

# House Bill 3392

Sponsored by COMMITTEE ON JUDICIARY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows removing authority to publish notice of intent to dispose of unclaimed property via publicly viewable electronic method as alternative to newspaper.

## A BILL FOR AN ACT

Relating to publication of notice of intent to dispose of unclaimed property; amending ORS 98.245.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 98.245 is amended to read:

98.245. (1) As used in this section:

(a) "Removing authority" means a sheriff's office, a municipal police department, a state police office, the Department of Corrections, a law enforcement agency created by intergovernmental agreement or a port as defined in ORS 777.005 or 778.005.

(b) "Unclaimed property" means personal property that was seized by a removing authority as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of that removing authority for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

(2) Notwithstanding ORS 98.302 to 98.436, and in addition to any other method provided by law, a removing authority may dispose of unclaimed property as follows:

(a) An inventory describing the unclaimed property shall be prepared by the removing authority.

(b) The removing authority shall publish a notice of intent to dispose of the unclaimed property described in the inventory prepared pursuant to paragraph (a) of this subsection. The notice shall be posted in three public places in the jurisdiction of the removing authority[, *and shall also be published in a newspaper of general circulation in the jurisdiction of the removing authority*]. The notice shall include a description of the unclaimed property as provided in the inventory, the address and telephone number of the removing authority and a statement in substantially the following form:

---

## NOTICE

The (removing authority) has in its physical possession the unclaimed personal property described below. If you have any ownership interest in any of that unclaimed property, you must file a claim with the (removing authority) within 30 days from (the **first** date of publication of this notice[,]) or you will lose your interest in that property.

---

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

(c) [A copy of] **With respect to** the notice described in paragraph (b) of this subsection, **the removing authority shall:** *[shall also be sent]*

**(A) Send a copy by regular mail** to any person that the removing authority has reason to believe has an ownership or security interest in any of the unclaimed property described in the notice; **and** *[A notice sent pursuant to this paragraph shall be sent by regular mail to the last known address of the person.]*

**(B) Publish a copy:**

**(i) In a newspaper of general circulation in the jurisdiction of the removing authority;**  
**or**

**(ii) Via a publicly viewable electronic method, including a community forum or a website of the State Treasurer, the removing authority or a news provider for the jurisdiction.**

(d) Prior to the expiration of the time period stated in a notice issued pursuant to this section, a person may file a claim that presents proof satisfactory to the removing authority issuing the notice that the person is the lawful owner or security interest holder of any property described in that notice. The removing authority shall then return the property to that person.

(e) If a removing authority fails to return property to a person that has timely filed a claim pursuant to paragraph (d) of this subsection, the person may file, within 30 days of the date of the failure to return the property, a petition seeking return of the property to the person. The petition shall be filed in the circuit court for the county in which the removing authority is located. If one or more petitions are filed, the removing authority shall hold the property pending receipt of an order of the court directing disposition of the property or dismissing the petition or petitions with prejudice. If the court grants the petition, the removing authority shall turn the unclaimed property over to the petitioner in accordance with the order.

(f) Unless the removing authority or court upholds the claim or petition under paragraph (d) or (e) of this subsection, title to all unclaimed property described in a notice issued pursuant to this section shall pass to the removing authority free of any interest or encumbrance thereon in favor of any person who has:

**(A)** A security interest in the property and to whom the removing authority mailed a copy of the notice described in paragraph (b) of this subsection in accordance with paragraph (c) of this subsection; or

**(B)** Any ownership interest in the property.

(g) The removing authority may transfer good and sufficient title to any subsequent purchaser or transferee, and the title shall be recognized by all courts and governmental agencies. Any department, agency or officer of the state or any political subdivision whose official functions include the issuance of certificates or other evidence of title shall be immune from civil or criminal liability when such issuance is pursuant to a bill of sale issued by the removing authority.