

CHAPTER.....

AN ACT relating to property; revising procedures governing the disposal of certain property in the custody of certain governmental agencies; authorizing a board of county commissioners or its authorized representative to donate property pursuant to a district court order to certain organizations or entities for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth certain procedures governing the disposition of stolen or embezzled property which is in the custody of certain governmental agencies. (NRS 179.165) **Section 1** of this bill: (1) expands the scope of these provisions to include property other than that which is stolen or embezzled; (2) authorizes a sheriff of a metropolitan police department to dispose of the property without the requirement of delivering the property to the county treasurer to petition the district court for an order authorizing the disposal or destruction; (3) provides that before disposing of the property, a metropolitan police department must file a sworn affidavit with the district court; and (4) requires the metropolitan police department to perform an annual audit of the disposition of property and present a report of that audit to the metropolitan police committee on fiscal affairs.

Existing law authorizes a board of county commissioners or its authorized representative to, pursuant to a district court order, donate stolen or embezzled property to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity to provide a substantial benefit to county inhabitants. (NRS 244.1505) **Section 2** of this bill authorizes a board of county commissioners or its authorized representative to donate any property previously in the custody of a law enforcement agency to such organizations or entities to provide a substantial benefit to county inhabitants.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.165 is hereby amended to read as follows:
179.165 1. Except *as otherwise provided by specific statute:*

(a) And except as otherwise provided in ~~{subsections 2 and 3,}~~
paragraph (b), a law enforcement agency which has custody of
property ~~{that has been stolen or embezzled}~~ shall, if the agency
knows or can reasonably discover the name and address of the
owner or the person entitled to possession of the property, notify the
owner or the person entitled to possession of the property by letter



of the location of the property and the method by which the owner or the person entitled to possession of the property may claim it.

~~{2. If the property that has been stolen or embezzled is a firearm, the law enforcement agency shall notify only the owner of the firearm of the location of the property and the method by which the owner may claim it.~~

~~{3.}~~ *(b)* If the property ~~{that has been stolen or embezzled}~~ was obtained from a pawnbroker pursuant to NRS 646.047, the law enforcement agency shall, in addition to notifying the persons described in ~~{subsection 1 or 2, as appropriate.}~~ *paragraph (a)*, notify the pawnbroker from whom it was obtained.

~~{4. The}~~

(c) With respect to stolen or embezzled property, the notice must be mailed by certified or registered mail:

~~{(a)}~~ *(1)* Upon the conviction of the person who committed the offense;

~~{(b)}~~ *(2)* Upon the decision of the police or district attorney not to pursue or prosecute the case; or

~~{(c)}~~ *(3)* When the case is otherwise terminated.

~~{5.}~~ *(d)* If the property ~~{stolen or embezzled}~~ is not claimed by the owner or the person entitled to possession of the property before the expiration of 6 months after the date the notice is mailed or, if no notice is required, after the date notice would have been sent if it were required, the magistrate or other officer having it in custody shall, except as otherwise provided in this ~~{subsection.}~~ *paragraph*, on payment of the necessary expenses incurred for its preservation, deliver it to the county treasurer, who shall dispose of the property as provided in ~~{subsection 6.}~~ *paragraph (e)*. If a metropolitan police department which is organized pursuant to chapter 280 of NRS has custody of the property, the sheriff of the department may *take any of the actions set forth in paragraph (f) or* deliver ~~{it}~~ *the property* to the county treasurer and accept the net proceeds, if any, from the disposition of the property pursuant to ~~{subsection 6.}~~ *paragraph (e)* in lieu of the payment of expenses incurred for the property's preservation.

~~{6.}~~ *(e)* Upon receiving ~~{stolen or embezzled}~~ property pursuant to ~~{this section.}~~ *paragraph (d)*, the county treasurer shall petition the district court for an order authorizing the county treasurer to:

~~{(a)}~~ *(1)* Conduct an auction for the disposal of salable property;

~~{(b)}~~ *(2)* Dispose of property not deemed salable by donations to charitable organizations or by destruction;

~~{(c)}~~ *(3)* Destroy property the possession of which is deemed illegal or dangerous; or



~~(4)~~ (4) Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.

~~(7)~~ (f) *A sheriff of a metropolitan police department may:*

- (1) Conduct an auction for the disposal of salable property;*
- (2) Dispose of property not deemed salable by donations to charitable organizations or by destruction;*
- (3) Destroy property the possession of which is deemed illegal or dangerous; or*
- (4) Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.*

(g) Before disposing of any property pursuant to paragraph (f), a metropolitan police department shall file a sworn affidavit with the district court attesting that the metropolitan police department:

- (1) Knows or has made a reasonable effort to discover the name and address of the owner or the person entitled to possession of the property;*
- (2) Has made a reasonable effort to notify the owner or the person entitled to possession of the property of the location of the property and the method by which the owner or the person entitled to possession of the property may claim the property; and*
- (3) Has complied with all requirements of this section pertaining to disposal of the property.*

(h) Records of the property disposed of by sale, destruction or donation and an accounting of the cash received by the county treasurer from the sales must be filed with the county clerk.

(i) A metropolitan police department which disposes of property pursuant to paragraph (f) shall:

- (1) Perform an annual audit of the disposition of that property; and*
- (2) Present a report of that audit to the metropolitan police committee on fiscal affairs created pursuant to NRS 280.130.*

2. As used in this section, "property" means any property that is owned by another person or that another person is entitled to possess which:

- (a) Is in the custody of a law enforcement agency;*
- (b) Has been stolen, embezzled, lost, found, abandoned or unclaimed; and*
- (c) Is otherwise unrelated to an active criminal case.*

Sec. 2. NRS 244.1505 is hereby amended to read as follows:

244.1505 1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a



nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) ~~Stolen or embezzled property~~ *Property* for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to *paragraph (e) of subsection 1 of NRS 179.165*,

↳ to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

Sec. 3. This act becomes effective on July 1, 2017.

