

House Bill 109

By: Representatives Lucas of the 139<sup>th</sup> and Graves of the 137<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state  
2 government in general, so as to prescribe procedures which a state agency shall follow in  
3 order to identify and notify the owner of any property impounded by the agency prior to the  
4 sale or disposition of the property; to provide a minimum period of time for an innocent  
5 owner to reclaim impounded property or the proceeds of its sale; to define terms; to provide  
6 for relationship to other laws; to provided for related matters; to provide for an effective date  
7 and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government  
11 in general, is amended by adding a new Code Section 50-1-8 to read as follows:

12 "50-1-8.

13 (a) As used in this Code section, the term:

14 (1) 'Impounded' or 'impoundment' refers to any property over which a state agency  
15 assumes control under any law of this state authorizing privately owned personal property  
16 to be impounded, confiscated, seized, or otherwise made subject to control of the state.

17 (2) 'Innocent owner' means a person who has an ownership interest in impounded real  
18 property and whose ownership interest has not been legally forfeited or condemned and  
19 is not subject to legal forfeiture or condemnation.

20 (3) 'State agency' includes all departments, agencies, boards, bureaus, commissions,  
21 authorities, and other units of state government, by whatever name called.

22 (b) Prior to the sale or other disposition of any impounded property, a state agency shall  
23 take reasonable measures to identify and notify the owner of the property and, if the owner  
24 is an innocent owner, return the property to the owner. Unless the owner is known with  
25 reasonable certainty, the reasonable measures taken by the agency shall include, at a  
26 minimum, the following:

1 (1) Inquiry to any person from whose custody or control the property was seized;

2 (2) Inquiry to any other person likely to have knowledge of the ownership of the  
3 property;

4 (3) A search of any public records or publicly accessible records which may identify the  
5 owner on the basis of a serial number or other identifying marking on the property;

6 (4) Written notification to the news media in the area of the impoundment, together with  
7 a request that the media publicize the fact of the impoundment and the fact that the  
8 agency is seeking information concerning the ownership of the property; and

9 (5) Written notice to any address determined to be a probable address for the owner;  
10 e-mail notice and e-mail address determined to be a probable address for the owner; and  
11 at least two telephone calls to any telephone number determined to be a probable  
12 telephone number for the owner.

13 The reasonable measures required under this subsection shall be in addition to and not in  
14 lieu of any measures required under any other more specific law.

15 (c) When any impounded property is sold by a state agency and the owner of the property  
16 is not known with reasonable certainty, the agency shall have in place procedures which  
17 allow an innocent owner a period of two years from the date of the sale to claim the  
18 proceeds of the sale, unless a longer period is prescribed by a more specific law. When any  
19 impounded property is disposed of by a state agency other than through sale or destruction,  
20 the agency shall have in place procedures which allow an innocent owner a period of two  
21 years from the date of disposition to reclaim the property, unless a longer period of time  
22 is prescribed by a more specific law."

## 23 **SECTION 2.**

24 This Act shall become effective on July 1, 2005, and shall apply with respect to any  
25 impounded property which is sold or disposed of on or after that date.

## 26 **SECTION 3.**

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