

House Bill 858

By: Representatives McLaurin of the 51<sup>st</sup>, Wilson of the 80<sup>th</sup>, and Silcox of the 52<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-5-54 of the Official Code of Georgia Annotated, relating to  
2 definitions and disposition of personal property in custody of law enforcement agencies, so  
3 as to authorize the placement of a notice of a pending sale of unclaimed personal property  
4 by a law enforcement agency on the website of the law enforcement agency or the  
5 governmental agency or political subdivision that maintains the law enforcement agency; to  
6 update the date such sale shall occur; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 17-5-54 of the Official Code of Georgia Annotated, relating to definitions and  
11 disposition of personal property in custody of law enforcement agencies, is amended by  
12 revising subsection (e) as follows:

13 "(e) For any unclaimed personal property that is not a firearm, the sheriff, chief of police,  
14 or other executive officer of a law enforcement agency shall make application to the  
15 superior court for an order to retain, sell, or discard such property. In the application the  
16 officer shall state each item of personal property to be retained, sold, or discarded. Upon  
17 the superior court's granting an order for the law enforcement agency to retain such  
18 property, the law enforcement agency shall retain such property for official use. Upon the  
19 superior court's granting an order which authorizes that the property be discarded, the law  
20 enforcement agency shall dispose of the property as other salvage or nonserviceable  
21 equipment. Upon the superior court's granting an order for the sale of personal property,  
22 the officer shall provide for a notice to be placed for at least four weeks on the website of  
23 the law enforcement agency or the website of the government department, agency, or  
24 political subdivision that maintains the law enforcement agency, or alternatively once a  
25 week for four weeks in the legal organ of the county, specifically describing each item and  
26 advising possible owners of items of the method of contacting the law enforcement agency;

27 provided, however, that miscellaneous items having an estimated fair market value  
28 of \$75.00 or less may be advertised or sold, or both, in lots. Such notice shall also stipulate  
29 a date, time, and place said items will be placed for public sale if not claimed. Such notice  
30 shall also stipulate whether said items or groups of items are to be sold in blocks, by lot  
31 numbers, by entire list of items, or separately. Such unclaimed personal property shall be  
32 sold at a sale which shall be conducted ~~not less than seven nor more than 15 days after the~~  
33 ~~final advertised notice has been run~~ on the date and time stated in such notice. The sale  
34 shall be to the highest bidder. If such personal property has not been bid on in two  
35 successive sales, the law enforcement agency may retain the property for official use or the  
36 property will be considered as salvage and disposed of as other county or municipal  
37 salvage or nonserviceable equipment. With respect to unclaimed perishable personal  
38 property or animals or other wildlife, an officer may make application to the superior court  
39 for an order authorizing the disposition of such property prior to the expiration of 90 days."

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**SECTION 2.**

41 All laws and parts of laws in conflict with this Act are repealed.