



NATIONAL CRIME VICTIM LAW INSTITUTE

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SURVEY OF SELECT STATE AND FEDERAL LAWS PROVIDING FOR THE RETURN OF VICTIMS' PROPERTY

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For additional resources relating to the protection, enforcement, and advancement of crime victims' rights, please visit NCVLI's website at www.ncvli.org.

This chart compiles key provisions addressing the return of victim property when in the possession of the government for investigative or prosecutorial purposes. Please note that in the detailed chart that follows, provisions relating to civil suits to recover property, forfeiture, motions for return of property by defendants, and provisions addressing the treatment of biological evidence (e.g., DNA) are generally not included. Victims' rights that may apply in the context of property return but which are not specific to the return of property (such as victims' constitutional or statutory rights to be heard and to be treated with fairness, dignity, and respect) are also not included. This chart is a survey of select laws and is not intended as an exhaustive resource of all victims' rights provisions.



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“Quick Look” Summary Chart: *Comparative Snapshot of Laws Included in the Detailed Chart*

JURISDICTION	TIMELINESS OF RETURN REFERENCED	SPECIFIC TIMELINE FOR RETURN	POTENTIAL CONDITIONS IMPOSED ON RETURN
Federal			✓
Alabama	✓		
Alaska		✓	✓
Arizona	✓		

JURISDICTION	TIMELINESS OF RETURN REFERENCED	SPECIFIC TIMELINE FOR RETURN	POTENTIAL CONDITIONS IMPOSED ON RETURN
Arkansas	✓		
California	✓		✓
Colorado		✓	
Connecticut	✓	✓	
Delaware	✓		
District of Columbia	✓		✓
Florida	✓		
Georgia		✓	
Hawaii	✓	✓	
Idaho	✓		✓
Illinois	✓		
Indiana			
Iowa			
Kansas	✓		
Kentucky			
Louisiana	✓		
Maine			✓
Maryland	✓		
Massachusetts	✓	✓	
Michigan	✓		
Minnesota			✓
Mississippi	✓		
Missouri		✓	
Montana	✓		
Nebraska	✓	✓	
Nevada	✓	✓	✓
New Hampshire	✓		
New Jersey	✓		
New Mexico	✓		
New York	✓	✓	✓
North Carolina	✓		✓

JURISDICTION	TIMELINESS OF RETURN REFERENCED	SPECIFIC TIMELINE FOR RETURN	POTENTIAL CONDITIONS IMPOSED ON RETURN
North Dakota	✓	✓	
Ohio	✓		
Oklahoma	✓		
Oregon			
Pennsylvania	✓		
Rhode Island	✓		
South Carolina	✓		
South Dakota	✓		
Tennessee		✓	
Texas	✓		
Utah	✓		
Vermont	✓		✓
Virginia	✓		
Washington	✓	✓	
West Virginia	✓		
Wisconsin	✓	✓	
Wyoming	✓		

JURISDICTION	LAWS
Federal	<p><i>Fed. R. Crim. P. 41 (Search and Seizure).</i></p> <p>...</p> <p>(g) Motion to Return Property. A person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property’s return. The motion must be filed in the district where the property was seized. The court must receive evidence on any factual issue necessary to decide the motion. If it grants the motion, the court must return the property to the movant, but may impose reasonable conditions to protect access to the property and its use in later proceedings.</p> <p>....</p>

JURISDICTION	LAWS
Alabama	<p><i>Ala. Code § 15-23-77 (Right to have property returned).</i></p> <p>(a) Prior to the admission of evidence to the court, on request of the victim, after consultation and written approval by the district attorney or Attorney General, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.</p> <p>(b) If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the district attorney or the Attorney General, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.</p>
Alaska	<p><i>Alaska Stat. Ann. § 12.36.020 (Return of property).</i></p> <p>(a) A law enforcement agency may</p> <p>(1) not return property in its custody to the owner or the agent of the owner, except as provided in AS 12.36.200, if</p> <p>(A) the property is in custody in connection with a children’s court proceeding, a criminal proceeding, or an official investigation of a crime; or</p> <p>(B) the property in custody is subject to forfeiture under the laws of the</p> <p>(i) state; or</p> <p>(ii) United States, and the United States has commenced forfeiture proceedings against the property or has requested the transfer of the property for the commencement of forfeiture proceedings; and</p> <p>(2) with the approval of the court, transfer the property to another state or federal law enforcement agency for forfeiture proceedings by that agency; the court having jurisdiction shall grant the approval under this paragraph if the property</p> <p>(A) will be retained within the jurisdiction of the court by the agency to which the property is being transferred; or</p> <p>(B) is</p> <p>(i) not needed as evidence; or</p>

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	<p>(ii) needed as evidence, and the property is fungible or the property’s evidentiary value can otherwise be preserved without retaining the property within the jurisdiction of the court.</p> <p>(b) In a criminal proceeding or a children’s court proceeding involving the wrongful taking or damaging of property where photographs of the property are used as evidence in place of the property, the prosecuting attorney may release the property to the owner upon presentation of satisfactory proof of ownership.</p> <p>(c) If wrongfully taken or damaged property is not photographed and authenticated under AS 12.45.086 and the property is used as evidence in a criminal proceeding or a children’s court proceeding, the law enforcement agency in possession of the property shall return it to the owner upon presentation of satisfactory proof of ownership within 60 days after the final disposition of the case.</p> <p><i>Alaska Stat. Ann. § 12.36.050 (Remission of forfeited property).</i></p> <p>(a) A claimant seeking remission of the claimant’s interest in a weapon ordered forfeited under AS 12.55.015(a)(9) shall prove to the court by a preponderance of evidence that the claimant</p> <ol style="list-style-type: none"> (1) has a valid interest in the weapon, acquired in good faith; (2) did not knowingly participate in the commission of the crime in which the weapon was used; and (3) did not know or have reasonable cause to believe that the weapon was used or would be used to commit a crime. <p>(b) Upon a showing that a claimant is entitled to relief under (a) of this section, the court may order that the weapon be released to the claimant.</p> <p>(c) A claim may not be filed under this section more than 120 days after the entry of the last final judgment in the case in which the weapon was ordered forfeited.</p> <p><i>Alaska Stat. Ann. § 12.36.070 (Return of property by hearing).</i></p> <p>(a) A crime victim who is the owner of property not belonging to a law enforcement agency that is in the custody of the agency under this chapter may request that the office of victims’ rights request that the agency return the property to the crime victim. The request under this subsection shall be filed by the office of victims’ rights on behalf of the crime victim after the office has conducted an investigation and has concluded that the crime victim is entitled to the return of the property under the factors listed in (c) of this section.</p> <p>(b) Within 10 days after receipt of a request under (a) of this section and following reasonable notice to the prosecution, defense, and other interested parties, the agency shall request a hearing before the court to determine if the property shall be released to the crime victim. If the property is being held in connection with a</p>

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	<p>criminal case, the hearing shall be before the court with jurisdiction of the criminal case. If no criminal case is pending regarding the property, the hearing shall be before a district or superior court where the property is located.</p> <p>(c) At the hearing, a party that objects to the return of the property shall state the reason on the record. After a hearing, the court may order the return of the property in the custody of a law enforcement agency to the crime victim if</p> <p>(1) the crime victim by a preponderance of the evidence provides satisfactory proof of ownership; and</p> <p>(2) the party that objects to the return of the property fails to prove by a preponderance of the evidence that the property must be retained by the agency for evidentiary purposes under the provisions of this chapter or another law.</p> <p>(d) If the court orders the return of the property to the crime victim, the court may impose reasonable conditions on the return. Those conditions may include an order that the crime victim retain and store the property so that the property is available for future court hearings, requiring photographs of the property to be taken, or any other condition the court considers necessary to maintain the evidentiary integrity of the property.</p> <p>(e) In this section, “crime victim” has the meaning given to “victim” in AS 12.55.185.</p> <p>(f) If the agency fails to act on a request under (a) of this section within the deadline set in (b) of this section, the victims’ advocate may request a hearing under (b) of this section. If the victims’ advocate requests a hearing under this subsection, the role of the victims’ advocate in the hearing is limited to advocating for the return of the victim’s property. The victims’ advocate may not participate in the case as a party or an intervenor unless the court orders otherwise.</p> <p><i>Alaska Stat. Ann. § 24.62.115 (Authority to request return of property on behalf of certain persons).</i></p> <p>(a) Notwithstanding another provision of this chapter, the victims’ advocate may</p> <p>(1) file a request under AS 12.36.070 with a law enforcement agency for the return of property to a crime victim after having conducted an investigation and determining that the crime victim is entitled to the return of the property under the factors listed in AS 12.36.070(c);</p> <p>(2) request a hearing under AS 12.36.070(f).</p> <p>(b) In fulfilling the requirements of this section, the victims’ advocate may use any of the powers granted to the advocate under this chapter.</p>

JURISDICTION	LAWS
<p>Arizona</p>	<p><i>Ariz. Rev. Stat. Ann. § 8-408 (Return of victim’s property; release of evidence).</i></p> <p>A. On request of the victim and after consultation with the prosecuting attorney, the law enforcement agency responsible for investigating the delinquent act shall return to the victim any property belonging to the victim that was taken during the course of the investigation or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.</p> <p>B. If the victim’s property has been admitted as evidence during a hearing, the court may order its release to the victim if a photograph or photocopy can be substituted. If evidence is released pursuant to this subsection, the accused’s attorney or investigator may inspect and independently photograph or photocopy the evidence before it is released.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4429 (Return of victim’s property; release of evidence).</i></p> <p>A. On request of the victim and after consultation with the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.</p> <p>B. If the victim’s property has been admitted as evidence during a trial or hearing, the court may order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the defendant’s attorney or investigator may inspect and independently photograph the evidence before it is released.</p>
<p>Arkansas</p>	<p><i>Ark. Code Ann. § 16-90-1106 (Prompt return of property).</i></p> <p>(a) Any person holding property of a victim shall take reasonable care of the property.</p> <p>(b) The responsible official shall promptly return the property to the victim when it is no longer needed for evidentiary purposes, unless it is contraband or subject to forfeiture.</p>

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California	<p><i>Cal. Const. art. I, § 28 (Findings and declarations; rights of victims; enforcement).</i></p> <p>...</p> <p>(b) In order to preserve and protect a victim’s rights to justice and due process, a victim shall be entitled to the following rights:</p> <p>...</p> <p>(14) To the prompt return of property when no longer needed as evidence.</p> <p><i>Cal. Penal Code § 679.02 (Statutory rights of victims and witnesses of crimes).</i></p> <p>(a) The following are hereby established as the statutory rights of victims and witnesses of crimes:</p> <p>...</p> <p>(9) To the expeditious return of his or her property which has allegedly been stolen or embezzled, when it is no longer needed as evidence, as provided by Chapter 12 (commencing with Section 1407) and Chapter 13 (commencing with Section 1417) of Title 10 of Part 2.</p> <p><i>Cal. Penal Code § 1408 (Property in custody of peace officer; order for delivery to owner; payment of expenses).</i></p> <p>On the application of the owner and on satisfactory proof of his ownership of the property, after reasonable notice and opportunity to be heard has been given to the person from whom custody of the property was taken and any other person as required by the magistrate, the magistrate before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling it, shall order it to be delivered, without prejudice to the state, to the owner, on his paying the necessary expenses incurred in its preservation, to be certified by the magistrate. The order entitles the owner to demand and receive the property.</p> <p><i>Cal. Penal Code § 1409 (Property in custody of magistrate; delivery to owner; proof of title; payment of expenses).</i></p> <p>On the application of the owner and on satisfactory proof of his ownership of the property, after reasonable notice and opportunity to be heard has been given to the person from whom custody of the property was taken and any other person as required by the magistrate, the magistrate before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling it, shall order it to be delivered, without prejudice to the state, to the owner, on his paying the necessary expenses incurred in its preservation, to be certified by the magistrate. The order entitles the owner to demand and receive the property.</p>

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	<p><i>Cal. Penal Code § 1410 (Property not delivered to owner; proof of title; order for restoration by trial court).</i> If the property stolen or embezzled has not been delivered to the owner, the court before which a trial is had for stealing or embezzling it, upon the application of the owner to the court and on proof of his title, after reasonable notice and opportunity to be heard has been given to the person from whom custody of the property was taken and any other person as required by the court, may order it to be restored to the owner without prejudice to the state.</p> <p><i>Cal. Penal Code § 1411 (Unclaimed property delivered to county officer; notice to owner or holder of a security interest; failure to claim; disposition; application to property placed on hold).</i> (a) If the ownership of the property stolen or embezzled and the address of the owner, and the address of the owner of a security interest therein, can be reasonably ascertained, the peace officer who took custody of the property shall notify the owner, and a person having a security interest therein, by letter of the location of the property and the method by which the owner may obtain it. This notice shall be given upon the conviction of a person for an offense involving the theft, embezzlement, or possession of the property, or if a conviction was not obtained, upon the making of a decision by the district attorney not to file the case or upon the termination of the proceedings in the case. Except as provided in Section 217 of the Welfare and Institutions Code, if the property stolen or embezzled is not claimed by the owner before the expiration of three months after the giving of this notice, or, in any case in which such a notice is not given, before the expiration of six months from the conviction of a person for an offense involving the theft, embezzlement, or possession of the property, or if a conviction was not obtained, then from the time the property came into the possession of the peace officer or the case involving the person from whom it was obtained is disposed of, whichever is later, the magistrate or other officer having it in custody may, on the payment of the necessary expenses incurred in its preservation, deliver it to the county treasurer or other proper county officer, by whom it shall be sold and the proceeds paid into the county treasury. However, notwithstanding any other law, if the person from whom custody of the property was taken is a secondhand dealer or licensed pawnbroker and reasonable but unsuccessful efforts have been made to notify the owner of the property and the property is no longer needed for the criminal proceeding, the property shall be returned to the secondhand dealer or pawnbroker who had custody of the property and be treated as regularly acquired property. If the property is transferred to the county purchasing agent it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the county officer determines</p>

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	<p>that any of the property transferred to him or her for sale is needed for a public use, the property may be retained by the county and need not be sold. The magistrate or other officer having the property in custody may, however, provide for the sale of the property in the manner provided for the sale of unclaimed property which has been held for at least three months pursuant to Section 2080.4 of the Civil Code.</p> <p>(b) This section shall not govern the disposition of property placed on hold pursuant to Section 21647 of the Business and Professions Code, notwithstanding the current custodial status of the property, unless the licensed pawnbroker or secondhand dealer, after receipt of the written advisement required by subdivision (h) of Section 21647 of the Business and Professions Code, willfully refuses to consent to a statutory hold as provided by Section 21647 of the Business and Professions Code or a search warrant for the business of the licensed pawnbroker or secondhand dealer has resulted in the seizure of the property subject to this section.</p> <p><i>Cal. Penal Code § 1417.5 (Disposition of exhibits).</i></p> <p>Except as provided in Section 1417.6, 60 days after the final determination of a criminal action or proceeding, the clerk of the court shall dispose of all exhibits introduced or filed in the case and remaining in the clerk’s possession, as follows:</p> <p>(a) If the name and address of the person from whom the exhibit was taken is contained in the court record, the clerk shall notify the person that he or she may make application to the court for release of the exhibits within 15 days of receipt of the notification.</p> <p>(b) The court shall order the release of exhibits free of charge, without prejudice to the state, upon application, to the following:</p> <p>(1) First, the person from whom the exhibits were taken into custody, provided that the person was in lawful possession of the exhibits.</p> <p>(2) Second, a person establishing title to, or a right to possession of, the exhibits.</p> <p>(c) If the party entitled to an exhibit fails to apply for the return of the exhibit prior to the date for disposition under this section, the following procedures shall apply:</p> <p>(1) Exhibits of stolen or embezzled property other than money shall be disposed of pursuant to court order as provided in Section 1417.6.</p> <p>(2) Exhibits of property other than property which is stolen or embezzled or property which consists of money or currency shall, except as otherwise provided in this paragraph and in paragraph (3), be transferred to the appropriate county agency for sale to the public in the same manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus</p>

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	<p>personal property. If the county determines that any property is needed for a public use, the property may be retained by the county and need not be sold.</p> <p>(3) Exhibits of property, other than money, currency, or stolen or embezzled property, that are determined by the court to have no value at public sale shall be destroyed or otherwise disposed of pursuant to court order.</p> <p>(4) Exhibits of money or currency shall be disposed of pursuant to Section 1420.</p> <p><i>Cal. Penal Code § 13835.5 (Primary and optional services).</i></p> <p>(a) Comprehensive services shall include all of the following primary services:</p> <p>...</p> <p>(6) Assistance in obtaining the return of a victim’s property held as evidence by law enforcement agencies, if requested.</p>
<p>Colorado</p>	<p><i>Colo. Rev. Stat. Ann. § 13-25-130 (Criminal actions – use of photographs, video tapes, or films of property).</i></p> <p>...</p> <p>(3) A law enforcement agency which is holding property over which a person is alleged to have exerted unauthorized control or otherwise to have obtained unlawfully may return that property to its owner if:</p> <p>(a) The appropriately identified photographs, video tapes, or films are filed and retained by the law enforcement agency;</p> <p>(b) Satisfactory proof of ownership of the property is shown by the owner;</p> <p>(c) A declaration of ownership is signed under penalty of perjury;</p> <p>(d) The defendant, if a defendant has been filed upon, has been notified that such photographs, video tapes, or films have been taken, recorded, or produced; and</p> <p>(e) A receipt for the property is obtained from the owner upon delivery by the law enforcement agency.</p> <p><i>Colo. Rev. Stat. Ann. § 24-4.1-303 (Procedures for ensuring rights of victims of crime).</i></p> <p>...</p> <p>(7) When a victim’s property is no longer needed for evidentiary reasons, the district attorney or any law enforcement agency shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings.</p>

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Connecticut	<p><i>Conn. Gen. Stat. Ann. § 54-203 (Office of Victim Services established. Powers and duties).</i></p> <p>...</p> <p>(b) The Office of Victim Services shall have the following powers and duties:</p> <p>...</p> <p>(6) To provide each person who applies for compensation pursuant to section 54-204, within ten days of the date of receipt of such application, with a written list of rights of victims of crime involving personal injury and the programs available in this state to assist such victims. The Office of Victim Services, the state or any agent, employee or officer thereof shall not be liable for the failure to supply such list or any alleged inadequacies of such list. Such list shall include, but not be limited to:</p> <p>...</p> <p>(E) Subject to the provisions of section 54-36a, the victim shall have the right to have any property the victim owns which was seized by police in connection with an arrest to be returned;</p> <p>....</p> <p><i>Conn. Gen. Stat. Ann. § 56-36a (Definitions. Inventory. Return of stolen property. Disposition of other seized property. Return of compliance).</i></p> <p>(a) As used in this section, sections 53-278c and 54-36c: (1) “Contraband” means any property, the possession of which is prohibited by any provision of the general statutes; (2) “stolen property” shall include, but not be limited to, cash or the proceeds from the sale of such property obtained by theft or other illegal means; (3) “owner” means a person or persons entitled to seized property as a matter of law or fact.</p> <p>(b) (1) Whenever property is seized in connection with a criminal arrest or seized pursuant to a search warrant without an arrest, the law enforcement agency seizing such property shall file, on forms provided for this purpose by the Office of the Chief Court Administrator, an inventory of the property seized. The inventory, together with the uniform arrest report, in the case of an arrest, shall be filed with the clerk of the court for the geographical area in which the criminal offense is alleged to have been committed; except, when the property is stolen property and, in the opinion of the law enforcement officer, does not exceed one thousand dollars in value, or when an attempt was made to steal the property but the property at all times remained on the premises in a sealed container, the filing of an inventory shall not be required and such property may be returned to the owner. In the case of property seized in connection with a search warrant without an arrest, the inventory shall be attached to the warrant and shall be filed with the clerk of the court for the geographical area in which the</p>

