

FILED MAR 17 1989
In. Local Govt.

SENATE FILE 489
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 346)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

3460- 1 An Act relating to the disposition of found property and
2 subjecting violators to a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 489

3460-1 Section 1. NEW SECTION. 644A.1 FOUND PROPERTY -- DUTY TO
2 REPORT.

3 If a person finds any personal property which has an
4 estimated value of ten dollars or more and the owner is
5 unknown, the person shall take or report the found personal
6 property to the city police department if the property is
7 found within a city or to the county sheriff if the property
8 is found outside a city. The sheriff or police department
9 receiving the found personal property shall prepare a receipt
10 for the property and give a copy of the receipt to the finder
11 if the finder wishes to retain an interest in the property.

12 Sec. 2. NEW SECTION. 644A.2 APPRAISAL -- RECORD OF
13 PROPERTY.

14 1. The sheriff or police department shall estimate the
15 value of the found personal property. If an estimated value
16 of the found personal property is in doubt, the sheriff or
17 police department shall have the property appraised by a
18 competent appraiser.

19 2. A copy of the finder's receipt, if any, and a
20 description and the estimated or appraised value of the found
21 personal property shall be certified to the county auditor and
22 recorded in the estray book.

23 Sec. 3. NEW SECTION. 644A.3 LOCATION OF OWNER --
24 DIVESTMENT.

25 1. If the sheriff or police department does not locate the
26 owner of the found personal property using ordinary
27 investigatory procedures within a reasonable time period, the
28 sheriff or department shall publish a description of the
29 property in a newspaper having a general circulation in the
30 city or county once each week for two consecutive weeks. The
31 publication applies to found personal property having an
32 estimated or appraised value of one hundred dollars or more.

33 2. If the owner of found personal property having a value
34 of less than two hundred dollars does not claim the property
35 within ninety days after receipt by the department, the

1 ownership is vested in the finder if the finder files a claim
2 for the property before the expiration of the ninety days.

3 3. If the owner of found personal property having a value
4 of two hundred dollars or more does not claim the property
5 within one hundred eighty days after receipt by the
6 department, the ownership is vested in the finder if the
7 finder files a claim for the property before the expiration of
8 the one hundred eighty days.

9 4. If the owner or finder of the property does not file a
10 claim for the property within the time specified in subsection
11 2 or 3, the ownership vests in the department. The department
12 may dispose of the property by one of the following methods:

13 a. The property may be converted to use by the department.

14 b. The property may be released to a charitable
15 organization.

16 c. The property may be sold at public auction and the
17 proceeds of the sale credited to the city general fund or
18 county general fund as applicable.

19 Sec. 4. NEW SECTION. 644A.4 CONFLICTING CLAIMS.

20 If there are two or more owners' claims or two or more
21 finders' claims for the found personal property, the sheriff
22 or police department shall hold the property for ninety
23 additional days or until the claim dispute is resolved.
24 However, if a petition is not filed in the district court to
25 resolve the claim within the ninety days, the claims are
26 disallowed and the disposition of the property shall be as
27 provided in section 644A.3, subsection 4.

28 Sec. 5. NEW SECTION. 644A.5 RECOVERY OF ACTUAL EXPENSES.

29 The sheriff or police department shall charge the owner,
30 finder, or other recipient of the found personal property,
31 other than a buyer at public auction, the actual cost paid by
32 the department for publication, handling, and storage of the
33 property. The recovered costs shall be credited to the county
34 general fund or the city general fund, as appl cable.

35 Sec. 6. NEW SECTION. 644A.6 RECORD OF PROPERTY

1 DISPOSITION.

2 The sheriff or police department shall report the
3 disposition of all found personal property received under this
4 chapter for recording by the county auditor in the estray
5 book. If sold at auction, the name, address, and sales price
6 shall be reported. If the ownership is resolved by court
7 order, a copy of the order shall be recorded. If the property
8 is released to a charitable organization, the name and address
9 of the organization shall be recorded.

10 Sec. 7. NEW SECTION. 644A.7 PENALTY.

11 A person violating a provision of this chapter is guilty of
12 a simple misdemeanor. In addition, if any person sells,
13 trades, or otherwise disposes of found personal property
14 except as provided in this chapter, the person shall forfeit
15 the property and pay double the value of the property in an
16 action filed by any person. One-half of the amount recovered
17 shall be paid to the plaintiff and the remainder to the
18 general fund of the county or city as applicable.

346D-19 Sec. 8. Section 331.502, subsection 46, Code 1989, is
20 amended to read as follows:

21 46. Carry out duties relating to lost property as provided
22 in ~~sections-644.27-644.47-644.77-644.10-and-644.16~~ chapter
23 644A.

24 Sec. 9. Section 331.653, subsection 53, Code 1989, is
25 amended to read as follows:

26 53. Carry out duties relating to the disposition of lost
27 property as provided in chapter 644 644A.

