

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2182

Introduced by

Senator Lyson

Representative Griffin

1 A BILL for an Act to amend and reenact section 29-31.1-02 of the North Dakota Century Code,
2 relating to return of seized property.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 29-31.1-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-31.1-02. Disposition of nonforfeitable property.** Seized property that is not
7 required as evidence or for use in an investigation may be returned to the owner without the
8 requirement of a hearing, if the person's possession of the property is not prohibited by law, the
9 property is not forfeitable property, and there is no forfeiture proceeding filed on behalf of the
10 seizing agency. The seizing agency shall send notice by regular mail, if the value of the
11 property is less than two hundred fifty dollars, or certified mail, if the value of the property is
12 equal to or greater than two hundred fifty dollars, to the last-known address of any person
13 having an ownership or possessory right in the property stating that the property is released
14 and must be claimed within thirty days. Notice is deemed to have been made upon the mailing
15 of the notice. The notice must state that if no written claim for the property is made upon the
16 seizing agency within thirty days after the mailing of the notice, the property will be deemed
17 abandoned and disposed of accordingly. If there is more than one party who may assert a right
18 to possession or ownership of the property, the seizing agency may not release the property to
19 any party until the expiration of the date for filing claims unless all other claimants execute a
20 written waiver. If there is more than one claim filed for the return of property under this section,
21 at the expiration of the period for filing claims the seizing agency shall file a copy of all such
22 claims with the clerk of the district court and deposit the property with the court in accordance
23 with the provisions of chapter 32-11. If no owner can be located or no claim is filed under this

- 1 section, the property is deemed abandoned and the seizing agency becomes the owner of the
- 2 property and may dispose of it in any reasonable manner.