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	<p>search warrant was issued. If any criminal proceeding is transferred to another court location, then the clerk with whom the inventory is filed shall transfer such inventory to the clerk of the court location to which such action is transferred.</p> <p>(2) If the seized property is stolen property, within ten days of the seizure, the law enforcement agency seizing the property shall notify the owner of the property if known, or, if the owner of the property is unknown at the time of seizure, such agency shall within ten days of any subsequent ascertainment of the owner notify such owner, and, on a form prescribed by the Office of the Chief Court Administrator, advise the owner of such owner’s rights concerning the property and the location of the property. Such written notice shall include a request form for the return of the property. The owner may request the return of the property by filing such request form with such law enforcement agency, and upon receipt of such request, the law enforcement agency shall forward it to the clerk of the court for the geographical area in which the criminal offense is alleged to have been committed. The clerk of the court shall notify the defendant or defendants of the request to return the property. The court shall order the return of the property within thirty days of the date of filing such return request by the owner, except that for good cause shown, the court may order retention of the property for a period to be determined by the court. Any secondary evidence of the identity, description or value of such property shall be admissible in evidence against such defendant in the trial of such case. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility. If the stolen property is a motor vehicle, a photograph of the motor vehicle and a sworn affidavit attesting to the vehicle identification number of such motor vehicle shall be sufficient evidence of the identity of the motor vehicle. For the purposes of this subdivision, “motor vehicle” means a passenger or commercial motor vehicle or a motorcycle, as defined in section 14-1, and includes construction equipment, agricultural tractors and farm implements.</p> <p>(3) (A) If the seized property is currency and is stolen property, the law enforcement agency seizing the currency shall follow the procedures set forth in subdivision (2) of this subsection.</p> <p>(B) If the seized property is currency and is not stolen property, the law enforcement agency seizing the currency shall, within ten days of such seizure, notify the defendant or defendants, if such currency was seized in connection with a criminal arrest, or the person or persons having a possessory interest in the premises from which such currency was seized, if such currency was seized pursuant to a search warrant without an arrest, that such defendant or person has the right to a hearing before the Superior Court on the disposition of the currency. Such defendant or person may, not later than thirty days after receiving such notice, request a hearing before the Superior Court. The court may, after any such hearing, order that the law enforcement agency, after</p>

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	<p>taking reasonable measures to preserve the evidentiary value of the currency, deposit the currency in a deposit account in the name of the law enforcement agency as custodian for evidentiary funds at a financial institution in this state or order, for good cause shown, that the currency be retained for a period to be determined by the court. If such defendant or person does not request a hearing, the law enforcement agency may, after taking reasonable measures to preserve the evidentiary value of the currency, deposit the currency in a deposit account in the name of the law enforcement agency as custodian for evidentiary funds at a financial institution in this state.</p> <p>(C) If the currency is deposited in a deposit account at a financial institution in this state pursuant to subparagraph (B) of this subdivision, the financial institution at which such deposit account is established shall not be required to segregate the currency deposited in such deposit account. No funds may be withdrawn from such deposit account except pursuant to a court order directed to the financial institution. Any withdrawal of funds from such deposit account shall be in the form of a check issued by the financial institution to the law enforcement agency or to such other payee as the court may order. Nothing in this subdivision shall prohibit a financial institution from charging a fee for the maintenance and administration of such deposit account and for the review of the court order.</p> <p>(D) If the currency is deposited in a deposit account at a financial institution in this state pursuant to subparagraph (B) of this subdivision, any secondary evidence of the identity, description or value of such currency shall be admissible in evidence against a defendant in the trial of a criminal offense. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility.</p> <p>(c) Unless such seized property is stolen property and is ordered returned pursuant to subsection (b) of this section or unless such seized property is adjudicated a nuisance in accordance with section 54-33g, or unless the court finds that such property shall be forfeited or is contraband, or finds that such property is a controlled drug, a controlled substance or drug paraphernalia as defined in subdivision (8), (9) or (20) of section 21a-240, it shall, at the final disposition of the criminal action or as soon thereafter as is practical, or, if there is no criminal action, at any time upon motion of the prosecuting official of such court, order the return of such property to its owner within six months upon proper claim therefor.</p> <p>(d) When the court orders the return of the seized property to the owner, the order shall provide that if the seized property is not claimed by the owner within six months, the property shall be destroyed or be given to a charitable or educational institution or to a governmental agency or institution, except that (1) if such property is money it shall be remitted to the state and shall be deposited in the General Fund or (2) if such property is a</p>

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	<p>valuable prize it shall be disposed of by public auction or private sale in which case the proceeds shall become the property of the state and shall be deposited in the General Fund; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest in such property shall have the same right to the proceeds as he had in the property prior to the sale.</p> <p>(e) If such seized property is adjudicated a nuisance or if the court finds that such property shall be forfeited or is contraband other than a controlled drug, a controlled substance or drug paraphernalia as defined in subdivision (8), (9) or (20) of section 21a-240, the court shall order that such property be destroyed or be given to a charitable or educational institution or to a governmental agency or institution, except that (1) if such property is money, the court shall order that it be remitted to the state and be deposited in the General Fund or (2) if such property is a valuable prize, the court shall order that it be disposed of by public auction or private sale in which case the proceeds shall become the property of the state and shall be deposited in the General Fund; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest in such property shall have the same right to the proceeds as he had in the property prior to sale.</p> <p>(f) If the court finds that such seized property is fireworks as defined in section 29-356, the court shall order the forfeiture and destruction of such property. Any secondary evidence of the identity, description or value of such property shall be admissible in evidence against the defendant in the trial of the case. A photograph of the fireworks and a sworn affidavit describing such fireworks shall be sufficient evidence of the identity of the fireworks. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility.</p> <p>(g) If the court finds that such seized property is a controlled drug, a controlled substance or drug paraphernalia as defined in subdivision (8), (9) or (20) of section 21a-240, the court shall order the forfeiture and destruction of such property or order it delivered to the Commissioner of Consumer Protection pursuant to section 54-36g.</p> <p>(h) Any order made under the provisions of subsections (b), (c), (d), (e), (f) and (g) of this section or section 54-33f or 54-33g, shall upon notification from the clerk, be complied with by the person or department having custody or possession of such property.</p> <p>(i) A return of compliance with the court order, on a form prescribed by the Office of the Chief Court Administrator, shall be filed with the clerk of the court by the person or department to whom notice is sent in accordance with the provisions of subsection (h) of this section. If the court ordered the seized property returned to the owner within six months upon proper claim therefor, the return of the compliance shall be filed within seventy-two hours of the return of the property to the owner. If the owner does not claim the property within six months, then the return of compliance shall be filed within seventy-two hours of compliance with the</p>

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	<p>order of the court pursuant to subsection (d) of this section. Failure to comply with the court order within ninety days following expiration of the period within which the owner of the property may claim the property shall constitute criminal contempt. If the court renders an order concerning the disposition of the property other than an order to return the property to the owner, the return of compliance shall be filed with the clerk within seventy-two hours of compliance with the court order. Failure to comply with the court order within ninety days of receipt of such order shall constitute criminal contempt. Failure to file a return of compliance as set forth in this subsection shall constitute criminal contempt. Anyone convicted of criminal contempt may be punished by a fine of not more than one hundred dollars. Each failure to comply with a court order and each failure to file a return of compliance within the required period shall constitute a separate criminal contempt.</p>
<p>Delaware</p>	<p><i>Del. Code Ann. tit. 11, § 9408 (Prompt return of property).</i> The agency holding the property shall promptly return the property to the victim when it is no longer needed for evidentiary purposes unless it is contraband or subject to forfeiture.</p>
<p>District of Columbia</p>	<p><i>D.C. Code § 5-119.06 (Property clerk – Return of property – General requirements; multiple claimants; immunity; property needed as evidence; notice to owner; disposition upon failure to claim).</i> (a) Upon satisfactory evidence of the ownership of property or money described in § 5-119.05 he shall deliver the same to the owner, his next of kin, or legal representative and to him or them only. If, in any case, it is proven impracticable for such owner, next of kin, or legal representative to appear, the Property Clerk may deliver such property or money to any person having a duly executed power of attorney from such owner, or his next of kin, or legal representative, upon the filing of such power of attorney in the office of said Clerk and the signing of a receipt for such property or money. (a-1) Seizure or impoundment of property by the Metropolitan Police Department from an individual is prima facie evidence of that person’s ownership of the property. The prima facie evidence shall constitute a presumption of ownership by possession and in the absence of other evidence or claims of title, shall be satisfactory evidence of ownership. (b) In the event 2 or more persons claim ownership of any such property or money, the Property Clerk may give notice by registered mail to all such claimants of whom he shall have knowledge of the time and place of a</p>

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	<p>hearing to determine the person to whom the property or money shall be delivered. At the time and place so designated the Property Clerk shall hear and receive evidence of ownership of the property or money concerned, and shall determine the identity of the owner. After such hearing, the Property Clerk shall deliver the property or money to the person whom the Property Clerk determines is the owner, his next of kin, or legal representative, and to him or them only. If, in any case, it is proven impracticable for such owner, next of kin, or legal representative to appear, the Property Clerk may deliver such property or money to any person having a duly executed power of attorney from such owner, his next of kin, or legal representative, upon the filing of such power of attorney in the office of said Clerk and the signing of a receipt for such property or money.</p> <p>(c) The Property Clerk shall not be liable in damages for any official action performed hereunder in good faith.</p> <p>(d) Except as provided in §§ 5-119.14, 5-119.15, and 5-119.16 hereof, no property or money in the possession of the Property Clerk alleged to have been feloniously obtained or to be the proceeds of crime shall be delivered under this section if it is required to be held under the provisions of § 5-119.08 hereof; nor shall it be delivered within 1 year after the date of receipt of said property or money by the Property Clerk unless the United States Attorney in and for the District of Columbia shall certify that such property or money is not needed as evidence in the prosecution of a crime.</p> <p>(e) Whenever the owner of property in the custody of the Property Clerk has been notified by the Property Clerk, by registered or certified mail, to take possession of such property within 30 days after the date of mailing of such notification, and such owner fails so to do within such period, such property shall be thereafter treated as other unclaimed, abandoned, or lost property and shall be disposed of as provided in § 5-119.10; provided, that if, in the opinion of the Property Clerk, such property has no salable value, and if within 30 days after the date of mailing such notification such property is not reclaimed by its owner and removed by him from the custody of the Property Clerk, such property shall be disposed of by destruction or otherwise, as the Council of the District of Columbia by regulation or order shall provide.</p> <p><i>D.C. Code § 5-119.14 (Property delivered to owner preceding trial – Generally).</i> When animals or articles of property (except perishable property) other than money, returned to the Property Clerk as the proceeds of crime, are shown by sufficient evidence to be necessary for the current use of the owner and not for sale, the Mayor of the District of Columbia has power, in his discretion, to authorize the Property Clerk to place the same in the custody of the owner, upon sufficient bonds being given by the owner in the sum of twice the value of the property, conditioned for the production of the same at any time within 1 year, when required for use in court as evidence in any proceedings thereon.</p>

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	<p><i>D.C. Code § 5-119.15 (Property delivered to owner preceding trial – Perishable property).</i> Perishable property, returned to the Property Clerk as the proceeds of crime, may be delivered to the owner on ample security being taken by the court for his appearance to prosecute the case.</p> <p><i>D.C. Code § 5-119.16 (Property delivered to the owner preceding trial – Large quantities of goods held for sale).</i> When large quantities of goods held for sale by the owner, come into the possession of the Property Clerk as the proceeds of crime, the same may be delivered to the owner, his heirs or representatives, as provided in § 5-119.06, upon ample security to prosecute the case. But in such cases goods to the estimated value of \$50 shall be retained by the Property Clerk until the discharge or conviction of the accused.</p> <p><i>D.C. Code § 23-1903 (Crime victim privacy and security).</i> ... (c) A responsible official shall arrange for any crime victim’s property being held for evidentiary purposes to be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.</p>
Florida	<p><i>Fla. Const. art. I, § 16 (Rights of accused and of victims).*</i> ... (b) To preserve and protect the right of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents, every victim is entitled to the following rights, beginning at the time of his or her victimization: ... (8) The right to the prompt return of the victim’s property when no longer needed as evidence in the case.]* *Constitutional text effective pending approval of proposed constitutional amendment in the November 6, 2018 general election.</p>

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	<p><i>Fla. Stat. Ann. § 960.001 (Guidelines for the fair treatment of victims and witnesses in the criminal justice and juvenile justice systems).</i></p> <p>...</p> <p>(h) <i>Return of property to victim.</i>--Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or juvenile court exercising jurisdiction over the criminal or juvenile proceeding may enter appropriate orders to implement the provisions of this subsection, including allowing photographs of the victim's property to be used as evidence at the criminal trial or the juvenile proceeding in place of the victim's property when no substantial evidentiary issue related thereto is in dispute.</p>
<p>Georgia</p>	<p><i>Ga. Code Ann. § 17-5-50 (Return of articles).</i></p> <p>(a) The clerk or person having charge of the property section for any police department, sheriff's office, or other law enforcement agency in this state shall enter in a suitable book a description of every article of property alleged to be stolen, embezzled, or otherwise unlawfully obtained and brought into the office or taken from the person of a prisoner and shall attach a number to each article and make a corresponding entry thereof.</p> <p>(b)(1) Any person claiming ownership of such allegedly stolen, embezzled, or otherwise unlawfully obtained property may make application to the law enforcement agency for the return of such property. Upon such an application being filed, the clerk or person in charge of the property section shall serve upon the person from whom custody of the property was taken a copy of such application. Such person from whom custody of the property was taken shall have a reasonable opportunity to claim ownership of such property and to request a hearing on forms provided by the person in charge of the property section.</p> <p>(2) If the person from whom custody of the property was taken fails to assert a claim to such property, upon any applicant furnishing satisfactory proof of ownership of such property and presentation of proper personal identification, the person in charge of the property section may deliver such property to the applicant. The person to whom property is delivered shall sign, under penalty of false swearing, a declaration of ownership, which shall be retained by the person in charge of the property section. Such declaration, absent any other proof of ownership, shall be deemed satisfactory proof of ownership for the purposes of this Code section; provided, however, that, in the case of motor vehicles, trailers, tractors, or motorcycles which are required to be</p>

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	<p>registered with the state revenue commissioner, any such stolen vehicle shall be returned to the person evidencing ownership of such vehicle through a certificate of title, tag receipt, bill of sale, or other such evidence. The stolen vehicle shall be returned to the person evidencing ownership within two days after such person makes application for the return of such vehicle unless a hearing on the ownership of such vehicle is required under this Code section or unless law enforcement needs the stolen vehicle for further criminal investigation purposes. Prior to such delivery, such person in charge of the property section shall make and retain a complete photographic record of such property. Such delivery shall be without prejudice to the state or to the person from whom custody of the property was taken or to any other person who may have a claim against the property.</p> <p>(3) If the person from whom custody of the property was taken asserts a claim to such property and requests a hearing, the court which examines the charge against the person accused of stealing, embezzling, or otherwise unlawfully obtaining the property, or the court before whom the trial is had for stealing, embezzling, or otherwise unlawfully obtaining the property shall conduct the hearing to determine the ownership of such property.</p> <p>(4) The provisions of this subsection shall not apply to any contraband or property subject to forfeiture under any provision of law.</p> <p>(c) Photographs, video tapes, or other identification or analysis of the property involved, duly identified in writing by the law enforcement officer originally taking custody of the property as accurately representing such property, shall be admissible at trial in lieu of the original property.</p> <p>(d) In the case of unknown or unapprehended defendants or defendants willfully absent from the jurisdiction, the court shall have discretion to appoint a guardian ad litem to represent the interest of the unknown or absent defendants.</p> <p>(e) Statements made by the defendant or a person representing the defendant at a hearing provided for in subsection (b) of this Code section shall not be admissible for use against the defendant at trial.</p> <p><i>Ga. Code Ann. § 17-5-54 (Disposition of personal property in custody of law enforcement agencies).</i></p> <p>(a) As used in this Code section, the term:</p> <p>(1) “Civil forfeiture proceeding” shall have the same meaning as set forth in Code Section 9-16-2.</p> <p>(2) “Firearm” means any handgun, rifle, shotgun, or similar device or weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.</p>

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	<p>(3) “Law enforcement agency” means a law enforcement agency of this state or a political subdivision of this state, including the Department of Natural Resources.</p> <p>(4) “Rightful owner” means a person claiming ownership of property which is the subject of a crime or has been abandoned.</p> <p>(b) This Code section shall not apply to:</p> <p>(1) Personal property which is the subject of any civil forfeiture proceeding;</p> <p>(2) Any property which is the subject of a disposition pursuant to Code Sections 17-5-50 through 17-5-53; and</p> <p>(3) Any abandoned motor vehicle for which the provisions of Chapter 11 of Title 40 are applicable.</p> <p>(c)(1) Except as provided in Chapter 16 of Title 9, Code Sections 17-5-55 and 17-5-56, and subsection (b) of this Code section, when a law enforcement agency assumes custody of any personal property which is the subject of a crime or has been abandoned, a disposition of such property shall be made in accordance with the provisions of this Code section.</p> <p>(2) When a final verdict and judgment is entered finding a defendant guilty of the commission of a crime, any personal property used as evidence in the trial shall be returned to the rightful owner of the property within 30 days following the final judgment; provided, however, that if the judgment is appealed or if the defendant files a motion for a new trial and if photographs, videotapes, or other identification or analysis of the personal property will not be sufficient evidence for the appeal of the case or new trial of the case, such personal property shall be returned to the rightful owner within 30 days of the conclusion of the appeal or new trial, whichever occurs last.</p> <p>(3) Any person claiming to be a rightful owner of property shall make an application to the entity holding his or her property and shall furnish satisfactory proof of ownership of such property and present personal identification. The person in charge of such property may return such property to the applicant. The person to whom property is delivered shall sign, under penalty of false swearing, a declaration of ownership, which shall be retained by the person in charge of the property. Such declaration, absent any other proof of ownership, shall be deemed satisfactory proof of ownership for the purposes of this Code section; provided, however, that with respect to motor vehicles, paragraph (3) of subsection (b) and subsection (f) of this Code section shall govern the return of motor vehicles.</p> <p>(4) If more than one person claims ownership of property, a court with jurisdiction over the property shall conduct a hearing to determine the ownership of such property.</p> <p>(d) After a period of 90 days following the final verdict and judgment, when personal property that is in the custody of a law enforcement agency was used as evidence in a criminal trial or was abandoned, it shall be</p>

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	<p>subject to disposition as provided in subsection (e) of this Code section if the property is not a firearm and as provided in subsection (g) of this Code section if the property is a firearm if it is:</p> <p>(1) No longer needed in a criminal investigation or for evidentiary purposes in accordance with Code Section 17-5-55 or 17-5-56;</p> <p>(2) Not claimed pursuant to Code Section 17-5-50; and</p> <p>(3) Not claimed pursuant to subsection (c) of this Code section.</p> <p>(e) For any unclaimed personal property that is not a firearm, the sheriff, chief of police, or other executive officer of a law enforcement agency shall make application to the superior court for an order to retain, sell, or discard such property. In the application the officer shall state each item of personal property to be retained, sold, or discarded. Upon the superior court's granting an order for the law enforcement agency to retain such property, the law enforcement agency shall retain such property for official use. Upon the superior court's granting an order which authorizes that the property be discarded, the law enforcement agency shall dispose of the property as other salvage or nonserviceable equipment. Upon the superior court's granting an order for the sale of personal property, the officer shall provide for a notice to be placed once a week for four weeks in the legal organ of the county specifically describing each item and advising possible owners of items of the method of contacting the law enforcement agency; provided, however, that miscellaneous items having an estimated fair market value of \$75.00 or less may be advertised or sold, or both, in lots. Such notice shall also stipulate a date, time, and place said items will be placed for public sale if not claimed. Such notice shall also stipulate whether said items or groups of items are to be sold in blocks, by lot numbers, by entire list of items, or separately. Such unclaimed personal property shall be sold at a sale which shall be conducted not less than seven nor more than 15 days after the final advertised notice has been run. The sale shall be to the highest bidder. If such personal property has not been bid on in two successive sales, the law enforcement agency may retain the property for official use or the property will be considered as salvage and disposed of as other county or municipal salvage or nonserviceable equipment. With respect to unclaimed perishable personal property or animals or other wildlife, an officer may make application to the superior court for an order authorizing the disposition of such property prior to the expiration of 90 days.</p> <p>(f) With respect to a motor vehicle which is the subject of a crime or has been abandoned but which is not the subject of any civil forfeiture proceeding, the law enforcement agency shall be required to contact the Georgia Crime Information Center to determine if such motor vehicle has been stolen and to follow generally the procedures of Code Section 40-11-2 to ascertain the registered owner of such vehicle.</p>

