

Introduced: 2/9/70
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 639

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposition of lost and
7 found property."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 34 is amended by adding a new chapter to read:

10 CHAPTER 47. LOST AND FOUND PROPERTY.

11 Sec. 34.47.010. DUTY OF FINDER. A finder of property the value
12 of which exceeds \$20 shall, if he has reason to believe that it is
13 lost, within 10 days of the finding return it to the owner or report
14 the finding to and deposit the property with the office of the state
15 troopers nearest the place where the property was found.

16 Sec. 34.47.020. DUTIES OF STATE TROOPERS. (a) The office of
17 the state troopers with which property is deposited under this chapter
18 shall accept and retain it, and shall give the finder a receipt which
19 specifies the date of delivery, the place where found, the name of
20 the finder, and a description of the property.

21 (b) The state troopers shall give notice of their possession
22 of the property to any person they have reason to believe has a
23 proprietary interest in the property, and to the occupant or owner
24 of the premises where the property was found if it was found in a
25 place other than a public street, highway or building.

26 (c) Property so held shall be delivered to the owner upon a
27 showing of ownership and upon payment of expenses incurred in holding
28 and preserving the property.

29 Sec. 34.47.030. PERIOD OF HOLDING. (a) Perishable property

1 shall be sold by the state troopers as soon as possible in a manner
2 which is reasonable under the circumstances.

3 (b) Property having no value and property having only salvage
4 value, as determined by the state troopers, may be destroyed if un-
5 claimed 20 days after the owner is notified or if reasonable efforts
6 to locate the owner are unsuccessful.

7 (c) Property having a value of \$500 or less shall be held for
8 not less than six months after date of deposit.

9 (d) Property having a value exceeding \$500 but less than \$5,000
10 shall be held for not less than one year after date of deposit.

11 (e) Property having a value exceeding \$5,000 shall be held for
12 not less than three years after date of deposit.

13 Sec. 34.47.040. STORAGE OF PROPERTY. Found property deposited
14 with the state troopers shall be stored, for the purpose of preserving
15 it, in any public or private facility which the state troopers deem
16 appropriate.

17 Sec. 34.47.050. DISPOSITION OF PROPERTY. (a) If the owner
18 fails to claim the property within five days after the end of the
19 period set by sec. 30 of this chapter, the property shall be delivered
20 to the finder upon payment of the expenses of administering this
21 chapter with respect to such property.

22 (b) If the owner fails to claim and the finder refuses to accept
23 the property within five days after the end of the period set by
24 sec. 30 of this chapter, the property, except money or instruments,
25 shall be sold at public auction.

26 Sec. 34.47.060. METHOD OF SALE. (a) Found property shall be
27 sold at public auction in the following manner:

28 (1) the property to be sold shall be listed by description
29 and published in a newspaper of general circulation, published in the

1 area nearest to where the property is held, once a week for two con-
2 secutive weeks;

3 (2) the publication notice shall state the time and place
4 of sale;

5 (3) all sales shall be made between nine o'clock in the
6 morning and four o'clock in the afternoon;

7 (4) when the sale is of personal property capable of manual
8 delivery, it shall be in view of those who attend the sale;

9 (5) the property shall be sold in parcels which are likely
10 to bring the highest price.

11 (b) The provisions of this section do not apply to sales author-
12 ized under sec. 30(a) of this chapter.

13 Sec. 34.47.070. DISPOSITION OF PROCEEDS OF SALE AND UNCLAIMED
14 MONEY. Any proceeds of sales conducted under this chapter and any
15 money held by the police at the expiration of the period of time set
16 by sec. 30 of this chapter and unclaimed during the period set by
17 sec. 50 of this chapter shall be paid to the general fund of the state.

18 Sec. 34.47.080. DESTRUCTION OF PROPERTY. (a) The state troopers
19 shall keep a record of the property which is destroyed, pursuant to
20 sec. 30(b) of this chapter, reasonably identifying the property
21 destroyed, indicating the date and place where destroyed. The record
22 shall be signed by the executing officer, and shall be maintained
23 for one year from the date of destruction.

24 (b) The destruction of an automobile or motorcycle, pursuant
25 to this chapter, shall be recorded as required by (a) of this section
26 and shall be reported to the Department of Revenue. Such report shall
27 supply all vehicle numbers, motor numbers and registration numbers,
28 if any.

29 Sec. 34.47.090. DONATION OF CERTAIN PROPERTY. A police agency

1 holding found bicycles, other toys or clothing may, upon expiration
2 of the period for which such property must be held, and if the owner
3 or finder does not claim it, turn over such property to any agency,
4 institution, licensed home or other organization which cares for
5 orphaned children or wards of the court, for distribution and use by
6 the children. Property so turned over to such agency may not be sold
7 by that agency without authorization of a court.

8 Sec. 34.47.100. RETENTION OF LOST PROPERTY AS LARCENY. A person
9 who finds lost property and, without complying with the provisions
10 of this chapter, appropriates it to his own use or to the use of
11 another who is not entitled to it, is guilty of larceny and is punish-
12 able as provided by AS 11.20.140. A finder is excused if he delivers
13 the property or instrument to a member of the police force of any
14 political subdivision of the state or to the person in charge of or
15 in possession of the premises where found, unless he had reason to
16 believe such person would not comply with the requirements of this
17 chapter.

18 Sec. 34.47.110. PUNISHMENT FOR VIOLATION OF CHAPTER. A person
19 who violates a provision of this chapter, except as provided in sec.
20 100, is guilty of a misdemeanor and shall be punished by a fine of not
21 more than \$100, or imprisonment not to exceed three months, or both.

22 Sec. 34.47.120. DEFINITIONS. In this chapter, unless the context
23 otherwise requires,

24 (1) "finder" means a person who first takes possession of
25 lost property;

26 (2) "found property" means lost property which a finder
27 takes into his possession;

28 (3) "lost property" means property which is lost, misplaced,
29 abandoned or stolen, and for which no storage procedure or final

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disposition procedure is otherwise provided by statute;

(4) "property" means all personal property, including instruments, money, goods, chattels, things in action, and evidences of debt.

* Sec. 2. AS 28.30.010 - 28.30.040; and AS 11.20.260 are repealed.