

CHAPTER 23. UNCLAIMED PROPERTY.

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ARTICLE 23. UNCLAIMED PROPERTY.

ARTICLE I. DISPOSAL OF UNCLAIMED PROPERTY IN CUSTODY OF SHERIFF.

§ 23-1. General duty of Sheriff.

It shall be the duty of the Sheriff to properly dispose of all monies, goods, wares and merchandise remaining unclaimed, for a minimum of sixty (60) days, in the custody of the office of the Sheriff, in accord with the provisions of this article and any applicable state law.

State law reference--Virginia Code § 15.2-1719 *et seq.*

§ 23-2. Notice and other procedures prior to disposal.

Prior to the sale or retention for use of any property under this article, the Sheriff shall:

make reasonable attempts to notify the rightful owner of the property;

obtain from the Attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution;

determine that the State Treasurer would decline to accept the item if remitted under the Uniform Disposition of Unclaimed Property Act; and

cause to be published once a week for two (2) successive weeks in some newspaper of general circulation in the county,

that there will be a public display of unclaimed personal property which will either be sold at the date, time and place specified in the notice or retained for use by the office of the Sheriff. The notice shall describe generally such property.

State law reference--Virginia Code § 15.2-1719.

§ 23-3. Disposal--Generally.

A. At the date, time and place specified in the notice referred to in § 23-2, all property, except money, remaining unclaimed shall be available for public viewing, and unless otherwise appropriately disposed of, shall be sold at auction by the Sheriff or under his direction.

B. Any unclaimed item retained for use by the office of the Sheriff shall become the property of the county and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the office of the Sheriff and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

C. Notwithstanding any other provision of this article, if any goods, wares, merchandise or chattels, which are of a perishable nature or which are expensive to keep, shall at any time remain unclaimed in the custody of the office of the Sheriff, it shall be lawful for the Sheriff to sell the same at public auction, at such time and after such notice as to him shall seem proper.

D. Notwithstanding any other provision of this article, all alcoholic beverages in the custody of the office of the Sheriff shall be either destroyed or delivered to the state alcoholic beverage control board.

E. Notwithstanding any other provision of this article, the Sheriff may, upon court order, destroy all narcotics in the custody of the office of the Sheriff.

F. Notwithstanding any other provision of this article, if any goods, wares, merchandise, clothing or chattels are found to be worthless and at any time remain unclaimed in the custody of the office of the Sheriff, the Sheriff may dispose of such items in any manner which to him may seem proper.

G. Notwithstanding any other provision of this article, any unclaimed firearms and other weapons which have been in the

possession of law enforcement agencies for a period of more than sixty (60) days may be destroyed. At the discretion of the Sheriff or his duly authorized agent, unclaimed firearms and other weapons may be destroyed by any means which render the firearm and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the Sheriff or his duly authorized agent shall comply with the notice provisions of § 23-2. The Sheriff or his duly authorized agent, in their discretion, may confiscate unclaimed firearms and other weapons or may exchange said property for more suitable police weapons or supplies for use by the office of the Sheriff, whichever the Sheriff may deem proper.

State law reference--Virginia Code § 15.2-1721.

Cross references--as to disposition of goods seized in drug cases, see Virginia Code §§ 18.2-249, 18.2-253 and 19.2-386.2; as to disposition of forfeited untaxed alcoholic beverages and paraphernalia, see Virginia Code § 4.1-338.

§ 23-4. Disposition of unclaimed money, proceeds of sale and retained property.

A. The Sheriff or his duly authorized agent shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by the Sheriff for the owner and paid to the owner upon satisfactory proof of ownership.

B. If no claim has been made by the owner for the property or proceeds of such sale within sixty days of the date specified in the notice referred to in § 23-2 above, the remaining funds shall be deposited in the general fund of the county and the retained property may be placed into use by the office of the Sheriff.

C. Any such owner shall be entitled to apply to the county within three years from the date specified in the notice referred to in § 23-2 above and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the county shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation.

D. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

State law reference--Virginia Code § 15.2-1719.

§ 23-5. Donation of unclaimed bicycles and mopeds.

A. The Sheriff is authorized to donate to a charitable organization any bicycle or moped which has been in the possession of the office of the Sheriff, unclaimed, for more than thirty days.

B. Any bicycle or moped found and delivered to the police or Sheriff's department by a private person which thereafter remains unclaimed for thirty days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county.

State law reference--Virginia Code § 15.2-1720.

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