

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Lyson

1 A BILL for an Act to amend and reenact section 29-31.1-02 of the North Dakota Century Code,
2 relating to the dollar amount requirement for sending certified mailings.

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 ~~fifty dollars~~ two hundred and fifty dollars, or certified mail, if the value of the
12 property is equal to or greater than ~~fifty dollars~~ two hundred and fifty dollars, to the last-known
13 address of any person having an ownership or possessory right in the property stating that the
14 property is released and must be claimed within thirty days. Notice is deemed to have been
15 made upon the mailing of the notice. The notice must state that if no written claim for the
16 property is made upon the seizing agency within thirty days after the mailing of the notice, the
17 property will be deemed abandoned and disposed of accordingly. If there is more than one
18 party who may assert a right to possession or ownership of the property, the seizing agency
19 may not release the property to any party until the expiration of the date for filing claims unless
20 all other claimants execute a written waiver. If there is more than one claim filed for the return
21 of property under this section, at the expiration of the period for filing claims the seizing agency
22 shall file a copy of all such claims with the clerk of the district court and deposit the property
23 with the court in accordance with the provisions of chapter 32-11. If no owner can be located or

- 1 no claim is filed under this section, the property is deemed abandoned and the seizing agency
- 2 becomes the owner of the property and may dispose of it in any reasonable manner.