

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 160

HOUSE BILL 2371

AN ACT

CHANGING THE DESIGNATION OF TITLE 12, CHAPTER 7, ARTICLE 8, ARIZONA REVISED STATUTES, TO "UNCLAIMED PROPERTY IN HANDS OF PUBLIC AGENCY"; AMENDING TITLE 12, CHAPTER 7, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-940; AMENDING SECTIONS 12-941 AND 12-942, ARIZONA REVISED STATUTES; REPEALING SECTION 12-943, ARIZONA REVISED STATUTES; AMENDING SECTIONS 12-944 AND 12-945, ARIZONA REVISED STATUTES; REPEALING SECTION 12-946, ARIZONA REVISED STATUTES; AMENDING SECTION 13-1811, ARIZONA REVISED STATUTES; RELATING TO UNCLAIMED PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 12, chapter 7, article 8, Arizona Revised
4 Statutes, is changed from "UNCLAIMED MONEY OR PROPERTY IN HANDS OF PUBLIC
5 OFFICER" to "UNCLAIMED PROPERTY IN HANDS OF PUBLIC AGENCY".

6 Sec. 2. Title 12, chapter 7, article 8, Arizona Revised Statutes, is
7 amended by adding section 12-940, to read:

8 12-940. Definitions

9 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 1. "DISPOSE" MEANS THE TRANSFER OF PROPERTY BY ITS RETURN TO THE
11 OWNER, SALE, CONVERSION OR DESTRUCTION OR BY ANY OTHER MEANS OF DISPOSAL.

12 2. "EVIDENCE" MEANS PROPERTY THAT IS HELD FOR POSSIBLE PRESENTATION IN
13 A JUDICIAL OR ADMINISTRATIVE PROCEEDING TO ESTABLISH THE TRUTH OR FALSITY OF
14 AN ALLEGED MATTER OF FACT.

15 3. "FOUND PROPERTY" MEANS RECOVERED, LOST OR ABANDONED PROPERTY THAT
16 IS TURNED OVER TO A PUBLIC AGENCY WHERE THE OWNER MAY OR MAY NOT BE KNOWN AND
17 THAT IS NOT CLASSIFIED AS EVIDENCE.

18 4. "PROPERTY" MEANS ANY ITEM, INCLUDING CURRENCY, THAT IS HELD FOR
19 SAFEKEEPING OR AS EVIDENCE OR FOUND PROPERTY OR THAT HAS BEEN ABANDONED,
20 UNCLAIMED OR AWARDED BY THE COURT.

21 5. "PROPERTY VALUE" MEANS THE REASONABLE VALUE OF THE PROPERTY IN ITS
22 PRESENT CONDITION.

23 6. "SAFEKEEPING" MEANS STORAGE OF AN ASSET OR ITEM OF VALUE BY A
24 PUBLIC AGENCY THAT IS NOT CLASSIFIED AS EVIDENCE AND THAT BELONGS TO A KNOWN
25 INDIVIDUAL.

26 Sec. 3. Section 12-941, Arizona Revised Statutes, is amended to read:

27 12-941. Disposal of certain unclaimed property in the custody
28 of a state, county, city or town agency

29 A. A STATE, COUNTY, CITY OR TOWN AGENCY SHALL DISPOSE OF all ~~money or~~
30 property THAT WAS used as evidence and ~~remaining~~ THAT REMAINS unclaimed in
31 the hands of ~~a state, county, city or town officer~~ THE AGENCY, after final
32 disposition of the cause in which so used, or THAT WAS seized by a peace
33 officer as being used unlawfully or for an unlawful purpose and THAT WAS held
34 unclaimed from the date of seizure, or ~~coming~~ THAT CAME into the hands of ~~any~~
35 ~~state, county, city or town officer~~ THE AGENCY as unclaimed or contraband.
36 ~~, shall, if no other disposal is prescribed by law, be delivered to the clerk~~
37 ~~of the superior court if held by a state or county officer, or to the clerk~~
38 ~~of a city court if held by a city officer, or to the justice of the peace if~~
39 ~~held by a town officer.~~ A LAW ENFORCEMENT AGENCY MAY RETAIN AND USE those
40 items that have a useful value to a ~~law enforcement agency~~ ~~may be retained~~
41 ~~and utilized by that law enforcement agency.~~

42 B. ~~Tangible personal~~ FOUND property turned over to a state, county,
43 city or town ~~officer as lost~~ AGENCY may be returned to the person who found
44 and turned it over if all of the following conditions apply:

1 1. The property is not contraband.
2 ~~2. No other disposition of the property is specifically provided by~~
3 ~~law.~~

4 ~~3.~~ 2. The property remains unclaimed for ~~ninety~~ THIRTY days after
5 reasonable efforts have been made to locate and notify the owner.

