

House Bill 484

By: Representatives Jenkins of the 93rd, Boggs of the 145th and Mangham of the 62nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-5-54 of the Official Code of Georgia Annotated, relating to
2 disposition of personal property in custody of a law enforcement agency, so as to change the
3 provisions relating to the disposition of personal property in custody of a law enforcement
4 agency; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 17-5-54 of the Official Code of Georgia Annotated, relating to disposition of
8 personal property in custody of a law enforcement agency, is amended by striking in its
9 entirety paragraph (1) of subsection (a) and inserting in lieu thereof a new paragraph (1) to
10 read as follows:

11 "(a)(1) Except as otherwise provided in subsections (d) and (e) of this Code section,
12 when a law enforcement agency assumes custody of any personal property which is the
13 subject of a crime or has been abandoned or is otherwise seized, a disposition of such
14 property shall be made in accordance with the provisions of this Code section. When a
15 ~~final trial~~ judgment is entered finding a defendant guilty of the commission of a crime,
16 any personal property used as evidence in the trial shall be returned to the rightful owner
17 of the property within 30 days following the judgment; provided, however, that if the
18 judgment is appealed or if the defendant files a motion for a new trial and if photographs,
19 videotapes, or other identification or analysis of the property will not be sufficient
20 evidence for the appeal of the case or for a new trial, such personal property used as
21 evidence shall be returned to the rightful owner of the property within 30 days after a
22 final judgment. All personal property in the custody of a law enforcement agency,
23 including personal property used as evidence in a criminal trial, which is unclaimed after
24 a period of 90 days following its seizure, or following the final conviction in the case of
25 property used as evidence, and which is no longer needed in a criminal investigation or
26 for evidentiary purposes shall be subject to disposition by the law enforcement agency.

1 The sheriff, chief of police, or other executive officer of a law enforcement agency shall
2 make application to the superior court for an order to retain, sell, or discard such property.
3 In the application the officer shall state each item of personal property to be retained,
4 sold, or discarded. Upon the superior court's granting an order for the law enforcement
5 agency to retain such property, the law enforcement agency shall retain such property for
6 official use. Upon the superior court's granting an order which authorizes that the
7 property be discarded, the law enforcement agency shall dispose of the property as other
8 salvage or nonserviceable equipment. Upon the superior court's granting an order for the
9 sale of personal property, the officer shall provide for a notice to be placed once a week
10 for four weeks in the legal organ of the county specifically describing each item and
11 advising possible owners of items of the method of contacting the law enforcement
12 agency; provided, however, that miscellaneous items having an estimated fair market
13 value of \$75.00 or less may be advertised or sold, or both, in lots. Such notice shall also
14 stipulate a date, time, and place said items will be placed for public sale if not claimed.
15 Such notice shall also stipulate whether said items or groups of items are to be sold in
16 blocks, by lot numbers, by entire list of items, or separately."

17 **SECTION 2.**

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