

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-1719 of the Code of Virginia, relating to disposal of unclaimed*  
3 *property in possession of sheriff or police; storage fee.*

4  
5 Approved

[H 909]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 15.2-1719 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.

9 Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of  
10 this section or (ii) the retention for use by the law-enforcement agency, of any unclaimed personal  
11 property which has been in the possession of its law-enforcement agencies and unclaimed for a period  
12 of more than ~~sixty~~ 60 days, *after payment of a reasonable storage fee to the sheriff or other agency*  
13 *storing such property. No storage fee shall be charged or accounted for if such property has been*  
14 *stored by and is to be retained by the sheriff's office or other law-enforcement agency.* As used herein,  
15 "unclaimed personal property" shall be any personal property belonging to another which has been  
16 acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal  
17 prosecution, which has not been claimed by its rightful owner and which the State Treasurer has  
18 indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act  
19 (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with  
20 § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

21 Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief  
22 of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful  
23 owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising  
24 that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of  
25 general circulation in the locality once a week for two successive weeks, notice that there will be a  
26 public display and sale of unclaimed personal property. Such property, including property selected for  
27 retention by the law-enforcement agency, shall be described generally in the notice, together with the  
28 date, time and place of the sale and shall be made available for public viewing at the sale. The chief of  
29 police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of  
30 advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance  
31 of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof  
32 of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the  
33 property of the locality served by the agency and shall be retained only if, in the opinion of the chief  
34 law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the  
35 item is a more economical alternative than purchase of a similar or equivalent item.

36 If no claim has been made by the owner for the property or proceeds of such sale within ~~sixty~~ 60  
37 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the  
38 retained property may be placed into use by the law-enforcement agency. Any such owner shall be  
39 entitled to apply to the locality within three years from the date of the sale and, if timely application is  
40 made therefor and satisfactory proof of ownership of the funds or property is made, the locality shall  
41 pay the remaining proceeds of the sale or return the property to the owner without interest or other  
42 charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the  
43 recovery of such funds or property after three years from the date of the sale.

ENROLLED

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