

By: Representative Endt

To: Municipalities;
County Affairs

HOUSE BILL NO. 985

1 AN ACT TO AMEND SECTION 21-39-21, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO
3 DONATE ANY LOST, STOLEN, ABANDONED OR MISPLACED PERSONAL PROPERTY
4 TO ANY ORPHANAGE OR CHILDREN'S HOME LOCATED IN THE STATE; TO
5 AUTHORIZE THE GOVERNING AUTHORITIES OF ANY COUNTY TO DONATE ANY
6 LOST, STOLEN, ABANDONED OR MISPLACED PERSONAL PROPERTY TO ANY
7 ORPHANAGE OR CHILDREN'S HOME LOCATED IN THE STATE; AND FOR RELATED
8 PURPOSES.

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

10 SECTION 1. Section 21-39-21, Mississippi Code of 1972, is
11 amended as follows:

12 21-39-21. The governing authorities of any municipality,
13 upon the receipt or recovery of any lost, stolen, abandoned or
14 misplaced personal property by the marshal, police or other
15 officers of such municipality, shall cause to be posted, in three
16 (3) public places in the municipality, notice that the property
17 has been received or recovered. The notice shall contain an
18 accurate and detailed description of the property and, if the
19 governing authorities are advised as to who owns the property, a
20 copy of the notice shall be mailed to the person or persons in
21 addition to being posted as * * * required in this section. The
22 owner of the property may recover the same by filing a claim with
23 the governing authorities of the municipality and establishing his
24 right thereto. The governing authorities may require bond of the
25 person claiming the property before delivering the property to
26 him. Parties having adverse claims to the property may proceed
27 according to law as now provided by statutes.

28 If no person claims the property within one hundred twenty
29 (120) days from the date the notice provided for above is given,

30 the governing authorities of the municipality may cause the same
31 to be sold at public auction to the highest bidder for cash, or
32 the governing authorities may donate the property to any orphanage
33 or children's home located in the state. If the governing
34 authorities choose to sell the property, then before the property
35 may be sold, the notice of the sale shall be posted in three (3)
36 public places in the municipality at least ten (10) days preceding
37 the date of the sale. The notice shall contain a detailed and
38 accurate description of the property to be sold and shall be
39 addressed to the unknown owners or other persons interested in the
40 property to be sold. The notice also shall * * * set forth the
41 date, time and place the sale is to be conducted and shall
42 designate the person who is to make the sale, which person shall
43 be some official designated by the governing authorities of the
44 municipality.

45 However, lost, stolen, abandoned or misplaced motor vehicles
46 and bicycles may be sold in the manner provided in the preceding
47 paragraph after the expiration of ninety (90) days from their
48 receipt or recovery by the officers of a municipality, or the
49 governing authorities may donate the property to any orphanage or
50 children's home located in the state.

51 The person or officer designated and making the sale of the
52 property shall promptly upon completion of the sale deliver to the
53 clerk of the municipality a copy of the notice authorizing the
54 sale, a list of the property sold, the amount paid for each item,
55 the person to whom each item was sold, and all moneys received
56 from the sale, whereupon, the clerk shall deposit the moneys in
57 the general fund of the municipality and shall file the
58 information concerning the sale among the other records of his
59 office. If the property has been donated, the person or officer
60 designated and making the donation shall promptly upon completion
61 of the donation deliver to the clerk of the municipality a list of
62 the property donated and shall list the entity to which the
63 property was donated and the clerk shall file the information
64 among the other records of his office.

65 If, within ninety (90) days after date of the sale provided
66 for above, any person claims to be the owner of the property sold,

67 the governing authorities shall, upon satisfactory proof of
68 ownership, pay to that person the amount for which the property
69 was sold, and the governing authorities of the municipality may
70 require of the person a bond in such cases as they may deem
71 advisable. No action shall be maintained against a municipality
72 or any of its officers or employees or the purchaser at the sale
73 for any property sold hereunder or the proceeds therefrom after
74 the expiration of ninety (90) days from the date of the sale
75 as * * * authorized in this section.

76 If, within ninety (90) days after the date of the donation
77 provided for above, any person claims to be the owner of the
78 property donated, the governing authorities, upon satisfactory
79 proof of ownership, shall return the property to that person or if
80 the entity to which the property has been donated has sold the
81 property, the governing authorities shall pay to that person the
82 amount for which the property was sold, and the governing
83 authorities of the municipality may require of the person a bond
84 in such cases as they may deem advisable. No action shall be
85 maintained against a municipality or any of its officers or
86 employees or the entity to which the property was donated or if
87 the property has been sold by the entity, no action shall be
88 maintained against the purchaser to whom the property was sold or
89 against the proceeds from the sale after the expiration of ninety
90 (90) days from the date of the donation as authorized in this
91 section.

92 SECTION 2. The governing authorities of any county, upon the
93 receipt or recovery of any lost, stolen, abandoned or misplaced
94 personal property by the sheriff or other officers of the county,
95 shall cause to be posted, in three (3) public places in the
96 county, notice that the property has been received or recovered.
97 The notice shall contain an accurate and detailed description of
98 the property and, if the governing authorities are advised as to
99 who owns the property, a copy of the notice shall be mailed to the

100 person or persons in addition to being posted as required in this
101 section. The owner of the property may recover the same by filing
102 a claim with the governing authorities of the county and
103 establishing his right to the property. The governing authorities
104 may require bond of the person claiming the property before
105 delivering the property to him. Parties having adverse claims to
106 the property may proceed according to law as now provided by
107 statutes.

108 If no person claims the property within one hundred twenty
109 (120) days from the date the notice provided for above is given,
110 the governing authorities of the county may donate the property to
111 any orphanage or children's home located in the state.

112 Except as provided in Section 63-23-5, lost, stolen,
113 abandoned or misplaced motor vehicles and bicycles may be donated
114 by the governing authorities to any orphanage or children's home
115 located in the state after the expiration of ninety (90) days from
116 their receipt or recovery by the officers of a county.

117 The person or officer designated and making the donation
118 shall promptly upon completion of the donation deliver to the
119 clerk of the county a list of the property donated and shall list
120 the entity to which the property was donated, and the clerk shall
121 file the information among the other records of his office.

122 If, within ninety (90) days after the date of the donation
123 provided for above, any person claims to be the owner of the
124 property donated, the governing authorities, upon satisfactory
125 proof of ownership, shall return the property to that person or if
126 the entity to which the property has been donated has sold the
127 property, the governing authorities shall pay to that person the
128 amount for which the property was sold, and the governing
129 authorities of the county may require of the person a bond in such
130 cases as they may deem advisable. No action shall be maintained
131 against a county or any of its officers or employees or the entity
132 to which the property was donated or if the property has been sold

133 by the entity, no action shall be maintained against the purchaser
134 to whom the property was sold or against the proceeds from the
135 sale after the expiration of ninety (90) days from the date of the
136 donation as authorized in this section.

137 SECTION 3. This act shall take effect and be in force from
138 and after July 1, 1999.