

Floor Amendment to HB 375

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT allowing the destruction of valueless contraband by the chief of police, the chief's  
4 designee, the county sheriff, or the sheriff's designee.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 Destruction of Property Held by Police. Amend RSA 471-C:13 to read as follows:

9 471-C:13 Property Held in Police Department Property Rooms.

10 ***I.*** Notwithstanding any other provisions of law to the contrary, all noncontraband  
11 abandoned or lost personal property which has a value of \$250 or more and which has been held in a  
12 police department ***or sheriff's office*** property room for a period of at least 180 days, or which has a  
13 value of less than \$250 and has been held for a period of at least 90 days, may be disposed of by the  
14 police department ***or sheriff's office*** by returning it to the finder, if known, if the finder was other  
15 than a police officer ***or a sheriff*** who discovered the property during the course of the police officer's  
16 ***or sheriff's*** usual police duties. If the property cannot be returned to the finder, the property shall  
17 be sold at public auction with the proceeds to be turned over to the town or city treasurer[-], except  
18 that any bicycle which has been held in a police department ***or sheriff's office*** property room for a  
19 period of 90 days or more shall be sold at public auction with the proceeds to be used for the support  
20 of local bicycle safety programs, or, if no local bicycle safety programs are available, then with the  
21 consent of the local governing body, to be used for any other purpose. The police department ***or***  
22 ***sheriff's office*** shall be relieved of all liability for any claim thereafter arising or made with respect  
23 to property disposed of under this section. A good faith judgment of the value of the property by the  
24 police department ***or sheriff's office*** shall be determinative for purposes of this section.

25 ***II.*** ***If the noncontraband abandoned or lost personal property cannot be returned***  
26 ***under paragraph I, and if it is determined in good faith by the police department or***  
27 ***sheriff's office to be of no monetary value, then such property may be destroyed or disposed***  
28 ***of as directed by the chief of police for the department or the chief's designee, or the county***  
29 ***sheriff or the sheriff's designee.***

30 2 Effective Date. This act shall take effect 60 days after its passage.

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**- Page 2 -**

2021-1165s

AMENDED ANALYSIS

This bill allows the destruction of valueless contraband by the chief of police, the chief's designee, the county sheriff, or the sheriff's designee.