

95.435 Custody and disposition of property taken by the police department of city of home rule class or urban-county government.

- (1) The police department in cities of the home rule class and urban-county governments shall take charge of property, within their jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property taken into the custody of any member of the police force or criminal court, and property taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the police department.
- (2) All such property shall be particularly described and registered by the police department in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The police department shall advertise the property pursuant to KRS Chapter 424 for the information of the public as to the amount and disposition of the property.
- (3) If any property in the custody of the police department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court but shall be returned to the police department.
- (4) All property except firearms that remains in the custody of the police department for three (3) months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for that purpose after having been advertised pursuant to KRS Chapter 424. The proceeds of such sales shall be paid into the police and firefighters' pension fund of said city or urban-county government if the city or urban-county government has a pension fund with active members or beneficiaries. If the city or urban-county government does not maintain a policemen's and firefighters' pension fund or no longer has active members or beneficiaries, then the proceeds shall be designated by the city or urban-county government for the exclusive use of the police department. Firearms shall be transferred to the Department of Kentucky State Police within ninety (90) days of abandonment, confiscation, release of the weapon as evidence, or forfeiture by a court, whichever occurs later.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 108, effective January 1, 2015. -- Amended 2007 Ky. Acts ch. 85, sec. 155, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 405, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 130, effective July 15, 1998. -- Amended 1978 Ky. Acts ch. 164, sec. 21, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 248, sec. 4. -- Amended 1966 Ky. Acts ch. 239, sec. 87. -- Created 1954 Ky. Acts ch. 205, sec. 1.