

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB 1025
Version:	Introduced
Request Number:	5942
Author:	Rep. Worthen
Date:	2/12/2021
Impact:	\$0

Research Analysis

HB 1025 provides that stolen or embezzled property held by a municipality, county or state due to an investigation or proceeding be returned to the wonder upon request unless the owner is prohibited by law to possess the property. The measure allows the use of first-class mail to provide notice to the last known owner of property in the possession of the municipality, county or state. The measure provides that a hearing must take place not less than 15 days after notice and requires that proof of service or publication be filed with the court clerk. The measure requires property be made available to the owner within 20 days of the court order for release. The measure allows for the release of property to the person last in possession of the property. The measure allows for the use of an affidavit of ownership. If an affidavit of ownership or affidavit of right of possession is used, the claimant may be required to sign an agreement to indemnify and defend the custodians of the property. If the property is a firearm or other weapon, the court may order the property destroyed if the court determines that the owner is mentally or emotionally unstable or disturbed or cannot legally possess the firearm or weapon.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB 1025, as introduced, amends the process for the return of stolen property or money taken from criminal defendants.

The measure has no revenue or expenditure considerations for the state.

Prepared By: Clayton Mayfield

Other Considerations

None.