

Chapter 63.40 RCW
UNCLAIMED PROPERTY IN HANDS OF SHERIFF

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RCW 63.40.010 Methods of disposition—Notice—Sale, retention, destruction, or trade. Whenever any personal property, other than vehicles governed by chapter 46.52 RCW, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the sheriff's office subject to giving notice in the manner prescribed in RCW 63.40.020 and the right of the owner, or his or her legal representative, to reclaim the property within one year after the receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the county sheriff, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the sheriff shall provide the county's executive or legislative authority and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2);

(3) Destroy an item of personal property at the discretion of the county sheriff if the county sheriff determines that the following circumstances have occurred:

(a) The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The county sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.40.020, may be offered by the county sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the discretion of the county sheriff, in a manner that is illegal, such item may be destroyed. [1988 c 223 § 4; 1988 c 132 § 3; 1981 c 154 § 3; 1973 1st ex.s. c 44 § 4; 1961 c 104 § 1.]

Reviser's note: This section was amended by 1988 c 132 § 3 and by 1988 c 223 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 63.40.020 Notice of sale, form, contents—Conduct of sale.

Before said personal property shall be sold, a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The notice shall be signed by the sheriff or his or her deputy. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the sheriff or his or her deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. [2012 c 117 § 183; 1988 c 132 § 4; 1961 c 104 § 2.]

RCW 63.40.030 Disposition of proceeds. The moneys arising from sales under the provisions of this chapter shall be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keeping of said personal property and the balance, if any, shall be paid into the county current expense fund. [1961 c 104 § 3.]

RCW 63.40.040 Reimbursement to owner. If the owner of said personal property so sold, or his or her legal representative, shall, at any time within three years after such money shall have been deposited in the county current expense fund, furnish satisfactory evidence to the county treasurer of said county of the ownership of said personal property, he or she shall be entitled to receive from said county current expense fund the amount so deposited therein. [2012 c 117 § 184; 1961 c 104 § 4.]

RCW 63.40.050 Uniform unclaimed property act not applicable. The provisions of *chapter 63.29 RCW shall not apply to personal property in the possession of the office of county sheriff. [1985 c 7 § 126; 1961 c 104 § 5.]

***Reviser's note:** Chapter 63.29 RCW was repealed in its entirety by 2022 c 225 § 1505, effective January 1, 2023. For later enactment, see chapter 63.30 RCW.

RCW 63.40.060 Donation of unclaimed personal property to nonprofit charitable organizations. In addition to any other method of disposition of unclaimed property provided under this chapter, the county sheriff may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. Such organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code. [2007 c 219 § 3; 1987 c 182 § 2.]

Severability—1987 c 182: See note following RCW 63.32.050.

RCW 63.40.070 Duties of sheriff or designated alternate entity accepting found property. (1) This chapter does not modify the requirements for a sheriff to accept found property under chapter 63.21 RCW.

(2) If a county designates an alternate department or governmental entity to accept found property under RCW 63.21.090:

(a) The designated department or governmental entity shall comply with the disposition requirements under this chapter in the same manner as would be required of the sheriff; and

(b) The sheriff is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a sheriff must be retained or disposed of in accordance with this chapter and other applicable state laws. [2020 c 26 § 17.]

Intent—2020 c 26: See note following RCW 63.21.090.