

# D R A F T

## SUMMARY

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

1  
2 Relating to publication of notice of intent to dispose of unclaimed property;  
3 amending ORS 98.245.

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

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

6 98.245. (1) As used in this section:

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

11 (b) "Unclaimed property" means personal property that was seized by a  
12 removing authority as evidence, abandoned property, found property or sto-  
13 len property, and that has remained in the physical possession of that re-  
14 moving authority for a period of more than 60 days following conclusion of  
15 all criminal actions related to the seizure of the evidence, abandoned prop-  
16 erty, found property or stolen property, or conclusion of the investigation if  
17 no criminal action is filed.

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

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

3 (b) The removing authority shall publish a notice of intent to dispose of  
4 the unclaimed property described in the inventory prepared pursuant to  
5 paragraph (a) of this subsection. The notice shall be posted in three public  
6 places in the jurisdiction of the removing authority[, *and shall also be pub-*  
7 *lished in a newspaper of general circulation in the jurisdiction of the removing*  
8 *authority*]. The notice shall include a description of the unclaimed property  
9 as provided in the inventory, the address and telephone number of the re-  
10 moving authority and a statement in substantially the following form:

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11  
12 NOTICE

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

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18  
19 (c) [A copy of] **With respect to** the notice described in paragraph (b) of  
20 this subsection, **the removing authority shall:** [*shall also be sent*]

21 **(A) Send a copy by regular mail** to any person that the removing au-  
22 thority has reason to believe has an ownership or security interest in any  
23 of the unclaimed property described in the notice; **and** [. *A notice sent pur-*  
24 *suant to this paragraph shall be sent by regular mail to the last known ad-*  
25 *dress of the person.*]

26 **(B) Publish a copy:**

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

29 **(ii) Via a publicly viewable electronic method, including a commu-**  
30 **nity forum or a website of the State Treasurer, the removing authority**  
31 **or a news provider for the jurisdiction.**

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

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

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

21 (A) A security interest in the property and to whom the removing au-  
22 thority mailed a copy of the notice described in paragraph (b) of this sub-  
23 section in accordance with paragraph (c) of this subsection; or

24 (B) Any ownership interest in the property.

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

