

AMENDED IN ASSEMBLY JULY 30, 1998
AMENDED IN ASSEMBLY JUNE 16, 1998
AMENDED IN ASSEMBLY JUNE 4, 1998
AMENDED IN ASSEMBLY JUNE 4, 1998
AMENDED IN SENATE APRIL 14, 1998
AMENDED IN SENATE MARCH 30, 1998

SENATE BILL

No. 1707

Introduced by Senator Rainey

February 17, 1998

An act to add Section 2080.10 to the Civil Code, relating to safekeeping of property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1707, as amended, Rainey. Safekeeping of property.

Existing law requires the delivery of lost or unclaimed property having a value of \$100 or more to the police or sheriff's department, which is required to restore the property to the owner if he or she claims the property within 90 days.

Existing law requires, when property is taken from an arrested defendant, the officer taking it to, at that time, give duplicate receipts therefor, one for the defendant and one for the Clerk of the Court to which the depositions and statement are to be sent.

This bill would require, when a public agency obtains possession of personal property from a person for temporary

safekeeping, the public agency to take responsibility for the storage, documentation, and disposition of the property and provide the person from whom the property was taken with a receipt and instructions for the retrieval of the property, as specified. The bill would also require the public agency to make reasonable efforts to contact the owner if the public agency has knowledge that the person from whom the property was taken is not the owner, and, if the owner is ~~located~~ *identified*, to send to the owner, by first-class mail, a receipt and instructions for retrieval of the property. The bill would provide that the receipt and instructions are to notify the person that the property must be claimed within 60 days after the public agency obtains possession or the property will be disposed of, as specified, unless the person notifies the public agency *in writing* that he or she is *in custody and* unable to retrieve the property within 60 days ~~and requests, or have an authorized person retrieve the property, resulting in the public agency to hold holding the property until arrangements for its retrieval can be made for not longer than 10 additional months.~~

This bill would impose a state-mandated local program by requiring new duties of local public agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2080.10 is added to the Civil
2 Code, to read:



1 2080.10. (a) When a public agency obtains possession
2 of personal property from a person for temporary
3 safekeeping, the public agency shall do all of the
4 following:

5 (1) Take responsibility for the storage,
6 documentation, and disposition of the property.

7 (2) Provide the person from whom the property was
8 taken with a receipt and instructions for the retrieval of
9 the property. The receipt and instructions shall either be
10 given to the person from whom the property was taken
11 at the time the public agency obtains the property or
12 immediately mailed, by first-class mail, to the person from
13 whom the property was taken.

14 (3) If the public agency has knowledge that the person
15 from whom the property was taken is not the owner, the
16 agency shall make reasonable efforts to ~~locate~~ *identify* the
17 owner. If the owner is ~~located~~ *identified*, the public
18 agency shall mail, by first-class mail, a receipt and
19 instructions for the retrieval of the property.

20 (b) The receipt and instructions shall notify the person
21 from whom the property was taken that the property
22 must be claimed within 60 days after the public agency
23 obtains possession or the property will be disposed of in
24 accordance with the disposal provisions of this article.
25 Within 60 days, the person may do one of the following:

26 (1) Retrieve the property.

27 (2) Authorize *in writing* another person to retrieve
28 the property.

29 (3) Notify the public agency *in writing* that he or she
30 is unable to retrieve the property, *because he or she is in*
31 *custody*, and request the public agency to hold the
32 property. If a person notifies the public agency that he or
33 she is unable to retrieve the property within 60 days, *or*
34 *have an authorized person retrieve the property*, the
35 public agency shall hold the property ~~until arrangements~~
36 ~~can be made for its retrieval~~ *for not longer than 10*
37 *additional months*.

38 (c) The public agency shall not be liable for damages
39 caused by any official action performed with due care



1 regarding the disposition of personal property pursuant
2 to this section and the disposal provisions of this article.

3 (d) As used in this section, “public agency” means any
4 state agency, ~~including the Department of Parks and~~
5 ~~Recreation~~, any city, county, city and county, special
6 district, or other political subdivision.

7 SEC. 2. Notwithstanding Section 17610 of the
8 Government Code, if the Commission on State Mandates
9 determines that this act contains costs mandated by the
10 state, reimbursement to local agencies and school
11 districts for those costs shall be made pursuant to Part 7
12 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the
14 claim for reimbursement does not exceed one million
15 dollars (\$1,000,000), reimbursement shall be made from
16 the State Mandates Claims Fund.

17 Notwithstanding Section 17580 of the Government
18 Code, unless otherwise specified, the provisions of this act
19 shall become operative on the same date that the act
20 takes effect pursuant to the California Constitution.

