIMED PROPERTY

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill provides notice requirements of unclaimed property held by a peace officer or law enforcement agency.

Highlighted Provisions:

This bill:

- requires a peace officer or law enforcement agency to provide notice in a newspaper of general circulation of the intent to dispose of unclaimed property that was lost or mislaid; and

- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-24a-5, as last amended by Laws of Utah 2013, Chapter 394

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

Section 1. Section **77-24a-5** is amended to read:

77-24a-5. Disposition of unclaimed property.



28 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or
29 if the owner of the property is determined and notified, and fails to appear and claim the
30 property after three months of its receipt by the local law enforcement agency, the agency shall:

31 (i) publish notice of the intent to dispose of the unclaimed property;

32 (A) on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b);

33 (B) in a newspaper of general circulation within the county; and

34 (C) as required in Section 45-1-101;

35 (ii) post a similar notice on the public website of the political subdivision within which
36 the law enforcement agency is located; and

37 (iii) post a similar notice in a public place designated for notice within the law
38 enforcement agency.

39 (b) The notice shall:

40 (i) give a general description of the item; and

41 (ii) the date of intended disposition.

42 (c) The agency may not dispose of the lost or mislaid property until at least eight days
43 after the date of publication and posting.

44 (2) (a) If no claim is made for the lost or mislaid property within nine days of
45 publication and posting, the agency shall notify the person who turned the property over to the
46 local law enforcement agency, if it was turned over by a person under Section 77-24a-3.

47 (b) Except as provided in Subsection (4), if that person has complied with the
48 provisions of this chapter, the person may take the lost or mislaid property if the person:

49 (i) pays the costs incurred for advertising and storage; and

50 (ii) signs a receipt for the item.

51 (3) If the person who found the lost or mislaid property fails to take the property under
52 the provisions of this chapter, the agency shall:

53 (a) apply the property to a public interest use as provided in Subsection (4);

54 (b) sell the property at public auction and apply the proceeds of the sale to a public
55 interest use; or

56 (c) destroy the property if it is unfit for a public interest use or sale.

57 (4) Before applying the lost or mislaid property to a public interest use, the agency
58 having possession of the property shall obtain from the agency's legislative body:

- 59 (a) permission to apply the property to a public interest use; and
60 (b) the designation and approval of the public interest use of the property.
61 (5) Any person employed by a law enforcement agency who finds property may not
62 claim or receive property under this section.

Legislative Review Note
Office of Legislative Research and General Counsel