

Disposition of Stolen Property

Code of Criminal Procedure, Chapter 47

Law enforcement seizes alleged stolen property.

If property **was** recovered from a pawn shop **or** ownership is contested, officer holds property pending order from court. *CCP 47.01(b)*

If no criminal action pending: a hearing may be held upon petition of an interested party, before any magistrate in the county where the property is held/ seized/alleged to have stolen. *CCP 47.01a(a),(d)*

Officer files inventory of property seized w/ court. *CCP 47.03*

Court should notify interested parties of hearing.

Possible Outcomes
No criminal action pending, PC exists property was stolen & cannot determine owner

- Deliver property to gov't agency for official purposes;
- Deliver property to a person authorized (by CCP 18.17) to receive and dispose of the property; or
- Destroy the property. *CCP 47.01a(b)*

If ownership of property **is not** contested and property **was not** recovered from a pawn shop, property may be returned to owner. *CCP 47.01(a)*

If a criminal action is pending: a hearing may be held before any magistrate where action is pending, but only with written consent of the prosecutor and following an order from the trial court under Art. 47.01(a). *CCP 47.02*

Possible Outcomes Criminal action pending

- If it is proved to court's satisfaction that:
 - Any person is true owner of the property; and
 - Property is under control of a peace officer, then
- Court, by written order, may direct property to be restored to that person. *CCP 47.02*

Possible Outcomes
No criminal action pending and owner is known

- Award to whoever has superior right to possession;
- Award to whoever has superior right to possession, subject to the condition that the property be available to prosecutor in the future; or
- Order the property awarded to the custody of a peace officer, pending resolution of criminal investigations regarding the property. *CCP 47.01a(a)*

APPEAL: Only a person who appears at a hearing may appeal. Must give oral notice to court at conclusion of hearing & give a bond (not to exceed 2x the value of the property) by the next business day. *CCP 47.12*

STORAGE/TRANSPORTATION COSTS: The person awarded the property is responsible. *CCP 47.01a(e), 47.02(c)*