

By: Senator(s) Turner

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2180

1 AN ACT TO CLARIFY DISPOSITION OF SEIZED PROPERTY AFTER NOTICE
2 TO ANY KNOWN OWNER OR LIENHOLDER; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) Any property received, recovered or seized
5 by the Department of Public Safety which is not forfeited or
6 disposed of by court order may be released to the owner of or
7 lienholder on the property upon receipt of payment for all storage
8 and towing charges incurred by the Department of Public Safety.

9 (2) The Department of Public Safety shall notify in writing,
10 by United States certified mail, the owner or lienholder of the
11 property at the owner's or lienholder's last known address that
12 the owner or lienholder may retrieve the property. In the event
13 that the owner or lienholder does not claim the property within
14 thirty (30) days from the date of the receipt of the notice, the
15 property is declared forfeited to the Department of Public Safety.

16 (3) In the event the notice by mail is returned undelivered,
17 the department shall cause to be made further search and inquiry
18 to ascertain the reputed owner's or lienholder's street and post
19 office address. If a new or additional address is ascertained,
20 the department shall again issue notice. If a new or additional
21 address is not ascertained, or if notice is again returned
22 undelivered, the department shall cause an affidavit to be
23 prepared to that effect which shall specify the acts of search and
24 inquiry made in the effort to ascertain the owner's or
25 lienholder's address. The affidavit shall be retained by the
26 department for three (3) years. Upon the making of the affidavit,



27 the property is declared forfeited to the Department of Public
28 Safety.

29 **SECTION 2.** This section shall be codified under Title 45,
30 Chapter 1, Mississippi Code of 1972.

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

