

HOUSE BILL NO. HB0181

Law enforcement-disposal of property.

Sponsored by: Representative(s) Gingery and White and
Senator(s) Case

A BILL

for

1 AN ACT relating to criminal procedure; specifying what
2 seized property may be summarily disposed of; and providing
3 for an effective date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 7-2-105 by creating a new subsection
8 (p) is amended to read:

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10 **7-2-105. Disposition and appraisal of property seized**
11 **or held; notice and order to show cause; judgment.**

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13 (p) For purposes of this section, seized property
14 that may be summarily destroyed, provided the lawful owner
15 has been contacted and has declined to take possession of
16 the property includes:

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(i) Evidence that is no longer needed for the prosecution of a case, or needed for purposes of appellate review of the case;

(ii) Evidence in misdemeanor cases in which the district attorney has determined that no suspect has been identified or prosecution has not been pursued for at least one (1) year;

(iii) Evidence in felony cases in which the district attorney has determined that no suspect has been identified or prosecution has not been pursued for at least three (3) years;

(iv) Soiled, defective, broken or demolished personal property, or property that constitutes a hazardous waste as defined in W.S. 35-11-103(d) (iv);

(v) Items of found property with a value of not more than fifty dollars (\$50.00) for which the owner cannot be located, or the owner has not responded after contact was attempted by the law enforcement agency, may be destroyed thirty (30) days after the agency has determined

1 that the owner cannot be located or the agency has
2 attempted to contact the owner without response from the
3 owner.

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5 **Section 2.** This act is effective July 1, 2005.

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(END)