

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 19, 2015
S.B. 356
PRINCIPAL CLERK

S

D

SENATE DRS35128-MD-47 (03/04)

Short Title: Electronic Ads/Property Seized by Police. (Public)

Sponsors: Senator Rabin (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE SHERIFFS AND POLICE DEPARTMENTS TO ADVERTISE
3 SALES OF SEIZED OR CONFISCATED PROPERTY ELECTRONICALLY; AND TO
4 MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 15-14 reads as rewritten:

7 "§ 15-14. Notice of sale, sale or donation.

8 (a) Advertisement of Sale or Donation Required. – Before any sale or donation of said
9 property is made under the provisions of this Article, however, the said sheriff or police
10 department making the same sale or donation shall first advertise the sale or donation by at
11 least one of the following methods:

12 (1) publishing Publication of a notice thereof in some newspaper published in
13 the said county at least one time not less than 10 days prior to the date of
14 sale, sale or donation.

15 (2) Publication of a notice thereof electronically on a Web site or social media
16 account that is regularly updated by the sheriff, police department, or other
17 government agency and that is accessible electronically by the general
18 public.

19 (b) Posting of Notice Required. – In addition to the publication of notice required by
20 subsection (a) of this section, the sheriff or police department making the sale or donation shall
21 and by posting post a notice of the sale or donation at the county courthouse door and at three
22 other public places in the said county door, at the sheriff or police department's headquarters or
23 office, and in at least one other area open to the general public.

24 (c) Contents of Notice. – Said notice shall specify the time and place of sale, and
25 contain a sufficient description of the articles of property to be sold. It shall not be required that
26 the sale lay open for increase bids or objections, but it may be deemed closed when the
27 purchaser at the sale pays the amount of the accepted bid. The notice required to be published
28 and posted under subsections (a) and (b) of this section shall set forth all of the following:

29 (1) A brief description of the property to be sold or donated and such other
30 information as the officer or department may consider necessary or advisable
31 to reasonably inform the public as to the kind and nature of the property to
32 be sold or donated.

33 (2) A statement requiring all persons who claim any interest in the articles that
34 are to be sold or donated to make their claim not later than 30 days from the
35 date of the publication or posting of the notice and stating that the property
36 will be sold or donated if a valid claim is not made within that period.



1 (3) The time and place of the sale, if applicable. If the property is to be sold
2 through an electronic or Internet-based auction service, the notice shall
3 include instructions for accessing the auction."

4 **SECTION 2.** G.S. 15-12 reads as rewritten:

5 **"§ 15-12. Publication of notice of unclaimed property; advertisement and sale or**
6 **donation of unclaimed bicycles.**

7 (a) Unless otherwise provided herein, whenever such articles in the possession of any
8 sheriff or police department have remained unclaimed by the person who may be entitled
9 thereto for a period of 180 days after such seizure, confiscation, or receipt thereof in any other
10 manner, by such sheriff or police department, the said sheriff or police department in whose
11 possession said articles are may cause to be published ~~one time in some newspaper published in~~
12 ~~said county a notice to the effect that such articles are in the custody of such officer or~~
13 ~~department, and requiring all persons who may have or claim any interest therein to make and~~
14 ~~establish such claim or interest not later than 30 days from the date of the publication of such~~
15 ~~notice or in default thereof, such articles will be sold and disposed of. Such notice shall contain~~
16 ~~a brief description of the said articles and such other information as the said officer or~~
17 ~~department may consider necessary or advisable to reasonably inform the public as to the kind~~
18 ~~and nature of the article about which the notice relates.~~ in accordance with the provisions of
19 G.S. 15-14.

20 (b) Notwithstanding subsection (a) of this section or Article 12 of Chapter 160A of the
21 General Statutes, when bicycles which are in the possession of any sheriff or police department,
22 as provided for in this Article, have remained unclaimed by the person who may be entitled
23 thereto for a period of 60 days after such seizure, confiscation or receipt thereof, the said sheriff
24 or police department who has possession of any such bicycle may proceed to
25 ~~advertise~~ advertise, in accordance with the requirements of G.S. 15-14, and sell such bicycles as
26 provided by this Article, or may donate such bicycles to a charitable organization exempt under
27 section 501(c)(3) of the Internal Revenue Code. If the bicycles are to be donated, the notice
28 shall state that as the intended disposition if they are not claimed."

29 **SECTION 3.** G.S. 15-13 reads as rewritten:

30 **"§ 15-13. Public sale 30 days after publication of notice.**

31 If said articles shall remain unclaimed or satisfactory evidence of ownership thereof not be
32 presented to the sheriff or police department, as the case may be, for a period of 30 days after
33 the publication and posting of the notice ~~provided for in G.S. 15-12, required by G.S. 15-14,~~
34 then the ~~said~~ sheriff or police department in whose custody ~~such the~~ articles may be is hereby
35 authorized and empowered to sell the same at public auction for cash to the highest bidder,
36 either at the courthouse door of the county, the county law enforcement headquarters if the sale
37 is conducted by the sheriff, or at the police headquarters of the municipality in which the said
38 articles of property are located, and at such sale to deliver the same to the purchaser or
39 purchasers thereof."

40 **SECTION 4.** G.S. 15-14.1 reads as rewritten:

41 **"§ 15-14.1. Sale of property through electronic auction.**

42 In addition to selling property as authorized in G.S. 15-13, a sheriff or police department
43 may sell property in his or its possession through an electronic auction service. When doing so,
44 there shall be no requirement that a sale remain open to accept upset bids or objections. The
45 sheriff or police department shall comply with the publication and notice requirements
46 provided in G.S. 15-12 through G.S. 15-14 prior to any sale under this section."

47 **SECTION 5.** This act becomes effective October 1, 2015.