

By: Representative Reeves

To: Transportation

HOUSE BILL NO. 609

1 AN ACT TO REQUIRE THAT PROPERTY WHICH HAS BEEN RECEIVED,
2 RECOVERED OR SEIZED BY THE DEPARTMENT OF PUBLIC SAFETY SHALL BE
3 RETURNED TO THE OWNER OR LIENHOLDER IF THE PROPERTY HAS NOT BEEN
4 FORFEITED OR DISPOSED OF BY COURT ORDER; TO PRESCRIBE THE MANNER
5 AND PROCEDURE FOR GIVING NOTICE AND MAKING CLAIMS FOR SUCH
6 PROPERTY; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) Any property received, recovered or seized
9 by and under the custody or control of the Department of Public
10 Safety that is not forfeited or disposed of by court order, shall
11 be released to the owner or lienholder of the property upon
12 receipt by the department within the time period prescribed under
13 subsection (2) of this section of payment for all storage and
14 towing charges, if any, incurred by the department.

15 (2) The Department of Public Safety shall notify in writing,
16 by first class United States mail, the owner or lienholder of the
17 property described under subsection (1) of this section at the
18 owner's or lienholder's last known address that the owner or
19 lienholder may claim the property. If the owner or lienholder
20 does not claim the property within thirty (30) days from the date
21 of mailing the notice, the property shall be forfeited to the
22 Department of Public Safety and may be sold or retained for
23 official use by the department in the same manner as other
24 property that is forfeited to the department. The owner or
25 lienholder shall be considered notified under this section if the
26 notice is deposited in the United States mail. Any claim that the
27 notice was not in fact received by the addressee shall not affect
28 the subsequent sale or disposition of the property.



29 (3) The provisions of this section shall not be applicable
30 to property, the manner and procedure for the seizure, forfeiture
31 or disposition of which is otherwise prescribed by law, and the
32 provisions of such other law shall govern if there is a conflict
33 between the provisions of this law and the provisions of such
34 other law.

35 **SECTION 2.** Section 1 of this act shall be codified in
36 Chapter 1 of Title 45, Mississippi Code of 1972.

37 **SECTION 3.** This act shall take effect and be in force from
38 and after July 1, 2002.

