

Original sponsor: Rules Committee by
request of the Governor

Offered: 3/27/70
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR 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 found
7 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, or if no state
16 trooper is available he shall deposit it with the nearest peace officer
17 of a political subdivision of the state.

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

23 (b) The state troopers shall, by certified mail with return receipt
24 requested, give written notice of their possession of the property to
25 any person they have reason to believe has a proprietary interest in
26 the property, and to the occupant or owner of the premises where the
27 property was found if it was found in a place other than a public street,
28 highway or building.

29 (c) Property so held shall be delivered to the owner upon a

1 showing of ownership and upon payment of expenses incurred in holding
2 and preserving the property.

3 Sec. 34.47.030. PERIOD OF HOLDING. (a) Perishable property
4 shall be sold by the state troopers as soon as possible in a manner
5 which is reasonable under the circumstances.

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

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

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

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

17 Sec. 34.47.040. STORAGE OF PROPERTY. Found property deposited
18 with the state troopers shall be stored, for the purpose of preserving
19 it, in any public or private facility which the state troopers deem
20 appropriate.

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

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

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

3 (1) the property to be sold shall be listed by description
4 and published in a newspaper of general circulation, published in the
5 area nearest to where the property is held, once a week for two con-
6 secutive weeks;

7 (2) the publication notice shall state the time and place
8 of sale;

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

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

13 (5) the property should be sold in parcels which are likely
14 to bring the highest price.

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

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

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

28 (b) The destruction of an automobile or motorcycle, pursuant
29 to this chapter, shall be recorded as required by (a) of this section

1 and shall be reported to the Department of Revenue. Such report shall
2 supply all vehicle numbers, motor numbers and registration numbers,
3 if any.

4 Sec. 34.47.090. DONATION OF CERTAIN PROPERTY. A police agency
5 holding found bicycles, toys or clothing may, upon expiration
6 of the period for which such property must be held, and if the owner
7 or finder does not claim it, turn over such property to any agency,
8 institution, licensed home or other organization which cares for
9 orphaned children or wards of the court, for distribution and use by
10 the children. Property so turned over to such agency may not be sold
11 by that agency without authorization of a court.

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

22 Sec. 34.47.110. PUNISHMENT FOR VIOLATION OF CHAPTER. A person
23 who violates a provision of this chapter, except as provided in sec.
24 100, is guilty of a misdemeanor and shall be punished by a fine of not
25 more than \$100, or imprisonment not to exceed three months, or both.

26 Sec. 34.47.120. DEFINITIONS. In this chapter, unless the context
27 otherwise requires,

28 (1) "finder" means a person who takes possession of lost
29 property knowing it to be lost property;

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

4 (3) "lost property" means property which is lost, misplaced,
5 abandoned, or stolen;

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

9 Sec. 34.47.130. APPLICABILITY OF CHAPTER. This chapter does
10 not supersede other provisions of law establishing procedure for
11 storage or final disposition of property to which a lien has attached
12 or property alleged or known to be stolen or embezzled.

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