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	<p>(g)(1) With respect to unclaimed firearms, if the sheriff, chief of police, agency director, or designee of such official certifies that a firearm is unsafe because of wear, damage, age, or modification or because any federal or state law prohibits the sale or distribution of such firearm, at the discretion of such official, it shall be transferred to the Division of Forensic Sciences of the Georgia Bureau of Investigation, a municipal or county law enforcement forensic laboratory for training or experimental purposes, or be destroyed.</p> <p>(2) Otherwise, an unclaimed firearm:</p> <p>(A) Possessed by a municipal corporation shall be disposed of as provided for in Code Section 36-37-6; provided, however, that municipal corporations shall not have the right to reject any bids or to cancel any proposed sale of such firearms, and all sales shall be to persons who are licensed as firearms collectors, dealers, importers, or manufacturers under the provisions of 18 U.S.C. Section 921, et seq., and who are authorized to receive such firearms under the terms of such license; or</p> <p>(B) Possessed by the state or a political subdivision other than a municipal corporation, shall be disposed of by sale at public auction to persons who are licensed as firearms collectors, dealers, importers, or manufacturers under the provisions of 18 U.S.C. Section 921, et seq., and who are authorized to receive such firearms under the terms of such license. Auctions required by this subparagraph may occur online on a rolling basis or at live events, but in no event shall such auctions occur less frequently than once every 12 months during any time in which the political subdivision or state custodial agency has an inventory of five or more saleable firearms.</p> <p>(3) If no bids from eligible recipients are received within six months from when bidding opened on a firearm offered for sale pursuant to paragraph (2) of this subsection, the firearm shall be transferred to the Division of Forensic Sciences of the Georgia Bureau of Investigation, a municipal or county law enforcement forensic laboratory for training or experimental purposes, or be destroyed.</p> <p>(h) Records shall be maintained showing the manner in which each personal property item came into possession of the law enforcement agency, a description of the property, all efforts to locate the owner, any case or docket number, the date of publication of any newspaper notices, and the date on which the property was retained by the law enforcement agency, sold, or discarded. All agencies subject to the provisions of this Code section shall keep records of the firearms acquired and disposed of as provided by this Code section as well as records of the proceeds of the sales thereof and the disbursement of such proceeds in accordance with records retention schedules adopted in accordance with Article 5 of Chapter 18 of Title 50, the “Georgia Records Act.”</p> <p>(i) The proceeds from the sale of personal property by the sheriff or other county law enforcement agency pursuant to this Code section shall be paid into the general fund of the county treasury. The proceeds from the</p>

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	<p>sale of personal property by a municipal law enforcement agency pursuant to this Code section shall be paid into the general fund of the municipal treasury. The proceeds from the sale of personal property by a state agency pursuant to this Code section shall be paid into the general fund of the state.</p> <p>(j) Neither the state nor any political subdivision of the state nor any of its officers, agents, or employees shall be liable to any person, including the purchaser of a firearm, for personal injuries or damage to property arising from the sale of a firearm under subsection (g) of this Code section unless the state or political subdivision acted with gross negligence or willful or wanton misconduct.</p> <p><i>Ga. Code Ann. § 17-17-8 (Information to be provided to victim by prosecuting attorney; restitution information).</i></p> <p>(a) Upon initial contact with a victim, a prosecuting attorney shall give prompt notification to the victim of the following:</p> <ol style="list-style-type: none"> (1) The procedural steps in processing a criminal case including the right to restitution; (2) The rights and procedures of victims under this chapter; (3) Suggested procedures if the victim is subjected to threats or intimidation; (4) The names and telephone numbers of contact persons at both the office of the custodial authority and in the prosecuting attorney’s office; and (5) The names and telephone numbers of contact persons at the office of the investigating agency where the victim may make application for the return of any of the victim’s property that was taken during the course of the investigation, as provided by Code Section 17-5-50. <p>....</p>
Hawaii	<p><i>Haw. Rev. Stat. Ann. § 801D-4 (Basic bill of rights for victims and witnesses).</i></p> <p>(a) Upon written request, victims and surviving immediate family members of crime shall have the following rights:</p> <p>...</p> <p>(6) To have any stolen or other personal property expeditiously returned by law enforcement agencies when the property is no longer needed as evidence. If feasible, all the property, except weapons, currency, contraband,</p>

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	<p>property subject to evidentiary analysis, and property, the ownership of which is disputed, shall be returned to the person within ten days of being taken; </p> <p><i>Haw. Rev. Stat. Ann. § 708-802 (Property recovered in offenses against property rights).</i> Identification of an item of property recovered for violation of chapter 708, may be made by photographing the item and authentication of the content of the photograph. Such photograph shall be deemed competent evidence of the item photographed and admissible in any proceeding, hearing, or trial for violation of the chapter.</p> <p>Provided, however, that nothing in this section shall be construed to limit or to restrict the application of rule 901 of the Hawaii rules of evidence.</p>
<p>Idaho</p>	<p><i>Idaho Code Ann. § 19-5306 (Rights of victim during investigation, prosecution, and disposition of the crime).</i> (1) Each victim of a criminal or juvenile offense shall be: (i) Assured the expeditious return of any stolen or other personal property by law enforcement agencies when no longer needed as evidence; </p> <p><i>Idaho R. Crim. P. 41.1 (Reclaiming Exhibits, Documents or Property).</i> (a) Items to be Reclaimed. At any time after a criminal action begins, any interested party or person may apply to the trial court for an order permitting the party or person to reclaim: (1) exhibits offered or admitted in evidence; (2) documents or property displayed or considered in connection with the action; or (3) any property in the possession of any department, agency or official who is holding the property in connection with the trial of the criminal action. (b) Conditions and Circumstances. The trial court may grant the motion on any conditions and under any circumstances it deems appropriate, including but not limited to:</p>

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	<p>(1) the substitution of a copy, photograph, drawing, facsimile, or other reproduction of the original exhibit, document or property; or</p> <p>(2) the posting of a bond that the exhibit, document or property will be returned to the court if the court later orders its return in connection with the criminal action.</p>
<p>Illinois</p>	<p><i>725 Ill. Comp. Stat. 120/4.5 (Procedures to implement the rights of crime victims).</i> Procedures to implement the rights of crime victims. To afford crime victims their rights, law enforcement, prosecutors, judges and corrections will provide information, as appropriate of the following procedures: ... (b) The office of the State’s Attorney: ... (4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963; </p> <p><i>725 Ill. Comp. Stat. 5/115-9 (Prosecutions for theft, retail theft, deceptive practice, etc.; evidence).</i> (a) In a prosecution for theft, retail theft, deceptive practice, robbery, armed robbery, burglary or residential burglary, the court shall receive as competent evidence, a photograph of property over which the accused is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, if the photograph: (1) will serve the purpose of demonstrating the nature of the property; and (2) is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs into evidence. The fact that it is impractical to introduce into evidence the actual property for any reason, including its size, weight, or unavailability, need not be established for the court to find a photograph of that property to be competent evidence. If a photograph is found to be competent evidence under this subsection, it is admissible into evidence in place of the property and to the same extent as the property itself. (b) A law enforcement agency that is holding as evidence property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, shall return that property to its owner if:</p>

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	<p>(1) the property has been photographed in a manner that will serve the purpose of demonstrating the nature of the property, and if these photographs are filed with or retained by the law enforcement agency in place of the property;</p> <p>(2) receipt for the property is obtained from the owner upon delivery by the law enforcement agency;</p> <p>(3) the prosecuting attorney who is prosecuting a case that involves the property furnishes the law enforcement agency with a written request for return of the property to its owner; and</p> <p>(4) the property may be lawfully possessed by the owner.</p> <p>(c) Notwithstanding the provisions of subsection (b) of this Section a court may, if a motion so requesting is filed by defendant before expiration of the time period specified in subsection (d) of this Section, order the law enforcement agency to hold such property as evidence pending completion of trial.</p> <p>(d) The time period during which the defendant may file a motion with the court for retention of the property as evidence shall be as follows:</p> <p>(1) if the property was being displayed, held, stored or offered for sale to the public by a person or entity holding a Retailers Occupation Tax Number issued by the State of Illinois, the time period shall expire 14 days after the arrest of the defendant;</p> <p>(2) for all other property, the time period shall expire 30 days after the filing of an information or indictment, or in the case of misdemeanor charges within 30 days after the filing of a complaint.</p>
<p>Indiana</p>	<p><i>Ind. Code Ann. § 35-33-5-5 (Disposition of property held as evidence; records).</i></p> <p>(a) All items of property seized by any law enforcement agency as a result of an arrest, search warrant, or warrantless search, shall be securely held by the law enforcement agency under the order of the court trying the cause, except as provided in this section.</p> <p>(b) Evidence that consists of property obtained unlawfully from its owner may be returned by the law enforcement agency to the owner before trial, in accordance with IC 35-43-4-4(h).</p> <p>(c) Following the final disposition of the cause at trial level or any other final disposition the following shall be done:</p> <p>(1) Property which may be lawfully possessed shall be returned to its rightful owner, if known. If ownership is unknown, a reasonable attempt shall be made by the law enforcement agency holding the property to ascertain ownership of the property. After ninety (90) days from the time:</p>

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	<p>(A) the rightful owner has been notified to take possession of the property; or (B) a reasonable effort has been made to ascertain ownership of the property; the law enforcement agency holding the property shall, at a convenient time, dispose of this property at a public auction. The proceeds of this property shall be paid into the county general fund.</p> <p>(2) Except as provided in subsection (e), property, the possession of which is unlawful, shall be destroyed by the law enforcement agency holding it sixty (60) days after final disposition of the cause.</p> <p>(3) A firearm that has been seized from a person who is dangerous (as defined in IC 35-47-14-1) shall be retained, returned, or disposed of in accordance with IC 35-47-14.</p> <p>(d) If any property described in subsection (c) was admitted into evidence in the cause, the property shall be disposed of in accordance with an order of the court trying the cause.</p> <p>(e) A law enforcement agency may destroy or cause to be destroyed chemicals, controlled substances, or chemically contaminated equipment (including drug paraphernalia as described in IC 35-48-4-8.5) associated with the illegal manufacture of drugs or controlled substances without a court order if all the following conditions are met:</p> <p>(1) The law enforcement agency collects and preserves a sufficient quantity of the chemicals, controlled substances, or chemically contaminated equipment to demonstrate that the chemicals, controlled substances, or chemically contaminated equipment was associated with the illegal manufacture of drugs or controlled substances.</p> <p>(2) The law enforcement agency takes photographs of the illegal drug manufacturing site that accurately depict the presence and quantity of chemicals, controlled substances, and chemically contaminated equipment.</p> <p>(3) The law enforcement agency completes a chemical inventory report that describes the type and quantities of chemicals, controlled substances, and chemically contaminated equipment present at the illegal manufacturing site.</p> <p>The photographs and description of the property shall be admissible into evidence in place of the actual physical evidence.</p> <p>(f) For purposes of preserving the record of any conviction on appeal, a photograph demonstrating the nature of the property, and an adequate description of the property must be obtained before the disposition of the property. In the event of a retrial, the photograph and description of the property shall be admissible into evidence in place of the actual physical evidence. All other rules of law governing the admissibility of evidence shall apply to the photographs.</p>

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	<p>(g) The law enforcement agency disposing of property in any manner provided in subsection (b), (c), or (e) shall maintain certified records of any disposition under subsection (b), (c), or (e). Disposition by destruction of property shall be witnessed by two (2) persons who shall also attest to the destruction.</p> <p>(h) This section does not affect the procedure for the disposition of firearms seized by a law enforcement agency.</p> <p>(i) A law enforcement agency that disposes of property by auction under this section shall permanently stamp or otherwise permanently identify the property as property sold by the law enforcement agency.</p> <p>(j) Upon motion of the prosecuting attorney, the court shall order property seized under IC 34-24-1 transferred, subject to the perfected liens or other security interests of any person in the property, to the appropriate federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice.</p> <p><i>Ind. Code Ann. § 35-43-4-4 (Evidence).</i></p> <p>...</p> <p>(g) A judge may find that a photograph of property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully is competent evidence, if the photograph:</p> <ol style="list-style-type: none"> (1) will serve the purpose of demonstrating the nature of the property; and (2) is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs into evidence. <p>The fact that it is impractical to introduce into evidence the actual property for any reason, including its size, weight, or unavailability, need not be established for a judge to find a photograph of that property to be competent evidence. If a photograph is found to be competent evidence under this subsection, it is admissible into evidence in place of the property and to the same extent as the property itself.</p> <p>(h) A law enforcement agency that is holding as evidence property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, may return that property to its owner if:</p> <ol style="list-style-type: none"> (1) the property has been photographed in a manner that will serve the purpose of demonstrating the nature of the property, and if these photographs are filed with or retained by the law enforcement agency in place of the property; (2) receipt for the property is obtained from the owner upon delivery by the law enforcement agency;

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	<p>(3) the prosecuting attorney who is prosecuting a case that involves the property has not requested the law enforcement agency to decline requests for return of the property to its owner; and</p> <p>(4) the property may be lawfully possessed by the owner.</p>
<p>Iowa</p>	<p><i>Iowa Code Ann. § 809.3 (Application for immediate return of seized property).</i></p> <ol style="list-style-type: none"> 1. Any person claiming a right to immediate possession of seized property may make application for its return in the office of the clerk of court for the county in which the property was seized. 2. The application for the return of seized property shall state the specific item or items sought, the nature of the claimant's interest in the property, and the grounds upon which the claimant seeks to have the property immediately returned. Mere ownership is insufficient as grounds for immediate return. The written application shall be specific and the claimant shall be limited at the judicial hearing to proof of the grounds set out in the application for immediate return. The fact that the property is inadmissible as evidence or that it may be suppressed is not grounds for its return. If no specific grounds are set out in the application for return, or the grounds set out are insufficient as a matter of law, the court may enter judgment on the pleadings without further hearing. 3. The application shall be signed by the claimant under penalty of perjury. 4. The claimant shall cause a copy of the application to be delivered to the county attorney. <p><i>Iowa Code Ann. § 809.5 (Disposition of seized property).</i></p> <ol style="list-style-type: none"> 1. Seized property shall be returned to the owner if the property is no longer required as evidence or the property has been photographed and the photograph will be used as evidence in lieu of the property, if the property is no longer required for use in an investigation, if the owner's possession is not prohibited by law, and if a forfeiture claim has not been filed on behalf of the state. <ol style="list-style-type: none"> a. If the aggregate fair market value of the property is greater than five hundred dollars, the seizing agency shall serve notice by personal service or by sending the notice by restricted certified mail, return receipt requested, to the last known address of any person having an ownership or possessory right in the property. Refusal of restricted certified mail, return receipt requested, shall be construed as receipt of the notice.

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	<p>b. If the aggregate fair market value of the property is equal to or less than five hundred dollars, the seizing agency shall serve notice by personal service or by sending the notice by regular mail to the last known address of any person having an ownership or possessory right in the property.</p> <p>c. A person having an ownership or possessory right in the property must file a written claim for the property with the seizing agency within thirty days from the date of receipt of the notice and must take possession of the property within thirty days of the expiration of the period of time for filing a written claim. If no written claim is filed within thirty days from the date of receipt of the notice or if a written claim is filed but the claimant does not take possession of the property within thirty days of the expiration of the period of time for filing the written claim, the property shall be deemed abandoned and shall be disposed of accordingly.</p> <p>d. The notice served or sent pursuant to this subsection shall inform the recipient of the filing and possession requirements of paragraph “c”.</p> <p>e. The seizing agency shall not release the property to any party until the expiration of the date for filing claims. In the event that there is more than one claim filed for the return of property under this section, at the expiration of the period for filing claims the seizing agency shall file a copy of all such claims with the clerk of court and the clerk shall proceed as if such claims were filed by the parties under section 809.3.</p> <p>f. In the event that the owner is unable to be located or the property is deemed abandoned the following shall apply:</p> <p>(1) If the aggregate fair market value of the property is greater than five hundred dollars, forfeiture proceedings shall be initiated pursuant to the provisions of chapter 809A. If the court does not order the property forfeited to the state in the forfeiture proceedings pursuant to chapter 809A, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner.</p> <p>(2) If the aggregate fair market value of the property is equal to or less than five hundred dollars, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner.</p> <p>(3) Notwithstanding subparagraphs (1) and (2), firearms or ammunition shall be deposited with the department of public safety. The firearms or ammunition may be held by the department of public safety and be used for law enforcement, testing, or comparisons by the criminalistics laboratory, or may be destroyed or disposed of by the department of public safety in accordance with section 809.21.</p> <p>2. Upon the filing of a claim and following hearing by the court, property which has been seized shall be returned to the person who demonstrates a right to possession, unless one or more of the following is true:</p> <p>a. The possession of the property by the claimant is prohibited by law.</p> <p>b. There is a forfeiture notice on file and not disposed of in favor of the claimant prior to or in the same hearing.</p>

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	<p>c. The state has demonstrated that the evidence is needed in a criminal investigation or prosecution.</p> <p>3. The court shall, subject to any unresolved forfeiture hearing, make orders appropriate to the final disposition of the property including, but not limited to, the destruction of contraband once it is no longer needed in an investigation or prosecution.</p>
<p>Kansas</p>	<p><i>Kan. Stat. Ann. § 22-2512 (Custody and disposition of property seized).</i></p> <p>(a) Property seized under a search warrant or validly seized without a warrant shall be safely kept by the officer seizing the same unless otherwise directed by the magistrate, and shall be so kept as long as necessary for the purpose of being produced as evidence on any trial. The property seized may not be taken from the officer having it in custody so long as it is or may be required as evidence in any trial. The officer seizing the property shall give a receipt to the person detained or arrested particularly describing each article of property being held and shall file a copy of such receipt with the magistrate before whom the person detained or arrested is taken. Where seized property is no longer required as evidence in the prosecution of any indictment or information, the court which has jurisdiction of such property may transfer the same to the jurisdiction of any other court, including courts of another state or federal courts, where it is shown to the satisfaction of the court that such property is required as evidence in any prosecution in such other court.</p> <p>(b)(1) Notwithstanding the provisions of subsection (a) and with the approval of the affected court, any law enforcement officer who seizes hazardous materials as evidence related to a criminal investigation may collect representative samples of such hazardous materials, and lawfully destroy or dispose of, or direct another person to lawfully destroy or dispose of the remaining quantity of such hazardous materials.</p> <p>(2) In any prosecution, representative samples of hazardous materials accompanied by photographs, videotapes, laboratory analysis reports or other means used to verify and document the identity and quantity of the material shall be deemed competent evidence of such hazardous materials and shall be admissible in any proceeding, hearing or trial as if such materials had been introduced as evidence.</p> <p>(3) As used in this section, the term “hazardous materials” means any substance which is capable of posing an unreasonable risk to health, safety and property. It shall include any substance which by its nature is explosive, flammable, corrosive, poisonous, radioactive, a biological hazard or a material which may cause spontaneous combustion. It shall include, but not be limited to, substances listed in the table of hazardous materials</p>