28 Sec. 10. Section 602.6405, subsection 1, Code 1989, is
29 amended to read as follows:

346D-30 1. Magistrates have jurisdiction of simple misdemeanors,
31 including traffic and ordinance violations, and preliminary
32 hearings, search warrant proceedings, county and municipal
33 infractions, and small claims. They also have jurisdiction to
34 exercise the powers specified in ~~sections-644.2-and-644.12~~
35 chapter 644A, and to hear complaints or preliminary

1 informations, issue warrants, order arrests, make commitments,
2 and take bail. They also have jurisdiction over violations of
3 section 123.47 and section 123.49, subsection 2, paragraph
4 "h".

5 Sec. 11. Section 602.8102, subsection 110, Code 1989, is
6 amended by striking the subsection.

7 Sec. 12. Chapter 644, Code 1989, is repealed.

8 EXPLANATION

9 This bill provides new procedures for the disposition of
10 personal property which is found by a person, if the owner is
11 unknown. If the property has an estimated value of ten
12 dollars or more, the finder is to take or report the found
13 property to the sheriff or police department depending upon
14 where the property was found. The sheriff or police
15 department is to give a receipt to the finder if the finder
16 wishes to retain an interest in the property.

17 The sheriff or police department is to estimate the value
18 of the found property or have it appraised if the estimated
19 value is in doubt. A copy of the finder's receipt and the
20 description, and estimated or appraised value is to be
21 recorded in the county auditor's estray book.

22 If the sheriff or police department does not find the owner
23 within a reasonable time period, the department shall publish
24 a description of the property if it has a value of one hundred
25 dollars or more. If the found property has a value of less
26 than two hundred dollars, the department must hold the
27 property ninety days or until the owner claims it. After the
28 ninety days, the ownership vests in the finder or in the
29 department if the finder does not claim it. If the value is
30 two hundred dollars or more, the department must hold the
31 property for one hundred eighty days unless the owner claims
32 it. After the one hundred eighty days, the ownership vests in
33 the finder or in the department if the finder does not claim
34 it. If ownership vests in the department, the department may
35 convert the property for its use, release it to a charitable

1 organization, or sell it at public auction.

2 The sheriff or police department may charge the owner,
3 finder, or other subsequent recipient of the property, except
4 an auction buyer, with expenses incurred by the department in
5 storage, advertising, and handling of the property.

6 Conflicting claims of owners or finders must be resolved by
7 the district court. However, if a petition is not filed to
8 resolve a claims conflict within ninety days, the conflicting
9 claims are disallowed.

10 A violation of the chapter is punishable as a simple
11 misdemeanor. In addition, if a person sells, trades, or
12 otherwise disposes of found property except in compliance with
13 this chapter, the person forfeits the property and must pay
14 double the value of the property in an action filed by another
15 person. The plaintiff shall be paid one-half of the recovered
16 amount and the county or city general fund receives the
17 remainder.

18 Chapter 644 is repealed and a new chapter 644A is created.

19 This bill may establish a state mandate as defined in
20 section 25B.3.

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SENATE FILE 489

S-3460

1 Amend Senate File 489, as follows:

2 1. By striking page 1, line 1 through page 3,
3 line 18 and inserting the following:

4 "Section 1. NEW SECTION. 644A.1 FOUND PERSONAL
5 PROPERTY -- DUTY OF POLICE OR COUNTY SHERIFF.

6 1. Found personal property coming into the custody
7 of a city police department or county sheriff shall be
8 held by the police department or county sheriff for at
9 least ninety days. Upon receipt of any found personal
10 property, the city police department or county sheriff
11 shall publish a description of the property in a
12 newspaper having general circulation in the city or
13 county.

14 2. If the owner or finder of the personal property
15 does not file a claim for the property within ninety
16 days after the date of publication, the city police
17 department or county sheriff may dispose of the
18 property by one of the following methods:

19 a. The property may be converted to use by the
20 city police department or county sheriff's office.

21 b. The property may be released to a charitable
22 organization.

23 c. The property may be sold at public auction and
24 the proceeds of the sale credited to the city general
25 fund or county general fund as applicable."

26 2. Page 3, by striking lines 20 through 23 and
27 inserting the following: "amended by striking the
28 subsection."

29 3. Page 3, by striking lines 34 and 35 and
30 inserting the following: "~~exercise-the-powers~~
31 ~~specified-in-sections-644-2-and-644-127-and-to~~ hear
32 complaints or preliminary".

33 4. Title page, lines 1 and 2, by striking the
34 words "and subjecting violators to a penalty".

By EUGENE FRAISE

S-3460 FILED MARCH 29, 1989

FRAISE, CH.
Szymoniak
Goobwin

SSB 346
LOCAL GOVERNMENT

SENATE FILE 489
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL)

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