6 ~~4.~~ 3. The person who found and turned over the property is not a
7 public officer or employee of the federal, a state or A local government who
8 found the property in the course of performing the duties of the office ~~of~~ OR
9 employment.

10 C. If ~~money~~ UNITED STATES CURRENCY is delivered to the proper ~~officer~~
11 ~~by virtue of the provisions of~~ AGENCY PURSUANT TO subsection A OF THIS
12 SECTION, it shall be deposited in the general fund of the state, county, city
13 or town, as the case may be.

14 ~~D. Items valued at twenty five dollars or less or items which have~~
15 ~~been rejected by the clerk of the court may be given to an appropriate~~
16 ~~charity.~~

17 ~~E. Items that have military or historical value may be given to an~~
18 ~~appropriate museum.~~

19 ~~F. Coins that have a value lesser or greater than face value may be~~
20 ~~sold to a dealer or for fair market value, whichever is greater.~~

21 ~~G.~~ D. A record of all transactions ~~will~~ SHALL be maintained for at
22 least twenty-four months.

23 Sec. 4. Section 12-942, Arizona Revised Statutes, is amended to read:
24 12-942. Disposal of property unclaimed for thirty days

25 A. If ~~any such money or property as~~ described in section 12-941 is not
26 claimed and taken away BY THE OWNER within ~~ninety~~ THIRTY days after the time
27 it has been delivered to the ~~officer receiving custody of the property~~
28 AGENCY pursuant to section 12-941, the ~~officer~~ AGENCY may at any time
29 thereafter proceed to dispose of it in the manner provided in this article.

30 B. IF PROPERTY DESCRIBED IN SECTION 12-941 IS NOT CLAIMED BY THE
31 FINDER WITHIN THIRTY DAYS AFTER NOTICE TO THE FINDER THAT THE PROPERTY IS
32 AVAILABLE TO CLAIM, THE AGENCY MAY AT ANY TIME THEREAFTER PROCEED TO DISPOSE
33 OF IT IN THE MANNER PROVIDED IN THIS ARTICLE.

34 Sec. 5. Repeal

35 Section 12-943, Arizona Revised Statutes, is repealed.

36 Sec. 6. Section 12-944, Arizona Revised Statutes, is amended to read:
37 12-944. Owner notification; publication of property valued at

38 more than one hundred fifty dollars

39 A. Before IF any property ~~described in the petition as provided by~~
40 ~~section 12-943 is sold, if the name and residence of~~ IS AVAILABLE FOR RELEASE
41 AND the owner thereof is known, the ~~petitioner shall give at least sixty days~~
42 ~~notice of the petition to the owner, either personally or by mail, or by~~
43 ~~leaving a notice at his residence or place of business~~ AGENCY SHALL MAKE A
44 REASONABLE ATTEMPT TO NOTIFY THE OWNER.

1 B. If the ~~name and residence of the owner are~~ OF FOUND PROPERTY THAT
2 HAS A VALUE OF MORE THAN ONE HUNDRED FIFTY DOLLARS IS not known, the
3 ~~petitioner~~ AGENCY HOLDING THE PROPERTY shall ~~cause~~ PUBLISH OR POST a notice
4 containing a description of the property ~~to be published once in a newspaper~~
5 ~~published in the county. If no newspaper is published in the county, the~~
6 ~~notice shall be published in a newspaper of general circulation in the~~
7 ~~county. The publication of the notice shall be at least eighteen days prior~~
8 ~~to the date of sale~~ BEFORE THE FINAL DISPOSAL OF THE PROPERTY.