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	<p>contained in the code of federal regulations title 49 and national fire protection association’s fire protection guide on hazardous materials.</p> <p>(4) The provisions of this subsection shall not apply to ammunition and components thereof.</p> <p>(c) When property seized is no longer required as evidence, it shall be disposed of as follows:</p> <p>(1) Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;</p> <p>(2) money shall be restored to the owner unless it was contained in a slot machine or otherwise used in unlawful gambling or lotteries, in which case it shall be forfeited, and shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;</p> <p>(3) property which is unclaimed or the ownership of which is unknown shall be sold at public auction to be held by the sheriff and the proceeds, less the cost of sale and any storage charges incurred in preserving it, shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;</p> <p>(4) articles of contraband shall be destroyed, except that any such articles the disposition of which is otherwise provided by law shall be dealt with as so provided and any such articles the disposition of which is not otherwise provided by law and which may be capable of innocent use may in the discretion of the court be sold and the proceeds disposed of as provided in subsection (c)(3);</p> <p>(5) explosives, bombs and like devices, which have been used in the commission of crime, may be returned to the rightful owner, or in the discretion of the court having jurisdiction of the property, destroyed or forfeited to the Kansas bureau of investigation;</p> <p>(6)(A) except as provided in subsections (c)(6)(B) and (d), any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:</p> <p>(i) Forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency’s use;</p> <p>(ii) forfeited to the Kansas bureau of investigation for law enforcement, testing or comparison by the Kansas bureau of investigation forensic laboratory;</p> <p>(iii) forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison or other forensic science purposes; or</p> <p>(iv) forfeited to the Kansas department of wildlife, parks and tourism for use pursuant to the conditions set forth in K.S.A. 32-1047, and amendments thereto.</p>

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	<p>(B) Except as provided in subsection (d), any weapon which cannot be forfeited pursuant to subsection (c)(6)(A) due to the condition of the weapon, and any weapon which was used in the commission of a felony as described in K.S.A. 21-5401, 21-5402, 21-5403, 21-5404 or 21-5405, and amendments thereto, shall be destroyed.</p> <p>(7) controlled substances forfeited for violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, shall be dealt with as provided under K.S.A. 60-4101 through 60-4126, and amendments thereto;</p> <p>(8) unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.</p> <p>(d) If a weapon is seized from an individual and the individual is not convicted of or adjudicated as a juvenile offender for the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution of the case against the individual, including any period of appeal, the law enforcement agency that seized the weapon shall verify that the weapon is not stolen, and upon such verification shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.</p> <p>(e) If weapons are sold as authorized by subsection (c)(6)(A), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.</p> <p>(f) For purposes of this section, the term “weapon” means a weapon described in K.S.A. 21-6301, and amendments thereto.</p> <p><i>Kan. Stat. Ann. § 60-472 (Photographs of property wrongfully taken).</i> In any prosecution for a crime involving the wrongful taking of property, photographs of the property alleged to have been wrongfully taken may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such property had been introduced as evidence. Such photographs may be admitted into evidence if they meet the foundation requirements under the rules of evidence.</p>
Kentucky	<p><i>Ky. Rev. Stat. Ann. § 421.500 (“Victim” defined for KRS 421.500 to 421.575; applicability; required notifications; duties of public officers and agencies; restitution; construction of KRS 421.500 to 421.575 (effective upon contingency)).</i></p>

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	<p>1) (a) As used in KRS 421.500 to 421.575, “victim” means an individual directly and proximately harmed as a result of:</p> <ol style="list-style-type: none"> 1. The commission of a crime classified as a felony; a misdemeanor involving threatened or actual physical injury, harassment, or restraint; a misdemeanor involving a child or incompetent person; or a misdemeanor involving a sexual offense or a trespass; or 2. Conduct which, if committed by an adult, would be classified as a felony or a misdemeanor described in subparagraph 1. of this paragraph. <p>If the victim is a minor, incapacitated, or deceased, “victim” also means one (1) or more of the victim’s spouse, parents, siblings, children, or other lawful representatives which shall be designated by the court unless the person is the defendant or a person the court finds would not act in the best interests of the victim.</p> <p>(b) In a case in which the number of victims makes it impracticable to accord all victims those rights provided by KRS 421.500 to 421.575, the court may fashion a reasonable procedure that does not unduly complicate or prolong the proceeding, to give effect to this section.</p> <p>(c) If the victim is deceased and the relation is not the defendant, the following relations shall be designated as “victims” for the purpose of presenting victim impact testimony under KRS 532.055(2)(a)7.:</p> <ol style="list-style-type: none"> 1. A spouse; 2. An adult child; 3. A parent; 4. A sibling; and 5. A grandparent. <p>...</p> <p>(7) In prosecution for offenses listed in this section for the purpose of defining “victim,” law enforcement agencies and attorneys for the Commonwealth shall promptly return a victim’s property held for evidentiary purposes unless there is a compelling reason for retaining it. Photographs of such property shall be received by the court as competent evidence in accordance with the provisions of KRS 422.350.</p> <p>....</p> <p><i>Ky. Rev. Stat. Ann. § 422.350 (Admissibility of photographic evidence in prosecution of offense defined in KRS Chapter 514 or 515; return of photographed property to the owner by law enforcement agency; exception).</i></p>

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	<p>(1) In a prosecution for any offense defined in KRS Chapter 514 or 515 the court shall receive, as competent evidence, a photograph of property over which the accused is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, if the photograph:</p> <ul style="list-style-type: none"> (a) Will serve the purpose of demonstrating the nature and identity of the property; and (b) Is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs into evidence. <p>The fact that it is impractical to introduce into evidence the actual property for any reason including its size, weight, or unavailability, need not be established for the court to find a photograph of that property to be competent evidence. If a photograph is found to be competent evidence under this section, it is admissible into evidence in place of the property and to the same extent as the property itself.</p> <p>(2) A law enforcement agency that is holding as evidence property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully shall return that property to its owner if:</p> <ul style="list-style-type: none"> (a) The property has been photographed in a manner that will serve the purpose of demonstrating the nature and identity of the property, and if these photographs are filed with or retained by the law enforcement agency in place of the property; (b) Receipt for the property is obtained from the owner upon delivery by the law enforcement agency; (c) The prosecuting attorney who is prosecuting a case that involves the property has not requested the law enforcement agency to decline requests for return of the property to its owner; and (d) The property may be lawfully possessed by the owner. <p>(3) Notwithstanding the provisions of subsection (2) of this section, a court may, if a motion so requesting is filed by a defendant within twenty (20) days of arrest, order the law enforcement agency to hold such property as evidence pending completion of the trial. However, the court may, for good cause, extend the time allowed for the defendant to file a motion to have the property held.</p>
<p>Louisiana</p>	<p><i>La. Stat. Ann. § 15:41 (Disposition of property seized in connection with criminal proceedings).</i></p> <p>A. If there is a specific statute concerning the disposition of the seized property, the property shall be disposed of in accordance with the provisions thereof.</p> <p>B. If there is no such specific statute, the following governs the disposition of property seized in connection with a criminal proceeding, which is not to be used as evidence or is no longer needed as evidence:</p>

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	<p>(1) The seized property shall be returned to the owner, unless a statute declares the property to be contraband, in which event the court shall order the property destroyed if the court determines that its destruction is in the public interest; otherwise, Paragraph (2) of this Section shall apply.</p> <p>(2) If the seized property is contraband, and the court determines that it should not be destroyed, or if the owner of noncontraband property does not claim it within six months after its seizure, the court shall order:</p> <p>(a) A sale of the property at a nonjudicial public sale or auction, if the court concludes that such a sale will probably result in a bid greater than the costs of the sale. The proceeds of the sale shall be administered by the court and used exclusively for the maintenance, renovation, preservation, or improvement of the court building, facilities, or records system.</p> <p>(b) If the court concludes that the cost of a public sale would probably exceed the highest bid, the court may order the property transferred to a public or a nonprofit institution or destroyed or may make such other court ordered disposition as it deems appropriate.</p> <p>C. Where the release of seized property is sought by a person claiming to be the owner, it shall be released only upon motion contradictorily with the clerk of court. In all other cases the court may either render an ex parte order for the disposition of the property as herein provided on motion of any interested person, or on its own motion, or the court may require a motion contradictorily with the apparent owner or the person in possession of the property at the time of the seizure.</p> <p>D. Notwithstanding any provision of law to the contrary, an official criminalistics laboratory may destroy any controlled dangerous substance, controlled dangerous substance paraphernalia, or both, in its possession without an order of court after a period of five years from the date of seizure. Any criminalistics laboratory intending to destroy a controlled dangerous substance, controlled dangerous substance paraphernalia, or both, pursuant to this Subsection shall give the seizing agency and the district attorney thirty days notice prior to such destruction. In the case that the seizing agency or the district attorney object to such destruction, no destruction shall occur.</p> <p><i>La. Stat. Ann. § 46:1844 (Basic rights for victim and witness).</i></p> <p>...</p> <p>L. Return of property to victim or family of victim. All judicial and law enforcement agencies shall expeditiously return any stolen or other personal property to victims or victims' families when no longer needed as evidence, at no cost to victims or their families.. . .</p>

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<p>Maine</p>	<p><i>Me. Rev. Stat. Ann. tit. 25, § 3502 (Custody and return of property believed to be abandoned, lost or stolen).</i> Such property believed to be abandoned, lost or stolen or otherwise illegally possessed, as is covered by this chapter, must be retained in custody by the chief of police or the principal official of the law enforcement agency, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession of the property and shall return the property after such person provides reasonable and satisfactory proof of that person’s ownership or right to possession and reimburses the agency and others authorized to incur expenses by the agency for all reasonable expenses of such custody. If the owner of such property or any other person entitled to possession of the property has not been identified after at least 30 days from the initial date of custody of such property by a law enforcement agency, the principal official of such agency shall cause to be published, at least once in a newspaper of general circulation in the county in which such official has authority or in a newspaper of general circulation in the county in which the property was taken into custody in the case of a state law enforcement agency, a notice of the law enforcement agency’s possession of such property and its inability to ascertain the owner of the property. Such notice must also contain a brief description of the property and a statement to the effect that, if the owner of such property or any other person entitled to possession of the property has not claimed such property within 5 months of the date of such published notice, such property will be surrendered to the person who found it, if any, sold to the highest bidder at public auction, donated to a nonprofit organization or charity or disposed of as waste.</p>
<p>Maryland</p>	<p><i>Md. Code Ann., Crim. Proc. § 11-1002 (Guidelines for treatment of crime victims, victim’s representatives, or witnesses).</i></p> <p>...</p> <p>(b) A victim of a crime, victim’s representative, or witness:</p> <p>...</p> <p>(9) should be told of the right to have stolen or other property promptly returned and, on written request, should have the property promptly returned by a law enforcement unit when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it;</p> <p>....</p> <p><i>Md. Code Ann., Pub. Safety § 2-311 (Personal property in possession of Department).</i></p>

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	<p>Scope of section</p> <p>(a)(1) This section does not apply to personal property purchased or otherwise acquired for use by the Department or to contraband.</p> <p>(2) This section does not apply to personal property retained by the Department for use as evidence in a criminal prosecution.</p> <p>(3) This section does not supersede the provisions for seizure and forfeiture contained in Titles 12 and 13 of the Criminal Procedure Article.</p> <p>Department hold of personal property</p> <p>(b)(1) Except as provided in paragraph (2) of this subsection, the Department shall hold personal property that comes into the possession of the Department until the Department determines that the property is no longer needed in connection with a prosecution.</p> <p>(2) Personal property that is used as evidence in a criminal prosecution shall be retained by the Department in the same manner as other evidence retained by the Department.</p> <p>Return of property</p> <p>(c) After the Department determines that personal property is no longer needed in connection with a prosecution, the Department shall deliver the property to the person who satisfactorily establishes the right to possession of the property and gives a proper receipt for the property.</p> <p>Sale of property</p> <p>(d)(1) At any time after personal property has been in the possession of the Department for 3 months and the Department determines that the property is no longer needed in connection with a prosecution, the Department shall:</p> <p>(i) give notice of the sale of the property by registered or certified mail to those persons entitled to its possession and to those lienholders whose names and addresses can be ascertained by the exercise of reasonable diligence; and</p> <p>(ii) publish a description of the property and the time, place, and terms of the sale of the property in a newspaper of general circulation in Baltimore City in each of two successive weeks.</p> <p>(2) After complying with the requirements of paragraph (1) of this subsection, the Department may sell the property at public auction.</p> <p>(3) The terms and manner of sale may be established by rule.</p> <p>Evidence of title</p>

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	<p>(e) The certificate of the Department that personal property has been sold under this section is sufficient evidence of title to the property for all purposes, including the right to obtain a certificate of title or registration from an appropriate unit of the State.</p> <p>Proceeds from sale</p> <p>(f)(1) The amount received from the sale of personal property in accordance with this section shall be distributed in the following order of priority:</p> <p>(i) first, to the Department in an amount equal to the expense of sale and all expenses incurred while the property was in the possession of the Department;</p> <p>(ii) second, to lienholders in order of their priority; and</p> <p>(iii) third, to the General Fund subject to paragraphs (2) and (3) of this subsection.</p> <p>(2) At any time within 3 years after the date of a sale under this section, a person who submits satisfactory proof of the right to possession of the property shall be paid, without interest, the amount distributed to the General Fund under paragraph (1)(iii) of this subsection.</p> <p>(3) A claim under paragraph (2) of this subsection is barred if more than 3 years has passed since the date of a sale under this section.</p> <p>Effect of section</p> <p>(g) This section does not create or recognize any cause, action, or defense or abridge any immunity now or in the future held by the Department, the Secretary, or an employee of the Department.</p>
Massachusetts	<p><i>Mass. Gen. Laws Ann. ch. 258B, § 3 (Rights afforded victims, witnesses or family members).</i></p> <p>To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results:</p> <p>...</p> <p>(r) for victims, to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the prosecutor or law enforcement agencies within ten days of its taking or recovery if it is not</p>

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	<p>needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;</p> <p>....</p>
<p>Michigan</p>	<p><i>Mich. Comp. Laws Ann. § 780.655 (Property seized under search warrant; tabulation; copy of warrant and tabulation; filing and suppression of tabulation; restoration to owner; safe keeping and disposal of property).</i></p> <p>Sec. 5. (1) When an officer in the execution of a search warrant finds any property or seizes any of the other things for which a search warrant is allowed by this act, the officer, in the presence of the person from whose possession or premises the property or thing was taken, if present, or in the presence of at least 1 other person, shall make a complete and accurate tabulation of the property and things that were seized. The officer taking property or other things under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and shall give to the person a copy of the tabulation upon completion, or shall leave a copy of the warrant and tabulation at the place from which the property or thing was taken. The officer is not required to give a copy of the affidavit to that person or to leave a copy of the affidavit at the place from which the property or thing was taken.</p> <p>(2) The officer shall file the tabulation promptly with the judge or district court magistrate. The tabulation may be suppressed by order of the judge or district court magistrate until the final disposition of the case unless otherwise ordered. The property and things that were seized shall be safely kept by the officer so long as necessary for the purpose of being produced or used as evidence in any trial.</p> <p>(3) As soon as practicable, stolen or embezzled property shall be restored to the owner of the property. Other things seized under the warrant shall be disposed of under direction of the judge or district court magistrate, except that money and other useful property shall be turned over to the state, county or municipality, the officers of which seized the property under the warrant. Money turned over to the state, county, or municipality shall be credited to the general fund of the state, county, or municipality.</p> <p><i>Mich. Comp. Laws Ann. § 780.754 (Return of victim's property; exceptions).</i></p> <p>Sec. 4. (1) The law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4).</p>

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	<p>(2) The agency shall not return property which is contraband.</p> <p>(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.</p> <p>(4) The agency shall retain as evidence any weapon used in the commission of the crime and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.</p>
<p>Minnesota</p>	<p><i>Minn. Stat. Ann. § 609.523 (Return of stolen property to owners).</i></p> <p>Subdivision 1. Photographic record. Photographs of property, as defined in section 609.52, subdivision 1, over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, are competent evidence if the photographs are admissible into evidence under all rules of law governing the admissibility of photographs into evidence. The photographic record, when satisfactorily identified, is as admissible in evidence as the property itself.</p> <p>Subd. 2. Record of property. The photographs may bear a written description of the property alleged to have been wrongfully taken, the name of the owner of the property taken, the name of the accused, the name of the arresting law enforcement officer, the date of the photograph, and the signature of the photographer.</p> <p>Subd. 3. Return of property. A law enforcement agency which is holding property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully may return that property to its owner if:</p> <ol style="list-style-type: none"> (1) the appropriately identified photographs are filed and retained by the law enforcement agency; (2) satisfactory proof of ownership of the property is shown by the owner; (3) a declaration of ownership is signed under penalty of perjury; and (4) a receipt for the property is obtained from the owner upon delivery by the law enforcement agency. <p>Subd. 4. Examination of property. If the recovered property has a value in excess of \$150, then the owner shall retain possession for at least 14 days to allow the defense attorney to examine the property.</p> <p><i>Minn. Stat. Ann. § 626.04 (Property; seizure, keeping, and disposal).</i></p> <p>(a) When any officer seizes, with or without warrant, any property or thing, it shall be safely kept by direction of the court as long as necessary for the purpose of being produced as evidence on any trial. If the owner of the</p>

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	<p>property makes a written request to the seizing officer’s agency for return of the property, and the property has not been returned within 48 hours of the request, excluding Saturday, Sunday, or legal holidays, the person whose property has been seized may file a petition for the return of the property in the district court in the district in which the property was seized. The court administrator shall provide a form for use as a petition under this section. A filing fee, equal to the civil motion filing fee, shall be required for filing the petition. The district court shall send a copy of the petition to the agency acting as custodian of the property with at least ten days’ notice of a hearing date. A hearing on the petition shall be held within 30 days of filing unless good cause is shown for an extension of time. The determination of the petition must be without jury trial and by a simple and informal procedure. At the hearing, the court may receive relevant evidence on any issue of fact necessary to the decision on the petition without regard to whether the evidence would be admissible under the Minnesota Rules of Evidence. The court shall allow if requested, or on its own motion may require, the custodian or the custodian’s designee to summarize the status and progress of an ongoing investigation that led to the seizure. Any such summary shall be done ex parte and only the custodian, the custodian’s designee, and their attorneys may be present with the court and court staff. The court shall seal the ex parte record. After a hearing, the court shall not order the return if it finds that:</p> <ul style="list-style-type: none"> (1) the property is being held in good faith as potential evidence in any matter, charged or uncharged; (2) the property may be subject to forfeiture proceedings; (3) the property is contraband or may contain contraband; or (4) the property is subject to other lawful retention. <p>(b) The court shall make findings on each of these issues as part of its order. If the property is ordered returned, the petitioner shall not be liable for any storage costs incurred from the date the petition was filed. If the petition is denied, the court may award reasonable costs and attorney fees. After the trial for which the property was being held as potential evidence, and the expiration date for all associated appeals, the property or thing shall, unless otherwise subject to lawful detention, be returned to its owner or any other person entitled to possess it. Any property or thing seized may be destroyed or otherwise disposed of under the direction of the court. Any money found in gambling devices when seized shall be paid into the county treasury. If the gambling devices are seized by a police officer of a municipality, the money shall be paid into the treasury of the municipality.</p> <p><i>Minn. Stat. Ann. § 629.361 (Peace officers responsible for custody of stolen property).</i></p>

