

IN THE SENATE

SENATE BILL NO. 1119

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 55-403, IDAHO CODE, TO RE-
2 VISE PROVISIONS REGARDING ABANDONED OR UNCLAIMED PROPERTY IN POSSES-
3 SION OF A SHERIFF OR CITY POLICE DEPARTMENT AND TO MAKE TECHNICAL COR-
4 RECTIONS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 55-403, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 55-403. ABANDONED OR UNCLAIMED PROPERTY IN POSSESSION OF SHERIFF OR
10 CITY POLICE DEPARTMENT -- SALE AT PUBLIC AUCTION. (1) Except as otherwise
11 provided in subsection (4) of this section, any personal property ~~which that~~
12 has come into the possession or custody of the sheriff of any county in this
13 state or the city police department of any city in this state by reason of
14 the same having been abandoned, impounded or otherwise left with the sheriff
15 or city police department, or if originally taken into custody under legal
16 process, such property has been lawfully released or discharged from the
17 attachment or other process under which it was taken into custody and which
18 remains unclaimed or unredeemed by the owner or one entitled to possession
19 thereof for more than ~~six (6) months~~ ninety (90) days from the date of such
20 abandonment, impoundment, leaving, or release from attachment or other
21 process under which the same was originally taken into custody, as the case
22 may be, shall be subject to sale by the sheriff or city police department at
23 public auction for cash on not less than five (5) or more than ten (10) days'
24 notice except as otherwise provided in subsection (2) of this section, the
25 conduct and notice of which sale shall be given and had in conformity with
26 sales on execution; provided, however, that prior to public auction, bi-
27 cycles need only be unclaimed or unredeemed by the owner or one entitled to
28 possession for more than ~~ninety (90)~~ sixty (60) days and that personal prop-
29 erty with a fair market value of less than twenty-five dollars (\$25.00) need
30 only be unclaimed or unredeemed by the owner or one entitled to possession
31 for more than thirty (30) days.

32 (2) Whenever the sheriff or city police department has knowledge of the
33 name and address of the owner or one entitled to possession of personal prop-
34 erty, a copy of such notice of sale at public auction as provided in subsec-
35 tion (1) of this section or of a bid for sale as provided in subsection (4)
36 of this section, shall be mailed to such owner or one entitled to possession,
37 with postage prepaid, at least fourteen (14) days prior to such sale.

38 (3) As many items of personal property may be noticed for sale and sold
39 at the same sale as the sheriff or city police department may deem advisable,
40 and said property may be sold singly or in lots or as a whole as the sheriff or
41 city police department may determine. The sheriff or city police department

1 shall give a bill of sale to the highest bidder upon payment of the amount bid
2 upon payment of the bid price.

3 (4) (a) Any firearm or ammunition that meets the established speci-
4 fications for official law enforcement duty use and will be used for
5 official law enforcement duty use and which has come into the posses-
6 sion or custody of the sheriff of any county in this state or the city
7 police department of any city in this state by reason of the firearm
8 or ammunition having been abandoned, impounded or otherwise acquired
9 by the sheriff or city police department, or if originally released or
10 discharged from the attachment or other process under which it was taken
11 into custody and which remains unclaimed or unredeemed by the owner
12 or person entitled to possession thereof for more than six (6) months
13 from the date of such abandonment, impoundment, leaving or release from
14 attachment or other process under which the firearm or ammunition was
15 originally taken into custody, as the case may be, may be converted by
16 the county sheriff or city police department in the county or city in
17 which it was first acquired. A serial number record shall be maintained
18 for all firearms thus converted, and such record shall include the de-
19 scription, acquisition and disposition for each firearm converted.

20 (b) Any firearm or ammunition not converted for official law enforce-
21 ment duty use as provided in subsection (4) (a) of this section, where
22 such firearm or ammunition may be lawfully possessed by a licensed
23 firearm dealer, shall be subject to sale to a licensed firearm dealer
24 by sealed or opened bids after notification as provided in subsection
25 (2) of this section. If no sale is completed for the firearm or ammu-
26 nition pursuant to this paragraph ~~(b)~~, the firearm or ammunition may
27 be converted to public agency ownership for official law enforcement
28 purposes, provided an actual or appraised value is determined for each
29 firearm or any ammunition converted. If the firearm or ammunition is
30 not converted, or if following conversion the firearm or ammunition is
31 deemed unusable or unsafe, the firearm or ammunition may be scrapped
32 by melting or other method of destruction. The public agency shall
33 maintain procedures and records as to the acquisition, serial number,
34 location, use and final disposition of the firearm.

35 (c) Notwithstanding any other provision of law, a court shall direct
36 the county sheriff or city police department to dispose of any firearm
37 that has been used in the commission of a homicide in a manner the sher-
38 iff or city police department deems appropriate, provided however, this
39 paragraph ~~(e)~~ shall not apply to a firearm confiscated or otherwise ac-
40 quired pursuant to an action under section 18-4009, 18-4011 or 18-4012,
41 Idaho Code.

42 (5) Any public agency that confiscates a firearm shall maintain a se-
43 rial number record, including a record of the acquisition and disposition,
44 of such firearm and shall provide the firearm to the sheriff or city police
45 department in the county or city in which the confiscation takes place. The
46 firearm shall thereafter be handled in accordance with the provisions of
47 this section.