9 Sec. 7. Section 12-945, Arizona Revised Statutes, is amended to read:
10 12-945. Sale of property

11 A. If after ~~sixty~~ THIRTY days notice has been given, ~~the owner or~~
12 ~~person entitled to the property has not taken it away, or answered the~~
13 ~~petition filed concerning the property, the court shall order the property~~
14 MAY BE sold. The property shall be sold in the manner provided by law for
15 the sale of personal property under execution in a civil action. The
16 proceeds shall be paid to the general fund of the jurisdiction from which the
17 unclaimed property was received ~~pursuant to section 12-941.~~

18 B. ~~If upon a hearing of the petition and answer it appears that the~~
19 ~~state, county, city or town has good title to such estate or property or any~~
20 ~~part thereof, the court shall order the property sold in the manner provided~~
21 ~~in subsection A. The proceeds of such sale shall be paid to the general fund~~
22 ~~of the jurisdiction from which the unclaimed property was received pursuant~~
23 ~~to section 12-941.~~

24 Sec. 8. Repeal

25 Section 12-946, Arizona Revised Statutes, is repealed.

26 Sec. 9. Section 13-1811, Arizona Revised Statutes, is amended to read:
27 13-1811. County bad check trust fund; use of fund

28 A. The board of supervisors of a county shall establish a county bad
29 check trust fund in the county treasury. The county attorney shall
30 administer the fund under the conditions and for the purposes provided by
31 this section.

32 B. The county attorney shall transmit to the county treasurer for
33 deposit in the COUNTY bad check trust fund any fees that are collected
34 pursuant to sections 13-1809 and 13-1810, any investigation and prosecution
35 costs and any monies that are obtained as a result of a forfeiture and that
36 are recovered for the county through enforcement of section 13-1802, 13-1807,
37 13-2002 or 13-2310, whether by final judgment, settlement or otherwise.

38 C. Monies that are collected by the county attorney pursuant to a
39 prosecution under section 13-1802, 13-1807, 13-2002 or 13-2310 and that are
40 not claimed by a victim within one hundred eighty days after the monies are
41 collected shall be disposed of pursuant to ~~sections~~ SECTION 12-941 and
42 ~~12-946~~, except that the monies shall be transmitted to the county treasurer
43 for deposit in the COUNTY bad check trust fund.

1 D. The county attorney shall transmit to the county treasurer for
2 deposit in the COUNTY bad check trust fund any grant monies that the county
3 attorney receives for the investigation or prosecution of bad check cases
4 from a political subdivision of this state, any department or agency of the
5 United States or another state, any foundation or any corporation.

6 E. The monies in the fund shall be used only for the expenditures
7 associated with the investigation, prosecution and deferred prosecution of
8 offenses pursuant to sections 13-1802, 13-1807, 13-2002 and 13-2310.

9 F. On or before January 15, April 15, July 15 and October 15, the
10 county attorney shall file with the board of supervisors a report for the
11 previous calendar quarter. The report shall set forth the source of all
12 monies for and all expenditures from the fund. The report shall not include
13 any identifying information about specific investigations or prosecutions.

APPROVED BY THE GOVERNOR APRIL 3, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2012.

Passed the House March 1, 2012

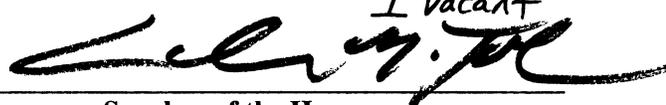
Passed the Senate March 27, 2012

by the following vote: 39 Ayes,

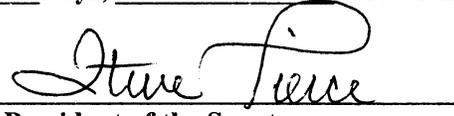
by the following vote: 24 Ayes,

17 Nays, 3 Not Voting
1 Vacant

5 Nays, 1 Not Voting



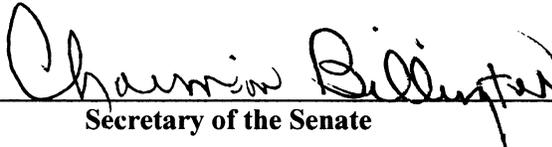
Speaker of the House



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

28 day of March, 2012

at 2:15 o'clock P M.

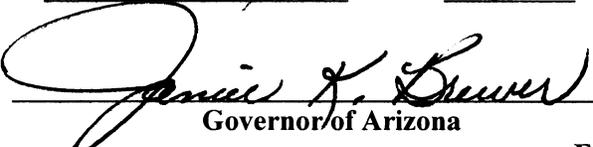


Secretary to the Governor

Approved this 3rd day of

April

at 11:54 o'clock A. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 3rd day of April, 2012

at 1:16 o'clock _____ M.



Secretary of State

H.B. 2371