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	<p>A peace officer arresting a person charged with committing or aiding in the committing of a robbery, aggravated robbery, or theft shall use reasonable diligence to secure the property alleged to have been stolen. After seizure of the property, the officer shall be answerable for it while it remains in the officer’s custody. The officer shall annex a schedule of the property to the return of the warrant. Upon request of the county attorney, the law enforcement agency that has custody of the property alleged to have been stolen shall deliver the property to the custody of the county attorney for use as evidence at an omnibus hearing or at trial. The county attorney shall make a receipt for the property and be responsible for the property while it is in the county attorney’s custody. When the offender is convicted, whoever has custody of the property shall turn it over to the owner.</p>
<p>Mississippi</p>	<p><i>Miss. Code. Ann. § 99-43-39 (Victim’s property).</i></p> <p>(1) Prior to the admission into evidence by the court, on request of the victim, after consultation and written approval by the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.</p> <p>(2) If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the prosecuting attorney, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.</p>
<p>Missouri</p>	<p><i>Mo. Ann. Stat. § 542.301 (Disposition of unclaimed seized property – forfeiture to the state, when – allegedly obscene matter, how treated – appeal authorized).</i></p> <p>1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows:</p>

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	<p>(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession:</p> <p>(a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;</p> <p>(b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;</p> <p>(c) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;</p> <p>(d) A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the seized property has ceased to be useful as evidence, the property shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543;</p>

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	<p>(e) If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.</p> <p>(2) Weapons, tools, devices, computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, and substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner’s consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, and property, the possession of which is an offense under the laws of this state or which has been used by the owner, or used with the owner’s acquiescence or consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be used as a means of storage of anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.</p> <p>...</p> <p>15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543.</p> <p>....</p> <p><i>Mo. Ann. Stat. § 595.209 (Rights of victims and witnesses – written notification, requirements).</i></p> <p>1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:</p> <p>...</p> <p>(13) When a victim’s property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon</p>

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	<p>request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;</p> <p>....</p>
<p>Montana</p>	<p><i>Mont. Code Ann. § 46-5-307 (Petition for destruction, disposal, or use of evidence).</i></p> <p>(1) For a case filed in district court, the prosecutor may file a petition with the court alleging that there exist certain items held as evidence either by the law enforcement agency or the court and that the items no longer have any evidentiary value. The petition must include:</p> <ul style="list-style-type: none"> (a) the name and title of the petitioner; (b) the items of evidence sought to be destroyed, disposed of, or used, including a specific description of each that may be attached to the petition by separate inventory; (c) when the items were seized; (d) whether the items constitute contraband, which for the purposes of 46-5-306 through 46-5-309 means any property that is unlawful to produce or possess; (e) whether the items relate to a filed case and, if so, the court and cause number of the case and its procedural status; (f) whether, in those instances in which the items are not contraband, an effort has been made to return the items to the apparent owner and the results of the effort; (g) an allegation to the effect that any criminal prosecutions involving the items of evidence have been completed and no appeals are pending or that no criminal charges have been filed or are presently contemplated; and (h) the petitioner’s intentions relative to disposition of the items. <p>(2) If the petition required under subsection (1) requests the destruction or use of contraband, it must describe how destruction is to be accomplished or how the contraband has training or law enforcement value and its contemplated use by a law enforcement agency.</p> <p>(3) The petitioner shall provide a victim of the offense with a copy of the petition required under subsection (1) at the victim’s last-known address and shall advise the court whether the victim wishes to be heard on the</p>

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	<p>petition. It is the duty of the victim to provide the law enforcement agency, court, or prosecuting attorney's office with the victim's current contact information.</p> <p>(4)(a) For a case filed in a court of limited jurisdiction, the owner of property seized in connection with a criminal charge shall contact the prosecuting attorney's office within 6 months of the conclusion of the case, including appeal, to claim the property.</p> <p>(b) An owner who fails to contact the prosecuting attorney's office within 6 months after the conclusion of the case surrenders the property to the seizing or holding agency and forfeits any right to the property.</p> <p>(c) If an owner claiming property demonstrates proof of ownership and the prosecuting attorney determines the property is no longer needed for the prosecution of the case, the property must be returned to the claiming owner.</p> <p><i>Mont. Code Ann. § 46-5-308 (Order).</i></p> <p>(1) The court may enter an order providing for the destruction or disposition of the evidence. If a victim of the offense wishes to be heard on the petition, the court shall schedule a hearing on the petition and shall allow the victim to be heard in open court. The court shall consider the victim's statements prior to issuing an order under this section. A proposed order must be presented by the petitioner to the court and may include:</p> <p>(a) authorization to destroy all contraband listed in the petition, the method of destruction, and the time within which the destruction must be accomplished;</p> <p>(b) if certain contraband is requested by the petitioner for training or law enforcement purposes, authorization to use the items and a description of each;</p> <p>(c) if the petition requests training or law enforcement use of noncontraband items, authorization to retain the items by the law enforcement agency and a description of the items;</p> <p>(d) if the evidence is money and the owner cannot be ascertained and no civil forfeiture action is pending, authorization to deposit the money to the appropriate city, county, or state drug forfeiture fund;</p> <p>(e) if the petition requests, authorization to sell noncontraband property at public sale or auction and to deposit the proceeds to the appropriate city, county, or state drug forfeiture fund; or</p> <p>(f) authorization to destroy all items not otherwise provided for.</p> <p>(2) The order must specify the time period in which destruction or sale must occur. Within 10 days following the destruction or sale, a return must be filed with the court, listing the property destroyed or sold and the date and method of disposition.</p>

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	<p><i>Mont. Code Ann. § 46-5-312 (Return of property seized – right to possess).</i></p> <p>(1) A person claiming the right to possession of property seized as evidence may apply to the judge for its return. The judge shall give written notice as the judge considers adequate to the prosecutor and all persons who have or may have an interest in the property and shall hold a hearing to determine the right to possession.</p> <p>(2) If the right to possession is established, the judge shall order the property, other than contraband, returned if:</p> <p>(a) the property is not needed as evidence;</p> <p>(b) the property is needed and satisfactory arrangements can be made for its return for subsequent use as evidence; or</p> <p>(c) all proceedings in which the property might be required have been completed.</p> <p><i>Mont. Code Ann. § 46-24-206 (Property return – right to be heard on disposition of evidence).</i></p> <p>(1) A law enforcement agency or prosecuting attorney shall promptly return any of the victim’s property held for evidentiary purposes, unless there is a compelling law enforcement reason for retaining the property.</p> <p>(2) Before the destruction, disposal, or use of evidence that is not the victim’s property, the court shall, as provided in 46-5-308, give the victim an opportunity to be heard as to the appropriate disposition of the evidence.</p>
Nebraska	<p><i>Neb. Rev. Stat. § 29-818 (Seized property; custody).</i></p> <p>Except for animals as provided in section 28-1012.01, property seized under a search warrant or validly seized without a warrant shall be safely kept by the officer seizing the same, unless otherwise directed by the judge or magistrate, and shall be so kept so long as necessary for the purpose of being produced as evidence in any trial. Property seized may not be taken from the officer having it in custody by replevin or other writ so long as it is or may be required as evidence in any trial, nor may it be so taken in any event where a complaint has been filed in connection with which the property was or may be used as evidence, and the court in which such complaint was filed shall have exclusive jurisdiction for disposition of the property or funds and to determine rights therein, including questions respecting the title, possession, control, and disposition thereof. This section shall not preempt, and shall not be construed to preempt, any ordinance of a city of the metropolitan or primary class.</p>

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	<p><i>Neb. Rev. Stat. § 29-820 (Seized property; disposition).</i></p> <p>(1) Unless other disposition is specifically provided by law, when property seized or held is no longer required as evidence, it shall be disposed of by the law enforcement agency on such showing as the law enforcement agency may deem adequate, as follows:</p> <p>(a) Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;</p> <p>(b) Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of Chapter 28, article 4, in which case the money shall be forfeited and disposed of as required by Article VII, section 7, of the Constitution of Nebraska;</p> <p>(c) Property which is unclaimed or the ownership of which is unknown shall be sold at a public auction held by the officer having custody thereof and the net proceeds disposed of as provided in subdivision (b) of this subsection, as shall any money which is unclaimed or the ownership of which is unknown;</p> <p>(d) Except as provided in subsection (2) of this section, articles of contraband shall be destroyed;</p> <p>(e) Firearms, ammunition, explosives, bombs, and like devices which have been used in the commission of crime shall be destroyed; and</p> <p>(f) Firearms which have come into the law enforcement agency's possession through a seizure or otherwise and (i) have not been used in the commission of crime, (ii) have not been defaced or altered in any manner that violates any state or federal law, (iii) may have a lawful use and be lawfully possessed, and (iv) are not subject to section 29-440 shall be restored to the owner.</p> <p>(2) When the following property is seized or held and is no longer required as evidence, such property shall be disposed of on order of the court as the court may deem adequate:</p> <p>Goods which are declared to be contraband but may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed, or distributed by the public.</p> <p>(3) When any animal as defined by section 28-1008 is seized or held and is no longer required as evidence, such animal may be disposed of in such manner as the court may direct. The court may consider adoption alternatives through humane societies or comparable institutions and the protection of such animal's welfare. For a humane society or comparable institution to be considered as an adoption alternative under this subsection, it must first be licensed by the Department of Agriculture as having passed the inspection requirements in the Commercial Dog and Cat Operator Inspection Act and paid the fee for inspection under the</p>

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	<p>act. The court may prohibit an adopting or purchasing party from selling such animal for a period not to exceed one year.</p> <p>(4) Unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.</p> <p><i>Neb. Rev. Stat. § 81-1848 (Victims and witnesses of crimes; rights; enumerated).</i></p> <p>...</p> <p>(2) Victims and witnesses of crimes shall have the following rights:</p> <p>...</p> <p>(g) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, shall be returned to the person within ten days after being taken;</p> <p>....</p>
Nevada	<p><i>Nev. Rev. Stat. Ann. § 52.385 (Property evidencing crime: Return to person entitled to possession; admissibility of photographs in lieu of property; disposal of property not returned).</i></p> <p>1. At any time after property of any person other than the one accused of the crime of which the property is evidence comes into the custody of a peace officer or law enforcement agency, the rightful owner of the property or a person entitled to possession of the property may request the prosecuting attorney to return the property to him or her. Upon receipt of such a request, the prosecuting attorney may, before the property is released, require the peace officer or law enforcement agency to take photographs of the property. Except as otherwise provided in subsection 3, the peace officer or law enforcement agency shall return the property to the person submitting the request within a reasonable time after the receipt of the request, but in no event later than 180 days after the receipt of the request.</p> <p>2. In the absence of such a request, the prosecuting attorney may authorize the peace officer or law enforcement agency that has custody of the property to return the property to its owner or a person who is entitled to possession of the property.</p>

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	<p>3. If the prosecuting attorney to whom a request for the release of property is made determines that the property is required for use as evidence in a criminal proceeding, the prosecuting attorney may deny the request for the release of the property.</p> <p>4. Photographs of property returned pursuant to the provisions of this section are admissible in evidence in lieu of the property in any criminal or civil proceeding if they are identified and authenticated in the proceeding by:</p> <p>(a) The rightful owner of the property or person entitled to possession of the property to whom the property was released;</p> <p>(b) The peace officer or representative of the law enforcement agency who released the property; or</p> <p>(c) A credible witness who has personal knowledge of the property, in accordance with the provisions of NRS 52.185 to 52.295, inclusive.</p> <p>5. Any property subject to the provisions of this section which is not returned under the provisions of this section must be disposed of as provided in NRS 179.125 to 179.165, inclusive.</p> <p><i>Nev. Rev. Stat. Ann. § 178.5696 (Separate waiting area; disposition of personal property; fees for testifying).</i></p> <p>1. A court trying a criminal case shall provide victims and witnesses a secure waiting area which is not used by the members of the jury or the defendant and the defendant’s family and friends.</p> <p>2. A court or law enforcement agency which has custody of any stolen or other personal property belonging to such a victim or witness shall:</p> <p>(a) Upon the written request of the victim or witness, make available to the victim or witness a list describing the property held in custody, unless it is shown that the disclosure of the identity or nature of the property would seriously impede the investigation of the crime; or</p> <p>(b) Return the property to the victim or witness expeditiously when it is no longer needed as evidence.</p> <p>3. The prosecuting attorney shall inform each such witness of the fee to which the witness is entitled for testifying and how to obtain the fee.</p> <p><i>Nev. Rev. Stat. Ann. § 179.135 (Order for delivery to owner; payment of expenses).</i></p> <p>On satisfactory proof of the title of the owner of the property, the magistrate to whom the information is laid, or who shall examine the charge against the person accused of stealing or embezzling the property, may order it to be delivered to the owner, on the owner’s paying the reasonable and necessary expenses incurred in its preservation, to be certified by the magistrate. The order shall entitle the owner to demand and receive the property.</p>

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	<p><i>Nev. Rev. Stat. Ann. § 179.145 (Magistrate to delivery property to owner when it comes into magistrate 's custody; proof of title and payment of expenses).</i> If the property stolen or embezzled come into the custody of the magistrate, it shall be delivered to the owner on satisfactory proof of title, and on the owner's paying the necessary expenses incurred in its preservation, to be certified by the magistrate.</p> <p><i>Nev. Rev. Stat. Ann. § 179.155 (Court may order return of property to owner).</i> If the property stolen or embezzled has not been delivered to the owner, the court before which a conviction is had for stealing or embezzling it may, on proof of title, order it to be restored to the owner.</p>
New Hampshire	<p><i>N.H. Rev. Stat. Ann. § 21-M:8-k (Rights of Crime Victims.).</i> . . . II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the following rights: . . . (n) The right to the prompt return of property when no longer needed as evidence. </p> <p><i>N.H. Rev. Stat. Ann. § 595-A:6 (Seizure, Custody and Disposition of Articles; Exceptions.).</i> If an officer in the execution of a search warrant, or by some other authorized method, finds property or articles he is empowered to take, he shall seize and safely keep them under the direction of the court or justice so long as necessary to permit them to be produced or used as evidence in any trial. Upon application by a prosecutor, defendant, or civil claimants, the court, prior to trial or upon an appeal after trial, shall, upon notice to a defendant and hearing, and except for good cause shown, order returned to the rightful owners any stolen, embezzled or fraudulently obtained property, or any other property of evidential value, not constituting contraband. This section shall apply regardless of how possession of the property was obtained by the state. Photographs or other identification or analysis made of the returned property shall be admissible at trial as</p>

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	<p>secondary evidence, in lieu of the originals, for all relevant purposes, including ownership. In the case of unknown, unapprehended defendants, or defendants wilfully absent from the jurisdiction, the court shall have discretion to appoint a guardian ad litem to represent the interest of such unknown or absent defendants. The judicial findings on such matters as ownership, identification, chain of possession or value made at such an evidentiary hearing for the restoration of property to the rightful owners shall thereafter be admissible at trial, to be considered with other evidence on the same issues, if any, as may be admitted before the finder of fact. All other property seized in execution of a search warrant or otherwise coming into the hands of the police shall be returned to the owner of the property, or shall be disposed of as the court or justice orders, which may include forfeiture and either sale or destruction as the public interest requires, in the discretion of the court or justice, and in accordance with due process of law. Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.</p>
<p>New Jersey</p>	<p><i>N.J. Stat. Ann. § 52:4B-36 (Rights of crime victims and witnesses).</i> The Legislature finds and declares that crime victims and witnesses are entitled to the following rights: ... <i>l.</i> To the prompt return of property when no longer needed as evidence; </p> <p><i>N.J. Stat. Ann. § 52:4B-44 (Standards to ensure rights of crime victims).</i> a. The Attorney General shall, through the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety and in consultation with the county prosecutors, promulgate standards for law enforcement agencies to ensure that the rights of crime victims are enforced. b. The standards shall require that the Office of Victim-Witness Advocacy in the Division of Criminal Justice and each county prosecutor’s office provide the following services upon request for victims and witnesses involved in the prosecution of a case: ... (18) Expediting the return of property when no longer needed as evidence; </p>

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New Mexico	<p><i>N.M. Const. art. II, § 24 (Rights of crime victims).</i></p> <p>A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim’s representative shall have the following rights as provided by law:</p> <p>...</p> <p>(11) the right to promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim’s property.</p> <p>....</p> <p><i>N.M. Stat. Ann. § 31-17-1 (Victim restitution).</i></p> <p>A. It is the policy of this state that restitution be made by each violator of the Criminal Code to the victims of his criminal activities to the extent that the defendant is reasonably able to do so. This section shall be interpreted and administered to effectuate this policy. As used in this section, unless the context otherwise requires:</p> <p>(1) “victim” means any person who has suffered actual damages as a result of the defendant’s criminal activities;</p> <p>(2) “actual damages” means all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish and loss of consortium. Without limitation, “actual damages” includes damages for wrongful death;</p> <p>(3) “criminal activities” includes any crime for which there is a plea of guilty or verdict of guilty, upon which a judgment may be rendered and any other crime committed after July 1, 1977 which is admitted or not contested by the defendant; and</p> <p>(4) “restitution” means full or partial payment of actual damages to a victim.</p> <p>...</p> <p>J. The rightful owner of any stolen property is the individual from whom the property was stolen. When recovering his property, the rightful owner of the stolen property shall not be civilly liable to any subsequent holder, possessor or retainer of the property for the purchase or sale price of the property or for any other costs or expenses associated with the property. Any subsequent holder, possessor or retainer of returned stolen</p>

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	<p>property shall return the property to the rightful owner. The subsequent holder, possessor or retainer shall have a cause of action against the person from whom he obtained the property for actual damages.</p> <p><i>N.M. Stat. Ann. § 31-26-4 (Victim’s rights).</i> A victim shall have the right to: ... K. promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim’s property; </p>
<p>New York</p>	<p><i>N.Y. Exec. Law § 647 (Criteria).</i> Fair treatment standards for crime victims in the courts shall provide that: ... 3. The court shall assist in and expedite the return of property held for evidentiary purposes unless there is a compelling reason for retaining it relating to proof at trial. </p> <p><i>N.Y. Crim. Proc. Law § 450.10 (Disposal of stolen property).</i> 1. When property, other than contraband including but not limited to those items subject to the provisions of sections 410.00, 415.00, 420.00 and 420.05 of this chapter, alleged to have been stolen is in the custody of a police officer, a peace officer or a district attorney and a request for its release is made prior to or during the criminal proceeding, it may not be released except as provided in subdivisions two, three and four of this section. When a request is made for the return of stolen property under this section, the police officer, peace officer or district attorney in possession of such property must provide written notice to the defendant or his counsel of such request as soon as practicable. Such notice shall advise the defendant or his counsel of the date on which the property will be released and the name and address of a person with whom arrangements can be made for the examination, testing, photographing, photocopying or other reproduction of said property.</p>

