

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

925D0304

HOUSE BILL NO. 1068

Introduced by: Representatives Hennies, Brooks, Brown (Richard), Duniphan, Fitzgerald, Lintz, McCoy, and McIntyre and Senators Albers, Ham, Lawler, Reedy, Shoener, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the disposition of
2 property seized by law enforcement agencies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-37-10 be amended to read as follows:

5 23A-37-10. ~~Where~~ If there is no claimant or ~~where~~ if the right to possession of seized
6 property cannot be determined after a reasonable period of time, ~~the circuit court judge having~~
7 ~~custody of such property must, after the payment of preservation and delivery expenses by the~~
8 ~~county commissioners, deliver such property to the commissioners who shall transport such~~
9 ~~property to a state where its possession is lawful and shall sell the property. The proceeds, after~~
10 ~~deducting the expenses of the sale, shall be paid into the county treasury pursuant to § 16-2-28.~~
11 the law enforcement agency collecting such property, through an order of the court, may:

12 (1) Transfer ownership of the property to any governmental agency having a legitimate
13 need for such property; or

14 (2) Sell the property and deliver the proceeds of the sale to the auditor or finance officer
15 in the city or county employing the law enforcement agency.