

HOUSE BILL NO. HB0022

Law enforcement-disposal of property.

Sponsored by: Representative(s) Gingery, Martin and White
and Senator(s) Hastert and Johnson

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 new subsections
8 (p) and (q) 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 is not subject to W.S. 35-7-1049 may be summarily
15 destroyed, provided the lawful owner has been contacted and
16 has declined to take possession of the property, including:

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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).

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

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(i) Thirty (30) days after the agency has
determined that the owner cannot be located; or

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(ii) Thirty (30) days after the agency has
attempted on at least three (3) different days to contact
the owner without response from the owner.

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Section 2. This act is effective July 1, 2007.

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(END)