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	<p>2. Both the defendant’s counsel and the prosecutor thereafter shall make a diligent effort to examine, test and photograph, photocopy or otherwise reproduce the property. Either party may apply to the court for an extension of any period allowed for examination, testing, photographing, photocopying or otherwise reproducing the property. For good cause shown the court may order retention of the property for use as evidence by either party. Unless extended by a court order sought by either party on notice to the other, the property shall be released no later than the time periods for retention set forth in subdivisions three and four of this section to the person making such request after satisfactory proof of such person’s entitlement to the possession thereof. Unless a court, upon applicaton¹ of either party with notice to the other, orders otherwise, the release of property in accordance with the provisions of this section shall be unconditional.</p> <p>3. Except as provided in subdivision four of this section, when a request is made for the release of property described in subdivision one of this section, the property shall be retained until either the expiration of a fifteen day period from receipt by the defendant or his counsel of the notice of the request, or the examination² testing and photographing, photocopying or other reproduction of such property, by the parties, whichever event occurs first. The fifteen day period may be extended by up to five additional days by agreement between the parties.</p> <p>4. (a) Except as provided in paragraphs (b) and (c) of this subdivision and in subdivision eleven of this section, when a request is made for the release of property described in subdivision one of this section, and the property shall consist of perishables, fungible retail items, motor vehicles or any other property release of which is necessary for either the operation of a business or the health or welfare of any person, the property shall be retained until either the expiration of a forty-eight hour period from the receipt by the defendant’s counsel of the notice of the request, or the examination, testing and photocopying, photographing or other reproduction of such property, by the parties whichever event occurs first. The forty-eight hour period may be extended by up to twenty-four additional hours by agreement between the parties. For the purposes of this section, perishables shall mean any property likely to spoil or decay or diminish significantly in value within twenty days of the initial retention of the property.</p> <p>(b) If, upon oral or written application by the district attorney with notice to the defendant or his counsel, a court determines that immediate release of property described in paragraph (a) of this subdivision is required under the attendant circumstances, the court shall issue an order releasing the property and, if requested by either party, setting, as a part of such order, any condition appropriate in the furtherance of justice.</p> <p>(c) A motor vehicle alleged to have been stolen but not alleged to have been used in connection with any crime or criminal transaction other than the theft or unlawful use of said motor vehicle, which is in the custody of a</p>

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	<p>police officer, a peace officer or a district attorney, may be released expeditiously to its registered owner or the owner's representative without prior notice to the defendant. Before such release, evidentiary photographs shall be taken of such motor vehicle. Such photographs shall include the vehicle identification number, registration on windshield, license plates, each side of the vehicle, including vent windows, door locks and handles, the front and back of the vehicle, the interior of the vehicle, including ignition lock, seat to floor clearance, center console, radio receptacle and dashboard area, the motor, and any other interior or exterior surfaces showing any and all damage to the vehicle. Notice of such release, and the photographs taken of said vehicle, shall be furnished to the defendant within fifteen days after arraignment or after counsel initially appears on behalf of the defendant or respondent, whichever occurs later.</p> <p>5. If stolen property comes into the custody of a court, it must, unless temporary retention be deemed necessary in furtherance of justice, be delivered to the owner, on satisfactory proof of his title, and on his paying the necessary expenses incurred in its preservation, to be certified by the court.</p> <p>6. If stolen property has not been delivered to the owner, the court before which a trial is had for stealing it, may, on proof of his title, order it to be restored to the owner.</p> <p>7. If stolen property is not claimed by the owner, before the expiration of six months from the conviction of a person for stealing it, the court or other officer having it in custody must, on payment of the necessary expenses incurred in its preservation, deliver it to the county commissioner of social services, or in the city of New York, to the commissioner of social services, to be applied for the benefit of the poor of the county or city, as the case may be.</p> <p>8. Except in the city of New York, when money or other property is taken from a defendant, arrested upon a charge of an offense, the officer taking it must, at the time, give duplicate receipts therefor, specifying particularly the amount of property taken, one of which receipts he must deliver to the defendant, and the other of which he must forthwith file with the court in which the criminal action is pending.</p> <p>9. The commissioners of police of the city of New York may designate some person to take charge of all property alleged to be stolen, and which may be brought into the police office, and all property taken from the person of a prisoner, and may prescribe regulations in regard to the duties of the clerk or clerks so designated, and to require and take security for the faithful performance of the duties imposed by this subdivision, and it shall be the duty of every officer into whose possession such property may come, to deliver the same forthwith to the person so designated.</p> <p>10. Where there has been a failure to comply with the provisions of this section, and where the district attorney does not demonstrate to the satisfaction of the court that such failure has not caused the defendant prejudice, the</p>

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	<p>court shall instruct the jury that it may consider such failure in determining the weight to be given such evidence and may also impose any other sanction set forth in subdivision one of section 240.70 of the criminal procedure law; provided, however, that unless the defendant has convinced the court that such failure has caused him undue prejudice, the court shall not preclude the district attorney from introducing into evidence the property, photographs, photocopies, or other reproductions of the property or, where appropriate, testimony concerning its value and condition, where such evidence is otherwise properly authenticated and admissible under the rules of evidence. Failure to comply with any one or more of the provisions of this section shall not for that reason alone be grounds for dismissal of the accusatory instrument.</p> <p>11. When a request for the release of stolen property is made pursuant to paragraph (a) of subdivision four of this section and the defendant is not represented by counsel the notice required pursuant to subdivision one of this section shall be personally delivered to the defendant and release of said property shall not occur for a period less than five days: from (a) the delivery of such notice; or (b) in the case of delivery to such person in custody, from the first appearance before the court, whichever is later.</p>
North Carolina	<p><i>N.C. Gen. Stat. Ann. § 15-11.1 (Seizure, custody and disposition of articles; exceptions).</i></p> <p>(a) If a law-enforcement officer seizes property pursuant to lawful authority, he shall safely keep the property under the direction of the court or magistrate as long as necessary to assure that the property will be produced at and may be used as evidence in any trial. Upon application by the lawful owner or a person, firm or corporation entitled to possession or upon his own determination, the district attorney may release any property seized pursuant to his lawful authority if he determines that such property is no longer useful or necessary as evidence in a criminal trial and he is presented with satisfactory evidence of ownership. If the district attorney refuses to release such property, the lawful owner or a person, firm or corporation entitled to possession may make application to the court for return of the property. The court, after notice to all parties, including the defendant, and after hearing, may in its discretion order any or all of the property returned to the lawful owner or a person, firm or corporation entitled to possession. The court may enter such order as may be necessary to assure that the evidence will be available for use as evidence at the time of trial, and will otherwise protect the rights of all parties. Notwithstanding any other provision of law, photographs or other identification or analyses made of the property may be introduced at the time of the trial provided that the court determines that the</p>

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	<p>introduction of such substitute evidence is not likely to substantially prejudice the rights of the defendant in the criminal trial.</p> <p>(b) In the case of unknown or unapprehended defendants or of defendants willfully absent from the jurisdiction, the court shall determine whether an attorney should be appointed as guardian ad litem to represent and protect the interest of such unknown or absent defendants. Appointment shall be in accordance with rules adopted by the Office of Indigent Defense Services. The judicial findings concerning identification or value that are made at such hearing whereby property is returned to the lawful owner or a person, firm, or corporation entitled to possession, may be admissible into evidence at the trial. After final judgment all property lawfully seized by or otherwise coming into the possession of law-enforcement authorities shall be disposed of as the court or magistrate in its discretion orders, and may be forfeited and either sold or destroyed in accordance with due process of law.</p> <p>(b1) Notwithstanding subsections (a) and (b) of this section or any other provision of law, if the property seized is a firearm and the district attorney determines the firearm is no longer necessary or useful as evidence in a criminal trial, the district attorney, after notice to all parties known or believed by the district attorney to have an ownership or a possessory interest in the firearm, including the defendant, shall apply to the court for an order of disposition of the firearm. The judge, after hearing, may order the disposition of the firearm in one of the following ways:</p> <p>(1) By ordering the firearm returned to its rightful owner, when the rightful owner is someone other than the defendant and upon findings by the court (i) that the person, firm, or corporation determined by the court to be the rightful owner is entitled to possession of the firearm and (ii) that the person, firm, or corporation determined by the court to be the rightful owner of the firearm was unlawfully deprived of the same or had no knowledge or reasonable belief of the defendant’s intention to use the firearm unlawfully.</p> <p>(2) By ordering the firearm returned to the defendant, but only if the defendant is not convicted of any criminal offense in connection with the possession or use of the firearm, the defendant is the rightful owner of the firearm, and the defendant is not otherwise ineligible to possess such firearm.</p> <p>(3) By ordering the firearm turned over to be destroyed by the sheriff of the county in which the firearm was seized or by his duly authorized agent if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification. The sheriff shall maintain a record of the destruction of the firearm.</p> <p>(4) By ordering the firearm turned over to a law enforcement agency in the county of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by the agency to a federally licensed firearm dealer in accordance</p>

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	<p>with all applicable State and federal firearm laws. The court may order a disposition of the firearm pursuant to this subdivision only if the firearm has a legible, unique identification number. If the law enforcement agency sells the firearm, then the proceeds of the sale shall be remitted to the appropriate county finance officer as provided by G.S. 115C-452 to be used to maintain free public schools. The receiving law enforcement agency shall maintain a record and inventory of all firearms received pursuant to this subdivision.</p> <p>This subsection (b1) is not applicable to seizures pursuant to G.S. 113-137 of firearms used only in connection with a violation of Article 22 of Chapter 113 of the General Statutes or any local wildlife hunting ordinance.</p> <p>(c) Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.</p> <p><i>N.C. Gen. Stat. Ann. § 15A-825 (Treatment due victims and witnesses).</i></p> <p>To the extent reasonably possible and subject to available resources, the employees of law-enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within their jurisdiction:</p> <p>...</p> <p>(3) Has any stolen or other personal property expeditiously returned by law-enforcement agencies when it is no longer needed as evidence, and its return would not impede an investigation or prosecution of the case. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time of being recovered by law-enforcement officials.</p> <p>....</p>
<p>North Dakota</p>	<p><i>N.D. Const. art. I, § 25.</i></p> <p>1. To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, and to ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children, all victims shall be entitled to the following rights, beginning at the time of their victimization:</p> <p>...</p>

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	<p>m. The right, upon request, to the prompt return of the victim’s property when no longer needed as evidence in the case.</p> <p>....</p> <p><i>N.D. Cent. Code Ann. § 12.1-34-02 (Fair treatment standards for victims and witnesses).</i> Victims and witnesses of crime must be afforded the following rights where applicable:</p> <p>...</p> <p>9. Return of property. Victims shall have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, prosecuting attorney, or law enforcement agency within ten days after its taking or recovery if it is not needed for law enforcement, prosecution, or defense purposes or as expeditiously as possible when the property is no longer needed for law enforcement, prosecution, or defense purposes. If there is a defendant, the prosecuting attorney shall notify the defendant of the intent to return the property to the owner. Upon a motion made by the defendant and upon good cause shown that the property contains exculpatory evidence of the defendant’s innocence, the court may order the law enforcement personnel in possession of the property not to release it to the owner.</p> <p>....</p>
Ohio	<p><i>Ohio Rev. Code Ann. § 2930.11 (Property of victim).</i></p> <p>(A) Except as otherwise provided in this section or in Chapter 2981. of the Revised Code, the law enforcement agency responsible for investigating a crime or specified delinquent act shall promptly return to the victim of the crime or specified delinquent act any property of the victim that was taken in the course of the investigation. In accordance with Criminal Rule 26 or an applicable Juvenile Rule, the law enforcement agency may take photographs of the property for use as evidence. If the ownership of the property is in dispute, the agency shall not return the property until the dispute is resolved.</p> <p>(B) The law enforcement agency responsible for investigating a crime or specified delinquent act shall retain any property of the victim of the crime or specified delinquent act that is needed as evidence in the case, including any weapon used in the commission of the crime or specified delinquent act, if the prosecutor</p>

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	<p>certifies to the court a need to retain the property in lieu of a photograph of the property or of another evidentiary substitute for the property itself.</p> <p>(C) If the defendant or alleged juvenile offender in a case files a motion requesting the court to order the law enforcement agency to retain property of the victim because the property is needed for the defense in the case, the agency shall retain the property until the court rules on the motion. The court, in making a determination on the motion, shall weigh the victim’s need for the property against the defendant’s or alleged juvenile offender’s assertion that the property has evidentiary value for the defense. The court shall rule on the motion in a timely fashion.</p> <p><i>Ohio Rev. Code Ann. § 2933.27 (Disposition of property before trial).</i></p> <p>If, upon examination, the judge or magistrate is satisfied that the offense charged with reference to the things seized under a search warrant has been committed, he shall keep such things or deliver them to the sheriff of the county, to be kept until the accused is tried or the claimant’s right is otherwise ascertained.</p> <p><i>Ohio R. Crim. P. 26 (Substitution of photographs for physical evidence).</i></p> <p>Physical property, other than contraband, as defined by statute, under the control of a Prosecuting Attorney for use as evidence in a hearing or trial should be returned to the owner at the earliest possible time. To facilitate the early return of such property, where appropriate, and by court order, photographs, as defined in Evid. R. 1001(2), may be taken of the property and introduced as evidence in the hearing or trial. The admission of such photographs is subject to the relevancy requirements of Evid. R. 401, Evid. R. 402, Evid. R. 403, the authentication requirements of Evid. R. 901, and the best evidence requirements of Evid. R. 1002.</p>
<p>Oklahoma</p>	<p><i>Okla. Stat. Ann. tit. 21, § 142A-2 (Victims and witnesses rights).</i></p> <p>A. The district attorney’s office shall inform the victims and witnesses of crimes of the following rights:</p> <p>...</p> <p>7. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person;</p> <p>....</p>

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	<p><i>Okla. Stat. Ann. tit.22, § 1321 (Custody and return of stolen or embezzled property).</i></p> <p>A. It is the intent of the Legislature that any stolen or embezzled money or other property held in custody of a municipality, county or the state in any criminal investigation, action or proceeding be returned to the proper person or its lawful owner without unnecessary delay.</p> <p>B. If the property coming into the custody of a municipal, county or state peace officer is not alleged to have been stolen or embezzled, the peace officer may return the property to the owner upon satisfactory proof of ownership. The notice and hearing provisions of this section shall not be required for return of the property specified in this section if there is no dispute concerning the ownership of the property. Within fifteen (15) days of the time the owner of the property is known, the peace officer shall notify the owner of the property that the property is in the custody of the peace officer. The property shall be returned to the owner upon request.</p> <p>C. Except as otherwise provided for property that is pawned, when money or property alleged to have been stolen or embezzled, comes into the custody of a peace officer, the peace officer shall hold it subject to the order of the magistrate authorized by Section 1322 of this title to direct the disposal thereof. Within fifteen (15) days of the time the owner of the property is known, the peace officer shall notify the owner of the property that the property is in the custody of the peace officer. The peace officer shall make a good faith effort to locate and notify the owner of the property. If the peace officer has made a good faith effort to locate and notify the owner of the property and has been unable to locate or notify the owner, the peace officer shall release the property to the last person in possession of the property within fifteen (15) days after the peace officer determines that an owner cannot be located or notified, provided that the person who last had possession of the property shows proof that the person is a lawful possessor of the property. Such officer may provide a copy of a nonownership affidavit to the defendant to sign if the defendant is not claiming ownership of the money or property taken from the defendant and if the defendant has relinquished the right to remain silent. The affidavit is not admissible in any proceeding to ascertain the guilt or innocence of the defendant. A copy of this affidavit shall be provided to the defendant, and a copy shall be filed by the peace officer with the court clerk. Upon request, a copy of this affidavit shall be provided to any person claiming ownership of such money or property. The owner of the property or designated representative of the owner may make application to the magistrate for the return of the property. The application shall be on a form provided by the Administrative Director of the Courts and made available through the court clerk or the victim-witness coordinator. The court may charge the applicant a reasonable fee to defray the cost of filing and docketing the application. Once an application has been made and notice provided, the magistrate shall docket the application for a hearing as provided in this</p>

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	<p>section. Where notice by publication is appropriate, the publication notice form shall be provided free of charge to the applicant by the Administrative Director of the Courts through the court clerk or the victim-witness coordinator with instructions on how to obtain effective publication notice. The applicant shall notify the last person in possession of the property prior to the property being seized by the state of the hearing by mailing a copy of the notice by certified mail return receipt requested at the last-known address of the person, unless the person has signed a nonownership affidavit pursuant to this section disclaiming any ownership rights to the property. If the last person in possession of the property is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is held in custody. The applicant shall notify the district attorney and the court when notice has been served to the last person in possession of the property or published pursuant to this section. The hearing shall be held not less than ten (10) days or more than twenty (20) days after the court has been notified that the notice has been served or published. For the sole purpose of conducting a due process hearing to establish ownership of the property, “magistrate” as used in this section shall mean a judge of the district court, associate district judge, special judge or the judge of a municipal criminal court of record when established pursuant to Section 28-101 et seq. of Title 11 of the Oklahoma Statutes.</p> <p>D. If the magistrate determines that the property is needed as evidence, the magistrate shall determine ownership and determine the procedure and time frame for future release. The magistrate may order the release of property needed as evidence pursuant to Section 1327 of this title, provided however, the order may require the owner to present the property at trial. The property shall be made available to the owner within ten (10) days of the court order for release. The magistrate may authorize ten (10) days additional time for the return of the exhibit if the district attorney shows cause that additional time is needed to photograph or mark the exhibit.</p> <p>E. If the property is not needed as evidence, it may be released by the magistrate to the owner or designated representative of the owner upon satisfactory proof of ownership. The owner of the property or designated representative of the owner may make application to the magistrate for the return of the property. The applicant shall notify the last person in possession of the property prior to such property being seized by the state of the hearing by mailing a copy of the notice by certified mail return receipt requested at the last-known address of the person, unless the person has signed a nonownership affidavit pursuant to this section disclaiming any ownership rights to the property. If the last person in possession of the property is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is held in custody. The applicant shall notify the district attorney and the court when notice has been served to the last person in possession of the property or published pursuant to this section. The</p>

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	<p>hearing shall be held not less than ten (10) days or more than twenty (20) days after the court has been notified that the notice has been served or published.</p> <p>F. The notice and hearing provisions of subsections C and E of this section shall not be required for return of the property specified in said subsections if:</p> <ol style="list-style-type: none"> 1. There is no dispute concerning the ownership of the property; 2. The property is readily identifiable by the owner; and 3. The defendant has entered a plea of guilty or nolo contendere to the criminal charge, has executed a nonownership affidavit as provided by subsection C of this section or has been personally notified that the property will be returned to the owner and has failed to file an objection to such return within ten (10) days of being notified. The owner shall provide satisfactory proof of title to the property or sign an affidavit of ownership to be provided by the peace officer. The affidavit is not admissible in any proceeding to ascertain the guilt or innocence of the defendant. A copy of this affidavit shall be filed by the officer with the court clerk. The property shall then be returned to the owner. <p>G. When property alleged to have been stolen comes into the custody of a peace officer and the property is deemed to be perishable, the peace officer shall take such action as appropriate to temporarily preserve the property. However, within seventy-two (72) hours of the time the property was recovered, the receiving agency shall make application for a disposition hearing before a magistrate, and the receiving agency shall notify all persons known to have an interest in the property of the date, time and place of the hearing.</p> <p>H. In any case, the magistrate may, for good cause shown, order any evidence or exhibit to be retained pending the outcome of any appeal.</p> <p>I. Any time property comes into the custody of a municipality, a county, or this state as a result of any contact with any peace officer, criminal investigation or other situation where the return of the property is prohibited by any municipal, state or federal law or when the property has disputed ownership or multiple claimants, the municipality, county or state shall advise the claimant to file an application with the appropriate district court. Upon filing an application for a hearing, the claimant shall provide notice to all interested persons. At the hearing the court shall make a judicial determination as to the proper and lawful release of the property.</p> <p>J. The application, notice and hearing provisions of subsection I of this section shall include, but are not limited to, all situations where the peace officer has reason to believe:</p> <ol style="list-style-type: none"> 1. One of the persons asserting a right to the return of any firearm or other weapon is or was mentally or emotionally unstable or disturbed at the time the weapon was placed in custody or at the time of the request for the return of the weapon;

