CHAPTER 401

DISPOSAL OF UNCLAIMED, LOST OR STOLEN PERSONAL PROPERTY BY LAW ENFORCEMENT AGENCIES

§3501. Application of chapter

This chapter applies to all personal property of which possession is transferred to a police department or other law enforcement agency of the State or any political subdivision thereof, under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen, or otherwise illegally possessed, except property seized during search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to a court order or some other law applicable to specific property or circumstance. This chapter applies to personal property seized during search and retained that is not offered or admitted as evidence and that, after retention by a police department or other law enforcement agency, becomes abandoned. This chapter does not apply to unclaimed personal property that has been confiscated at courthouses by judicial marshals. Such property that remains unclaimed for more than 30 days may be disposed of under the direction of the State Court Administrator. [PL 2015, c. 158, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 558 (NEW). PL 1983, c. 254, §1 (AMD). PL 2015, c. 158, §2 (AMD).

§3502. Custody and return of property believed to be abandoned, lost or stolen

Such property believed to be abandoned, lost or stolen or otherwise illegally possessed, as is covered by this chapter, must be retained in custody by the chief of police or the principal official of the law enforcement agency, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession of the property and shall return the property after such person provides reasonable and satisfactory proof of that person's ownership or right to possession and reimburses the agency and others authorized to incur expenses by the agency for all reasonable expenses of such custody. If the owner of such property or any other person entitled to possession of the property has not been identified after at least 30 days from the initial date of custody of such property by a law enforcement agency, the principal official of such agency shall cause to be published, at least once in a newspaper of general circulation in the county in which such official has authority or in a newspaper of general circulation in the county in which the property was taken into custody in the case of a state law enforcement agency, a notice of the law enforcement agency's possession of such property and its inability to ascertain the owner of the property. Such notice must also contain a brief description of the property and a statement to the effect that, if the owner of such property or any other person entitled to possession of the property has not claimed such property within 5 months of the date of such published notice, such property will be surrendered to the person who found it, if any, sold to the highest bidder at public auction, donated to a nonprofit organization or charity or disposed of as waste. [PL 2011, c. 267, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 558 (NEW). PL 2011, c. 267, §1 (AMD).

§3503. Sale of unclaimed property

If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the law enforcement agency obtains such possession, or said identity has been determined and such person does not claim possession within this 6-month period, and the finder of such property, if any, has not claimed it pursuant to the provisions of section 3507 within 15 days after the expiration of said 6-month period, the principal official thereof shall effectuate

the sale of the property for cash to the highest bidder at a public auction, notice of which, including time, place and a brief description of such property, shall be published at least once in a newspaper of general circulation in the county wherein such official has authority at least 10 days prior to such auction or in the state paper in the case of a state law enforcement agency. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice, donated to a nonprofit organization or charity or disposed of as waste. [PL 2011, c. 267, §2 (AMD).]

A law enforcement agency shall appropriately and properly dispose of as waste any property that poses a possible health risk. [PL 2011, c. 267, §2 (NEW).]

At no time may any property that has been disposed of by a law enforcement agency as waste be owned or personally used by any member of a law enforcement agency or by any immediate family member of any member of a law enforcement agency. [PL 2011, c. 267, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 558 (NEW). PL 2011, c. 267, §2 (AMD).

§3503-A. Disposal of firearms and ammunition

Notwithstanding any other provision of this chapter, a police department or other law enforcement agency retaining firearms and ammunition covered by this chapter, Title 15, section 3314 or chapter 517, or Title 17-A, section 1504 may auction the firearms to federally licensed firearms dealers or the public, use the firearms and ammunition for training purposes or destroy the firearms and ammunition. [PL 2019, c. 113, Pt. C, §68 (AMD).]

SECTION HISTORY

PL 1983, c. 254, §2 (NEW). PL 1999, c. 47, §1 (AMD). PL 2003, c. 657, §11 (AMD). PL 2019, c. 113, Pt. C, §68 (AMD).

§3503-B. Bicycle disposal

Notwithstanding section 3503, a local legislative body in a municipality may dispose of unclaimed bicycles in a manner decided by that body and is exempt from Title 33, chapter 45 with respect to unclaimed bicycles. [PL 2019, c. 498, §15 (AMD).]

SECTION HISTORY

PL 2003, c. 77, §1 (NEW). PL 2019, c. 498, §15 (AMD).

§3504. Deposit of proceeds

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable expenses of custody, must be disposed of according to Title 33, chapter 45. [PL 2019, c. 498, §16 (AMD).]

SECTION HISTORY

PL 1975, c. 558 (NEW). PL 1979, c. 641, §7 (AMD). PL 1995, c. 625, §A30 (AMD). PL 1997, c. 508, §A3 (AFF). PL 1997, c. 508, §B6 (AMD). PL 2019, c. 498, §16 (AMD).

§3505. Recovery of property by owner or person entitled to possession; limitation

The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right to possession and reimbursing the law enforcement agency and others authorized for all reasonable expenses for custody thereof. [PL 1975, c. 558 (NEW).]

SECTION HISTORY

PL 1975, c. 558 (NEW).

§3506. Damages occasioned by acts or omissions

No person shall be responsible for subsequent damages to another occasioned by an act or omission in compliance with this chapter. [PL 1975, c. 558 (NEW).]

SECTION HISTORY

PL 1975, c. 558 (NEW).

§3507. Property returned to finder

Any person may surrender property that the person has found to a law enforcement agency. That person is entitled to have the surrendered property returned to the person if the owner of the property or other person entitled to possession of the property has not properly claimed the property within 6 months of its surrender to the law enforcement agency, as long as the person who surrendered the property reimburses the law enforcement agency and others authorized for reasonable expenses incurred in its custody of the property. [RR 2023, c. 1, Pt. C, §60 (COR).]

SECTION HISTORY

PL 1975, c. 558 (NEW). RR 2023, c. 1, Pt. C, §60 (COR).

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