

House Bill 195

By: Representatives Hill of the 81st, Barnes of the 84th, Post 2, Fludd of the 48th, Post 4, Lucas of the 105th and Buckner of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-5-50 of the Official Code of Georgia Annotated, relating to
2 procedures concerning unlawfully obtained property, so as to change certain procedures in
3 photographing property; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 17-5-50 of the Official Code of Georgia Annotated, relating to procedures
8 concerning unlawfully obtained property, is amended by striking paragraph (2) of subsection
9 (b) and inserting in lieu thereof the following:

10 "(2) If the person from whom custody of the property was taken fails to assert a claim to
11 such property, upon any applicant furnishing satisfactory proof of ownership of such
12 property and presentation of proper personal identification, the person in charge of the
13 property section may deliver such property to the applicant. The person to whom property
14 is delivered shall sign, under penalty of false swearing, a declaration of ownership, which
15 shall be retained by the person in charge of the property section. Such declaration, absent
16 any other proof of ownership, shall be deemed satisfactory proof of ownership for the
17 purposes of this Code section; provided, however, that, in the case of motor vehicles,
18 trailers, tractors, or motorcycles which are required to be registered with the
19 commissioner of motor vehicle safety, any such stolen vehicle shall be returned to the
20 person evidencing ownership of such vehicle through a certificate of title, tag receipt, bill
21 of sale, or other such evidence. The stolen vehicle shall be returned to the person
22 evidencing ownership within two days after such person makes application for the return
23 of such vehicle unless a hearing on the ownership of such vehicle is required under this
24 Code section or unless law enforcement needs the stolen vehicle for further criminal
25 investigation purposes. Prior to such delivery, such person in charge of the property
26 section ~~shall~~ may make and retain a complete photographic record of such property. Such

1 delivery shall be without prejudice to the state or to the person from whom custody of the
2 property was taken or to any other person who may have a claim against the property."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.