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	<p>2. One of the persons asserting a right to the return of a firearm or other weapon is subject to a victim protection order that would preclude the return of any weapon as a matter of law;</p> <p>3. One of the persons asserting a right to the return of any firearm or other weapon is under indictment or has been convicted of a felony;</p> <p>4. One of the persons asserting a right to the return of any firearm or other weapon has a misdemeanor conviction for domestic abuse as defined by law;</p> <p>5. The ownership of the property is unclear due to multiple claimants or disputes among heirs or next of kin for the property of the deceased; or</p> <p>6. The return of the property could subject the municipality, the county, or this state to potential liability for its return.</p>
Oregon	<p><i>Or. Rev. Stat. Ann. § 133.633 (Motion for return or restoration; appropriate court; service; costs).</i></p> <p>(1) Within 90 days after actual notice of any seizure, or at such later date as the court in its discretion may allow:</p> <p>(a) An individual from whose person, property or premises things have been seized may move the appropriate court to return things seized to the person or premises from which they were seized.</p> <p>(b) Any other person asserting a claim to rightful possession of the things seized may move the appropriate court to restore the things seized to the movant.</p> <p>(2) The appropriate court to consider such motion is:</p> <p>(a) The court having ultimate trial jurisdiction over any crime charged in connection with the seizure;</p> <p>(b) If no crime is charged in connection with the seizure, the court to which the warrant was returned; or</p> <p>(c) If the seizure was not made under a warrant and no crime is charged in connection with the seizure, any court having authority to issue search warrants in the county in which the seizure was made.</p> <p>(3) The movant shall serve a copy of the motion upon the district attorney or the city attorney, whichever is appropriate, of the jurisdiction in which the property is in custody.</p> <p>(4) No filing, appearance or hearing fees may be charged for filing or hearing a motion under this section.</p> <p>(5)(a) The things seized that are the subject of a motion for return under this section may include raw data obtained from the forensic imaging of a portable electronic device or of a computer.</p>

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	<p>(b) As used in this subsection, “forensic imaging,” “portable electronic device” and “raw data” have the meanings given those terms in ORS 133.539.</p> <p><i>Or. Rev. Stat. Ann. § 133.643 (Grounds for motion).</i></p> <p>A motion for the return or restoration of things seized shall be based on the ground that the movant has a valid claim to rightful possession thereof, because:</p> <ol style="list-style-type: none"> (1) The things had been stolen or otherwise converted, and the movant is the owner or rightful possessor; (2) The things seized were not in fact subject to seizure under ORS 131.550 to 131.600 or 133.525 to 133.703; (3) The movant, by license or otherwise, is lawfully entitled to possess things otherwise subject to seizure under ORS 133.525 to 133.703; (4) Although the things seized were subject to seizure under ORS 133.525 to 133.703, the movant is or will be entitled to their return or restoration upon the court’s determination that they are no longer needed for evidentiary purposes; or (5) The parties in the case have stipulated that the things seized may be returned to the movant. <p><i>Or. Rev. Stat. Ann. § 133.709 (Disposal of biological evidence; return of property to victim; motion to preserve biological evidence).</i></p> <p>(1)(a) A custodian may seek to dispose of biological evidence before the period of time specified in ORS 133.707 (2), by providing written notice, in the form developed under ORS 133.707 (7), to the district attorney having jurisdiction over the prosecution of the covered offense. Upon receipt of the notice, the district attorney shall determine whether to object to the disposal of any of the biological evidence identified in the custodian’s notice.</p> <p>(b) If the district attorney objects to the disposal of any of the biological evidence identified in the custodian’s notice, the district attorney shall provide written notice of the objection to the custodian that identifies the biological evidence that the district attorney determines must be preserved. The custodian shall preserve any biological evidence identified by the district attorney in the notice until the period of time specified in ORS 133.707 (2) has elapsed.</p> <p>(c) If the district attorney does not object to the disposal of all or a portion of the biological evidence identified in the custodian’s notice, the district attorney shall provide written notice of the intent to dispose of biological evidence, identifying the biological evidence that the district attorney has determined may be disposed of, to:</p> <ol style="list-style-type: none"> (A) The defendant;

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	<p>(B) The most recent attorney of record for the defendant; and (C) The Department of Justice.</p> <p>(2) If evidence that is subject to ORS 133.707 is the property of the victim, the victim may request that the district attorney determine whether the property may be returned to the victim. The request must be in writing and must identify the property that the victim seeks to have returned. If the district attorney:</p> <p>(a) Objects to the return of any of the property to the victim, the district attorney shall notify the victim of that determination.</p> <p>(b) Does not object to the return of all or a portion of the property, the district attorney shall provide written notice of the intent to dispose of biological evidence, identifying the property the district attorney has determined may be returned, to:</p> <p>(A) The victim; (B) The defendant; (C) The most recent attorney of record for the defendant; and (D) The Department of Justice.</p> <p>(3)(a) Not later than 120 days after the date the district attorney provides written notice to the defendant under subsection (1)(c) or (2)(b) of this section, the defendant may file a motion to preserve biological evidence in the convicting court. The defendant shall provide a copy of the motion to the district attorney and the custodian. If the motion is timely filed, the court shall enter an order as provided in ORS 133.715.</p> <p>(b) If the defendant fails to file a motion to preserve biological evidence before the expiration of the 120-day period specified in paragraph (a) of this subsection, the district attorney shall file with the court a copy of the notice of intent to dispose of biological evidence sent to the defendant under subsection (1)(c) or (2)(b) of this section. Following the filing of the notice, the court shall, without hearing, enter an order authorizing the disposal of the biological evidence described in the notice. The court shall provide a copy of the order to the custodian, the district attorney and each person or entity described in subsection (1)(c) or (2)(b) of this section, as applicable.</p> <p>(c) The 120-day period specified in this subsection begins on the date the notice is mailed.</p> <p><i>Or. Rev. Stat. Ann. § 147.227 (Disbursement of moneys to be used for comprehensive victims' assistance program; rules; qualifications).</i></p> <p>(1) The Attorney General shall disburse a portion of the moneys that the Criminal Injuries Compensation Account receives from the Criminal Fine Account to counties and cities where prosecuting attorneys maintain</p>

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	<p>victims' assistance programs approved by the Attorney General. Upon receipt of the moneys, the counties and cities shall provide the moneys to the prosecuting attorney therein to be used exclusively for the approved victims' assistance program.</p> <p>(2) To qualify for approval by the Attorney General under this section, a victims' assistance program must:</p> <p>...</p> <p>(e) Provide the following core services to victims of crime:</p> <p>...</p> <p>(K) Inform victims of the processes necessary to request the return of property held as evidence.</p> <p>....</p>
<p>Pennsylvania</p>	<p><i>18 Pa. Stat. Ann. § 11.201 (Rights).</i></p> <p>Victims of crime have the following rights:</p> <p>...</p> <p>(6) To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the judgment of the prosecutor the evidence is no longer needed for prosecution of the case.</p> <p>....</p> <p><i>18 Pa. Stat. Ann. § 11.212 (Responsibilities of State and local law enforcement agencies).</i></p> <p>...</p> <p>(g) Return of property.--The appropriate law enforcement agency shall return to the victim property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.</p> <p><i>18 Pa. Stat. Ann. § 11.213 (Responsibilities of prosecutor's office).</i></p> <p>...</p> <p>(h) Return of property.--The prosecutor's office shall return to the victim any property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.</p> <p><i>18 Pa. Stat. Ann. § 11.902 (Establishment of basic services for victims of crime).</i></p>

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	<p>The commission shall provide technical assistance to and make grants to district attorneys, other criminal justice agencies or victim service agencies which provide crime victims with the following services:</p> <p>...</p> <p>(3) Procedures for the expedited return by law enforcement officials of personal property of victims which is held for prosecutorial purposes.</p> <p>....</p> <p><i>Pa. R. Crim. P. 588 (Motion for Return of Property).</i></p> <p>(A) A person aggrieved by a search and seizure, whether or not executed pursuant to a warrant, may move for the return of the property on the ground that he or she is entitled to lawful possession thereof. Such motion shall be filed in the court of common pleas for the judicial district in which the property was seized.</p> <p>(B) The judge hearing such motion shall receive evidence on any issue of fact necessary to the decision thereon. If the motion is granted, the property shall be restored unless the court determines that such property is contraband, in which case the court may order the property to be forfeited.</p> <p>(C) A motion to suppress evidence under Rule 581 may be joined with a motion under this rule.</p> <p>Comment: A motion for the return of property should not be confused with a motion for the suppression of evidence, governed by Rule 581. However, if the time and effect of a motion brought under the instant rule would be, in the view of the judge hearing the motion, substantially the same as a motion for suppression of evidence, the judge may dispose of the motion in accordance with Rule 581.</p>
<p>Rhode Island</p>	<p><i>12 R.I. Gen. Laws § 12-5-7 (Disposition of seized property).</i></p> <p>(a) The property seized shall be safely kept by the officer seizing it, under the direction of the court, so long as may be necessary for the purpose of being used as evidence in any case.</p> <p>(b) As soon as may be thereafter, if the property is subject to forfeiture, further proceedings shall be had on the property for forfeiture as is prescribed by law in chapter 21 of this title.</p> <p>(c) If the property seized was stolen or otherwise unlawfully taken from the owner, or is not found to have been unlawfully used or intended for unlawful use, or is found to have been unlawfully used without the knowledge of the owner, it shall be returned to the person legally entitled to its possession.</p>

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	<p><i>12 R.I. Gen. Laws § 12-17-6 (Control and disposition of property used as evidence).</i> All property, money, or estate taken or detained as evidence in any criminal cause shall be subject to the order of the court before which the indictment, information, or complaint shall be brought or pending, and shall, at the termination of the cause, be restored to the rightful owner.</p> <p><i>12 R.I. Gen. Laws § 12-17-7 (Release of property held as evidence after escape of defendant).</i> If any defendant charged with the commission of any crime or offense after arrest upon indictment, information, or complaint found shall have escaped, the court before which the indictment, information, or complaint shall be pending may, after the lapse of a reasonable time, return and restore any property or estate held pursuant to § 12-7-16 to its owner.</p> <p><i>12 R.I. Gen. Laws § 12-28-3 (General rights).</i> (a) Each victim of a criminal offense who makes a timely report of the crime and who cooperates with law enforcement authorities in the investigation and prosecution of the offense shall have the following rights: . . . (8) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence; </p> <p><i>12 R.I. Gen. Laws § 12-28-9 (Victims' services unit).</i> (a) There is created within the state court system a victims' services unit which shall be responsible for assisting victims of crimes adjudicated in the superior, family, and district courts in the exercise of their rights as set forth in this chapter, and it shall be administered by the state court administrator through the administrative office of the state courts. The state court administrator may in his or her discretion contract for any services to be provided to victims of crimes pursuant to this chapter or pursuant to § 12-25-29. Services provided to victims of crimes shall include, but not be limited to, the following: . . . (3) Assistance in seeking return of property, restitution, and in filing claims for compensation under the violent crimes indemnity fund or under the criminal royalties fund; </p>

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<p>South Carolina</p>	<p><i>S.C. Code Ann. § 16-3-1535 (Summary court’s duty to notify victim of victim’s rights; form for victim impact statement.).</i></p> <p>...</p> <p>(E) A law enforcement agency and the summary court must return to a victim personal property recovered or taken as evidence as expeditiously as possible, substituting photographs of the property and itemized lists of the property including serial numbers and unique identifying characteristics for use as evidence when possible.</p> <p>....</p> <p><i>S.C. Code Ann. § 16-3-1545 (Juvenile cases; notification to victims of right to submit victim impact statement for disposition proceeding; form of statement; other required information for victims).</i></p> <p>...</p> <p>(E) A law enforcement agency, the prosecuting agency, and the circuit and family courts must return to a victim personal property recovered or taken as evidence as expeditiously as possible, substituting photographs of the property and itemized lists of the property including serial numbers and unique identifying characteristics to use as evidence when possible.</p> <p>....</p> <p><i>S.C. Code Ann. § 16-3-1555 (Expert witness fees; distribution, maintenance and use of victim’s impact statements.).</i></p> <p>...</p> <p>(E) The prosecuting agency must inform the victim about the collection of restitution, fees, and expenses, the recovery of property used as evidence, and how to contact the Department of Corrections, the Board of Juvenile Parole, the Department of Probation, Parole and Pardon Services, the Department of Juvenile Justice, or the Attorney General, as appropriate.</p>
<p>South Dakota</p>	<p><i>S.D. Const. art. VI, § 29 (Rights of crime victim).</i></p> <p>A victim shall have the following rights:</p> <p>...</p>

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	<p>13. The right, upon request, to the prompt return of the victim’s property when no longer needed as evidence in the case; </p> <p><i>S.D. Codified Laws § 23A-37-8 (Conditions for release of seized property to owner).</i> The court shall release all property to its rightful owner, if: (1) The owner is not prohibited by law from possessing such property; (2) The property is not needed as evidence in any judicial proceeding; (3) Satisfactory arrangements have been made to return such property to the court if subsequently needed as evidence. Upon completion of the proceeding, the circuit court or magistrate judge shall make arrangements for the return or disposition of all property used as evidence.</p> <p><i>S.D. Codified Laws § 23A-37-14 (Photographing and return of property of victim seized as evidence – Admissibility of photographs).</i> Any property, which is not contraband, seized or confiscated by law enforcement personnel, ostensibly for use as evidence in a criminal prosecution, shall be preserved, maintained, or stored at the expense of the county where the criminal offense occurred. If the property is not contraband and is owned by a victim of the crime being investigated, the property shall be photographed by the appropriate law enforcement personnel and returned to the victim of the crime within thirty days of completion of forensic analysis unless the prosecuting attorney deems it essential to the prosecution of the case to retain the evidence. The photographs shall accurately and correctly represent the property and are admissible evidence pursuant to article X of chapter 19-19 in any resulting criminal proceeding.</p>
Tennessee	<p><i>Tenn. Code Ann. § 40-17-118 (Stolen property; confiscation; disposition).</i> (a) Personal property confiscated as stolen property by a lawful officer of the state, a county or a municipality of the state to be held as evidence of a crime shall be promptly appraised, catalogued and photographed by the law enforcement agency retaining custody of the property.</p>

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	<p>(b) The lawful officer of the state, county or municipality, in order to detain the property from the lawful owner, for whatever reason, more than thirty (30) days, shall show cause to the judge having jurisdiction over the property by petition filed by the district attorney general upon five (5) days' notice to the property owner why the property should be further detained. The court may grant or refuse the requested impounding order upon the terms and conditions as are adjudged to be proper.</p> <p>(c) The state, county or municipal authority holding the property shall be responsible for the return of the property to the lawful owner and shall be liable in damages to the owner of the property in the event of damage or destruction occasioned by the delay in the return of the property.</p>
<p>Texas</p>	<p><i>Tex. Code Crim. Proc. Ann. art. 56.02 (Crime victims' rights).</i></p> <p>(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:</p> <p>...</p> <p>(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;</p> <p>....</p> <p><i>Tex. Fam. Code Ann. § 57.002 (Victim's Rights).</i></p> <p>(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the juvenile justice system:</p> <p>...</p> <p>(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;</p> <p>....</p>
<p>Utah</p>	<p><i>Utah Code Ann. § 24-3-103 (Property no longer needed as evidence – Disposition of property).</i></p> <p>(1) When the prosecuting attorney determines that property no longer needs to be held as evidence, the prosecuting attorney may:</p>

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	<p>(a) petition the court to apply any property that is money towards restitution, fines, fees, or monetary judgments owed by the owner of the property;</p> <p>(b) petition the court for an order transferring ownership of any weapons to the seizing agency for the agency’s use and disposal in accordance with applicable law, if the owner:</p> <p>(i) is the person who committed the crime for which the weapon was seized; or</p> <p>(ii) may not lawfully possess the weapon; or</p> <p>(c) notify the agency that has possession of the property that the property may be:</p> <p>(i) returned to the rightful owner, if the rightful owner may lawfully possess it; or</p> <p>(ii) disposed of or destroyed, if the property is contraband.</p> <p>(2) The agency shall exercise due diligence in attempting to notify the rightful owner of the property to advise the owner that the property is to be returned.</p> <p>(3) For a computer determined to be contraband, a court may order the reasonable extraction and return of specifically described personal digital data to the rightful owner. The law enforcement agency shall determine a reasonable cost to provide the data, which shall be paid by the owner at the time of the request to extract the data.</p> <p>(4)(a) Before the agency may release property to a person claiming ownership of the property, the person shall establish in accordance with Subsection (4)(b) that the person:</p> <p>(i) is the rightful owner; and</p> <p>(ii) may lawfully possess the property.</p> <p>(b) The person shall establish ownership under Subsection (4)(a) by providing to the agency:</p> <p>(i) identifying proof or documentation of ownership of the property; or</p> <p>(ii) a notarized statement, if proof or documentation is not available.</p> <p>(5)(a) When property is returned to the owner, a receipt listing in detail the property returned shall be signed by the owner.</p> <p>(b) The receipt shall be retained by the agency and a copy shall be provided to the owner.</p> <p>(6)(a) Except as provided in Subsection (6)(b), if the agency is unable to locate the rightful owner of the property or if the rightful owner is not entitled to lawfully possess the property, the agency may:</p> <p>(i) apply the property to a public interest use;</p> <p>(ii) sell the property at public auction and apply the proceeds of the sale to a public interest use; or</p> <p>(iii) destroy the property if the property is unfit for a public interest use or for sale.</p>

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	<p>(b) If the property described in Subsection (6)(a) is a firearm, the agency shall dispose of the firearm in accordance with Section 24-3-103.5.</p> <p>(7) Before applying the property or the proceeds from the sale of the property to a public interest use, the agency shall obtain from the legislative body of its jurisdiction:</p> <p>(a) permission to apply the property or the proceeds to public interest use; and</p> <p>(b) the designation and approval of the public interest use of the property or the proceeds.</p> <p><i>Utah Code Ann. § 24-3-104 (Petition to return property held as evidence).</i></p> <p>(1)(a) A person claiming ownership of property held as evidence may file a petition with the court for the return of the property.</p> <p>(b) The petition may be filed in:</p> <p>(i) the court in which criminal proceedings have commenced regarding the conduct for which the property is held as evidence; or</p> <p>(ii) the district court of the jurisdiction where the property was seized, if there are no pending criminal proceedings.</p> <p>(c) A copy of the petition shall be served on the prosecuting attorney and the agency which has possession of the property.</p> <p>(2) The court shall provide an opportunity for an expedited hearing. After the opportunity for an expedited hearing, the court may order that the property be:</p> <p>(a) returned to the rightful owner as determined by the court;</p> <p>(b) applied directly or by proceeds of the sale of the property toward restitution, fines, or fees owed by the rightful owner in an amount set by the court;</p> <p>(c) converted to a public interest use;</p> <p>(d) held for further legal action;</p> <p>(e) sold at public auction and the proceeds of the sale applied to a public interest use; or</p> <p>(f) destroyed.</p> <p>(3) Before the court can order property be returned to a person claiming ownership of property, the person shall establish by clear and convincing evidence that the person:</p> <p>(a) is the rightful owner; and</p> <p>(b) may lawfully possess the property.</p>

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	<p>(4) If the court orders the property to be returned, the agency that possesses the property shall return the property to the claimant as expeditiously as possible.</p> <p><i>Utah Code Ann. § 77-37-3 (Bill of rights).</i></p> <p>(1) The bill of rights for victims and witnesses is:</p> <p>...</p> <p>(f) Victims and witnesses have a right to have any personal property returned as provided in Sections 77-24a-1 through 77-24a-5. Criminal justice agencies shall expeditiously return the property when it is no longer needed for court law enforcement or prosecution purposes.</p> <p>.....</p>
<p>Vermont</p>	<p><i>Vt. Stat. Ann. tit. 13, § 5304 (Victims assistance program).</i></p> <p>(a) The Center for Crime Victim Services shall create and maintain a victim assistance program. Except as otherwise provided by law, victim advocates shall provide victims the following services:</p> <p>...</p> <p>(3) Services. Victims shall be entitled to:</p> <p>...</p> <p>(E) assistance in the return of property from law enforcement agencies;</p> <p>.....</p> <p><i>Vt. Stat. Ann. tit. 13, § 5311 (Prompt return of property).</i></p> <p>A law enforcement agency holding property of any individual shall take reasonable care of the property. Upon authorization of the prosecutor, the law enforcement agency holding the property, unless it is contraband or subject to forfeiture, shall promptly notify the individual that the property is no longer needed for evidentiary purposes and may be picked up by the individual.</p> <p><i>Vt. R. Crim. P. 41 (Search and Seizure).</i></p> <p>...</p>

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	<p>(f) Motion for Return of Property. A person aggrieved by an unlawful search and seizure or by the deprivation of property may move the court to which the warrant was returned or the court in the unit where property has been seized without warrant for the return of the property. The motion may be joined with a motion to suppress evidence. If the movant claims that the deprivation is in consequence of an unlawful search and seizure, the motion must be treated as a motion to suppress under Rule 12(b)(3). The court must receive evidence on any issue of fact necessary to the decision of the motion. If the court grants the motion the property must be restored to the movant. The court may impose reasonable conditions to protect access to the property and its use in later proceedings.</p> <p>....</p>
<p>Virginia</p>	<p><i>Va. Code Ann. § 19.2-11.01 (Crime victim and witness rights).</i></p> <p>A. In recognition of the Commonwealth’s concern for the victims and witnesses of crime, it is the purpose of this chapter to ensure that the full impact of crime is brought to the attention of the courts of the Commonwealth; that crime victims and witnesses are treated with dignity, respect and sensitivity; and that their privacy is protected to the extent permissible under law. It is the further purpose of this chapter to ensure that victims and witnesses are informed of the rights provided to them under the laws of the Commonwealth; that they receive authorized services as appropriate; and that they have the opportunity to be heard by law-enforcement agencies, attorneys for the Commonwealth, corrections agencies and the judiciary at all critical stages of the criminal justice process to the extent permissible under law. Unless otherwise stated and subject to the provisions of § 19.2-11.1, it shall be the responsibility of a locality’s crime victim and witness assistance program to provide the information and assistance required by this chapter, including verification that the standardized form listing the specific rights afforded to crime victims has been received by the victim.</p> <p>...</p> <p>2. Financial assistance.</p> <p>...</p> <p>b. Victims shall be assisted in having any property held by law-enforcement agencies for evidentiary purposes returned promptly in accordance with §§ 19.2-270.1 and 19.2-270.2.</p> <p>....</p>

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	<p><i>Va. Code Ann. § 19.2-58 (Disposition of property seized).</i> If any such warrant be executed by the seizure of property, or of any other of the things aforesaid, the same shall be safely kept by the direction of such judge or court, to be used as evidence, and thereafter be disposed of as provided by law; provided, however, that any such property seized under such warrant which is not used in evidence and any property which is stolen or embezzled property shall be restored to its owner, and the things mentioned in § 19.2-53 may be burnt or otherwise destroyed, under such direction, as soon as there is no further need for its use as evidence unless it is otherwise expressly provided by law.</p> <p><i>Va. Code Ann. § 19.2-270.1 (Use of photographs as evidence in certain larceny and burglary prosecutions).</i> In any prosecution for larceny under the provisions of §§ 18.2-95, 18.2-96 or § 18.2-98, or for shoplifting under the provisions of § 18.2-103, or for burglary under the provisions of §§ 18.2-89, 18.2-90, 18.2-91 or § 18.2-92, photographs of the goods, merchandise, money or securities alleged to have been taken or converted shall be deemed competent evidence of such goods, merchandise, money or securities and shall be admissible in any proceeding, hearing or trial of the case to the same extent as if such goods, merchandise, money or securities had been introduced as evidence. Such photographs shall bear a written description of the goods, merchandise, money or securities alleged to have been taken or converted, the name of the owner of such goods, merchandise, money or securities and the manner of the identification of same by such owner, or the name of the place wherein the alleged offense occurred, the name of the accused, the name of the arresting or investigating police officer or conservator of the peace, the date of the photograph and the name of the photographer. Such writing shall be made under oath by the arresting or investigating police officer or conservator of the peace, and the photographs identified by the signature of the photographer. Upon the filing of such photograph and writing with the police authority or court holding such goods and merchandise as evidence, such goods or merchandise shall be returned to their owner, or the proprietor or manager of the store or establishment wherein the alleged offense occurred.</p> <p><i>Va. Code Ann. § 19.2-270.2 (Disposition of money, securities or documents seized upon arrest, etc., and pertinent as evidence).</i> A. When in the course of investigation or arrest, the investigating or arresting officer shall seize or come into the possession of moneys, cash, or negotiable or nonnegotiable instruments or securities, hereinafter called “moneys or securities,” taken or retained unlawfully from a financial institution or other person, and such moneys or securities, or a portion thereof, shall be pertinent evidence in a pending prosecution or appeal</p>

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	<p>therefrom, the officer or agency having possession thereof, may retain, pending such prosecution or appeal thereof, sufficient of such moneys or securities as shall be necessary to prove the crime of grand larceny or other crimes requiring a specific amount in value. The court upon motion of the attorney for the Commonwealth and for good cause shown may order the release of all moneys or securities, subject to the provisions of this section. The remaining excess moneys or securities, if any, may be released to the owner thereof, upon proper receipt therefor, which release shall be with the consent of the attorney for the Commonwealth. The officer or agency authorizing such release shall make an appropriate record of such moneys or securities released, including designation or copying of serial numbers, and such record or receipt shall be admissible into evidence in any proceeding, hearing or trial of the case to the same extent as if such moneys or securities had been introduced. Such record or receipt shall contain the name of the financial institution or person from whom such moneys or securities were taken, the place from which taken, the name of the accused, and the name of the arresting officer or officers coming into initial possession of such moneys or securities. Pictures shall be taken of any instruments or securities and such pictures shall be attached to the receipt or record above and shall contain further, in the case of such copying, the date of the photograph and the name of the photographer.</p> <p>B. When in the course of investigation or arrest, the investigating or arresting officer seizes or comes into the possession of moneys or securities under the provisions of this section, and such moneys or securities, or a portion thereof, are introduced as an exhibit in a prosecution or appeal therefrom, the court may, with the consent of the attorney for the Commonwealth, authorize the clerk of the circuit court, upon all appeal rights being exhausted, to deposit such moneys or cash in an interest-bearing account.</p>
<p>Washington</p>	<p><i>Wash. Rev. Code Ann. § 7.69.030 (Rights of victims, survivors, and witnesses).</i></p> <p>There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:</p> <p>...</p> <p>(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;</p>

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	<p>....</p> <p><i>Wash. Rev. Code Ann. § 10.79.050 (Restoration of stolen property to owner – Duties of officers).</i> All property obtained by larceny, robbery or burglary, shall be restored to the owner; and no sale, whether in good faith on the part of the purchaser or not, shall divest the owner of his or her rights to such property; and it shall be the duty of the officer who shall arrest any person charged as principal or accessory in any robbery or larceny, to secure the property alleged to have been stolen, and he or she shall be answerable for the same, and shall annex a schedule thereof to his or her return of the warrant.</p>
<p>West Virginia</p>	<p><i>W. Va. Code Ann. § 61-11A-1 (Legislative findings and purpose).</i> (a) The legislature finds and declares that without the cooperation of victims and witnesses, the criminal justice system would cease to function, yet too often these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders. The legislature finds further that all too often the victim of a serious crime is forced to suffer physical, psychological or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system not totally responsive to the needs of such victims. The legislature finds further that under the current law, law-enforcement agencies must have cooperation from a victim of crime and yet neither the agencies nor the legal system can offer adequate protection or assistance when the victim, as a result of such cooperation, is threatened or intimidated. The legislature finds further that while the defendant is provided with counsel who can explain both the criminal justice process and the rights of the defendant, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted or a court date is changed. The legislature finds further that the victim or witness who cooperates with the prosecutor often finds that the transportation, parking facilities and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends. The legislature finds further that the victim may lose valuable property to a criminal only to lose it again for long periods of time to law-enforcement officials, until the trial and appeals are over; many times the property is damaged or lost, which is particularly stressful for the elderly or poor.</p>

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	<p>(b) The legislature declares that the purposes of this article are to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process and to ensure that the state and local governments do all that is possible within the limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant.</p> <p><i>W. Va. Code Ann. § 61-11A-6 (State guidelines for fair treatment of crime victims and witnesses in the criminal justice system).</i></p> <p>(a) No later than July 1, 1984, the Attorney General shall promulgate rules and regulations in accordance with the provisions of chapter twenty-nine-a of this code, establishing guidelines for law-enforcement agencies and prosecuting attorneys' offices consistent with the purposes of this article. The Attorney General shall seek the advice of the West Virginia State Police and Department of Health and Human Resources in preparing such rules and regulations. In preparing such rules and regulations, the following objectives shall be considered:</p> <p>...</p> <p>(7) Law-enforcement agencies should promptly return victim's property held for evidentiary purposes unless there is a compelling law-enforcement reason for retaining it.</p> <p>....</p>
<p>Wisconsin</p>	<p><i>Wis. Stat. Ann. § 950.04 (Basic bill of rights for victims and witnesses).</i></p> <p>(1v) Rights of victims. Victims of crimes have the following rights:</p> <p>...</p> <p>(s) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence, subject to s. 968.205. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, property subject to preservation under s. 968.205, and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.</p> <p>...</p> <p>(2w) Rights of witnesses. Witnesses of crimes have the following rights:</p> <p>...</p> <p>(fm) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property</p>

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	<p>subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.</p> <p>....</p> <p><i>Wis. Stat. Ann. § 968.20 (Return of property seized).</i></p> <p>(1) Any person claiming the right to possession of property seized pursuant to a search warrant or seized without a search warrant, except for an animal taken into custody under s. 173.13(1) or withheld from its owner under s. 173.21(1)(a), may apply for its return to the circuit court for the county in which the property was seized or where the search warrant was returned, except that a court may commence a hearing, on its own initiative, to return property seized under s. 968.26. If an initial appearance under s. 970.01 is scheduled, the application for the return of the property shall be filed within 120 days of the initial appearance.</p> <p>(1g) The court shall order such notice as it deems adequate to be given the district attorney and, unless notice was provided under s. 968.26(7), to all persons who have or may have an interest in the property. The court shall hold a hearing to hear all claims to its true ownership. Except for a hearing commenced by the court, the hearing shall occur no more than 30 days after a motion is filed except that either party may, by agreement or for good cause, move the court for one extension of no more than 10 days. Any motion may be supported by affidavits or other submissions. If the right to possession is proved to the court's satisfaction, it shall order the property, other than contraband or property covered under sub. (1m) or (1r) or s. 173.21(4) or 968.205, returned if the court finds any of the following:</p> <p>(a) It is likely that the final judgment will be that the state must return the property to the claimant and the property is not reasonably needed as evidence or for other investigatory reasons or, if needed, satisfactory arrangements can be made for its return for subsequent use.</p> <p>(am) The property is the only reasonable means for a defendant to pay for legal representation in the forfeiture or criminal proceeding, the property is not likely to be needed for payment of victim compensation, restitution, or fines, and the property is not reasonably needed as evidence or for other investigatory reasons. If the court makes this finding, it may order the return of funds or property sufficient to obtain legal counsel but less than the total amount seized and require an accounting.</p> <p>(b) All proceedings and investigations in which it might be required have been completed.</p> <p>(1h) If a court orders property returned under sub. (1g), the court shall order the person not to sell, transfer, assign, or otherwise encumber the property until the court orders the property either returned under s. 961.55(3) or 973.075(5) or forfeited under s. 961.555 or 973.076. If the person is subsequently convicted of or found to</p>

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	<p>have committed the offense, the court shall order the person to surrender the returned property for proceedings under s. 961.555 or 973.076, whichever is appropriate.</p> <p>(1m)(a) In this subsection:</p> <ol style="list-style-type: none"> 1. “Crime” includes an act committed by a juvenile or by an adult who is adjudicated incompetent that would have been a crime if the act had been committed by a competent adult. 2. “Dangerous weapon” has the meaning given in s. 939.22(10). <p>(b) If the seized property is a dangerous weapon or ammunition, the property shall not be returned to any person who committed a crime involving the use of the dangerous weapon or the ammunition.</p> <p>(c) Subject to par. (d), seized property that is a dangerous weapon or ammunition may be returned to the rightful owner under this section if the owner had no prior knowledge of and gave no consent to the commission of the crime.</p> <p>(d)1. If the seized property is a firearm, the property has not been returned under this section, and a person claiming the right to possession of the firearm has applied for its return under sub. (1), the court shall order a hearing under sub. (1) to occur within 20 business days after the person applies for the return. If, at the hearing, all conditions under sub. (1) have been met and the person is not prohibited from possessing a firearm under state or federal law as determined by using information provided under s. 165.63, the court shall, within 5 days of the completion of the hearing and using a return of firearms form developed by the director of state courts, order the property returned if one of the following has occurred:</p> <ol style="list-style-type: none"> a. The district attorney has affirmatively declined to file charges in connection with the seizure against the person. b. All charges filed in connection with the seizure against the person have been dismissed. c. Ten months have passed since the seizure and no charges in connection with the seizure have been filed against the person. d. The trial court has reached final disposition for all charges in connection with the seizure and the person has not been adjudged guilty, or not guilty by reason of mental disease or defect, of a crime in connection with the seizure. e. The person has established that he or she had no prior knowledge of and gave no consent to the commission of the activity that led to the seizure. <p>2. If an entity holding a seized firearm receives a return of firearms form, the entity shall return the firearm within 10 business days of receiving the form unless the entity determines that the person who would receive</p>

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	<p>the firearm is prohibited from possessing a firearm under state or federal law. The entity shall use the information provided under s. 165.63 to aid in making the determination under this subdivision.</p> <p>(e) Property which may not be returned to an owner under this subsection shall be disposed of under subs. (3) and (4).</p> <p>(1r)(a) If the seized property is a firearm ordered seized under s. 51.20(13)(cv)1., 2007 stats., the court that issued that order shall order the firearm returned if the order under s. 51.20(13)(cv)1., 2007 stats., has been canceled under s. 51.20(13)(cv)2. or (16)(gm), 2007 stats., or is canceled under s. 51.20(13)(cv)1m. c.</p> <p>(b) If the seized property is a firearm ordered seized under s. 51.20(13)(cv)1., the court that issued that order shall order the firearm returned if the order under s. 51.20(13)(cv)1. is canceled under s. 51.20(13)(cv)1m. c.</p> <p>(c) If the seized property is a firearm ordered seized under s. 51.45(13)(i)1., the court that issued that order shall order the firearm returned if the order under s. 51.45(13)(i)1. is canceled under s. 51.45(13)(i)2. c.</p> <p>(d) If the seized property is a firearm ordered seized under s. 54.10(3)(f)1., the court that issued that order shall order the firearm returned if the order under s. 54.10(3)(f)1. is canceled under s. 54.10(3)(f)2. c.</p> <p>(e) If the seized property is a firearm ordered seized under s. 55.12(10)(a), the court that issued that order shall order the firearm returned if the order under s. 55.12(10)(a) is canceled under s. 55.12(10)(b)3.</p> <p>(2) Property not required for evidence or use in further investigation, unless contraband or property covered under sub. (1m) or (1r) or s. 173.12 or 968.205, may be returned by the officer to the person from whom it was seized without the requirement of a hearing.</p> <p>(3)(a) First class cities shall dispose of dangerous weapons or ammunition seized 12 months after taking possession of them if the owner, authorized under sub. (1m), has not requested their return and if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding. Disposition procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any dangerous weapons or ammunition which appear to be stolen or are reported stolen. If enacted, any such provision shall include a presumption that if the dangerous weapons or ammunition appear to be or are reported stolen an attempt will be made to return the dangerous weapons or ammunition to the authorized rightful owner. If the return of a seized dangerous weapon other than a firearm is not requested by its rightful owner under sub. (1) and is not returned by the officer under sub. (2), the city shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01(35), sell the motor vehicle following the procedure under s. 973.075(4) or authorize a law enforcement agency to retain and use the motor vehicle. If the return of a seized firearm or ammunition is not requested by its authorized rightful</p>

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	<p>owner under sub. (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become property of the state crime laboratories. A person designated by the department of justice may destroy any material for which the laboratory has no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratories have no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.</p> <p>(b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or county or other custodian of a seized dangerous weapon or ammunition, if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the dangerous weapon or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized dangerous weapon or ammunition is not returned by the officer under sub. (2), the city, village, town or county or other custodian may retain the dangerous weapon or ammunition and authorize its use by a law enforcement agency, except that a dangerous weapon used in the commission of a homicide or a handgun, as defined in s. 175.35(1)(b), may not be retained. If a dangerous weapon other than a firearm is not so retained, the city, village, town or county or other custodian shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01(35), sell the motor vehicle following the procedure under s. 973.075(4). If a firearm or ammunition is not so retained, the city, village, town or county or other custodian shall ship it to the state crime laboratories and it is then the property of the laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.</p> <p>(4) Any property seized, other than property covered under s. 968.205, that poses a danger to life or other property in storage, transportation or use and that is not required for evidence or further investigation shall be safely disposed of upon command of the person in whose custody they are committed. The city, village, town or county shall by ordinance or resolution establish disposal procedures. Procedures may include provisions authorizing an attempt to return to the rightful owner substances which have a commercial value in normal business usage and do not pose an immediate threat to life or property. If enacted, any such provision shall</p>

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	include a presumption that if the substance appears to be or is reported stolen an attempt will be made to return the substance to the rightful owner.
Wyoming	<p><i>Wyo. Stat. Ann. § 1-40-203 (Victim and witness bill of rights).</i></p> <p>(a) All victims and witnesses of crime shall be treated with compassion, respect and sensitivity.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights:</p> <p>...</p> <p>(xi) To prompt return of property seized as evidence as provided in W.S. 1-40-208;</p> <p>....</p> <p><i>Wyo. Stat. Ann. § 1-40-208 (Prompt return of property; photographs in lieu of property).</i></p> <p>(a) Victims and witnesses have the right to have any personal property, which is not contraband, promptly returned and any real estate, subject to declaration as uninhabitable under W.S. 35-9-156(d), released to the control of the real estate owner, provided it does not interfere with prosecution, trial or appellate review of the case.</p> <p>(b) Criminal justice agencies shall work together to expedite the return of property, which is not contraband, when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed. The prosecuting attorney shall notify the attorneys for the defendants of the intention to return the property twenty (20) days prior to its return to enable the defendants to seek relief from the court. No notice is required in the absence of a known suspect or defendant unless otherwise ordered by the court. No later than sixty (60) days after the property is taken as evidence, the prosecuting attorney shall make an initial determination whether to expedite the return of property to the victim or witness. The prosecuting attorney in exercising discretion to expedite the return of property shall consider whether:</p> <p>(i) Photographs of the property would be admissible as evidence in lieu of the property;</p> <p>(ii) Submitting the photographs into evidence in lieu of the property will substantially prejudice any criminal proceeding;</p> <p>(iii) The property is required for evidentiary analysis; and</p> <p>(iv) Ownership of the property is disputed.</p>

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	<p>(c) The trial court exercising jurisdiction over a criminal proceeding shall, if requested, enter appropriate orders to preserve the property for evidentiary analysis or use, or return the property to the victim or witness as appropriate.</p> <p><i>Wyo. Stat. Ann. § 14-6-502 (Victim bill of rights).</i></p> <p>(a) Victims shall have the following rights:</p> <p>...</p> <p>(xi) To prompt return of property seized as evidence as provided in W.S. 14-6-507;</p> <p>....</p> <p><i>Wyo. Stat. Ann. § 14-6-507 (Prompt return of property).</i></p> <p>(a) Victims have the right to have any personal property, which is not contraband, promptly returned provided it does not interfere with prosecution or appellate review of the case.</p> <p>(b) Law enforcement agencies shall work together to expedite the return of property when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed.</p> <p>(c) The court exercising jurisdiction over a delinquency proceeding shall, if requested, enter appropriate orders to implement the provisions of this section.</p>

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