

67.592 Seized and forfeited property -- Duties of property clerk -- Exclusions.

- (1) The county judge/executive shall designate the sheriff of the county, or, if there is a county police department, may designate the chief of the county police, as custodian of all property:
 - (a) Alleged to be or suspected of being the proceeds of crime;
 - (b) Alleged to be or suspected of having been used to facilitate the commission of a crime;
 - (c) Which is subject to confiscation or forfeiture, excluding property subject to forfeiture pursuant to KRS Chapter 218A, or both, under any provision of the Kentucky Revised Statutes;
 - (d) Which is taken from the person of a prisoner, except for any personal property that may be in the custody of a prisoner upon his or her admission to jail, in which case all property which he or she is not permitted to retain upon admission to jail shall be placed in the custody of the jailer;
 - (e) Which is lost or abandoned and taken into custody by any peace officer, or the courts; or
 - (f) Which is taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves.
- (2) Any peace officer, except for the Department of Kentucky State Police, or court having custody of the property shall, as soon as practicable, deliver it into the custody of the property clerk.
- (3) The sheriff or chief of county police designated as custodian of property shall appoint from persons on his or her staff, or may employ, a person to serve as property clerk and other persons necessary as deputy property clerks.
- (4) All the property shall be particularly described and registered by the property clerk, or his or her deputy, 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 it was taken, with the general circumstances of its receipt, the name of the officer recovering the property, the names of all claimants to the property, and any final disposition of the property. The property clerk shall advertise the property, if it is not the subject of a forfeiture proceeding, as to the amount and disposition of the property.
- (5) The fiscal court of the county may prescribe regulations in regard to the duties of the property clerk and his or her deputies, and require security for the faithful performance of the duties imposed by this section.
- (6) All animals stolen, strayed, lost, or confiscated that come into the possession of the property clerk shall be sent to an animal shelter located within the county, if there is one, or if there is none to an animal shelter in another county.
- (7) No property shall be delivered to the property clerk or his or her deputy except as provided in this section.
- (8) No property shall be disposed of by the property clerk or his or her deputy except in the manner prescribed by law.

- (9) The provisions of this section shall apply in all unincorporated areas of a county and in all cities which do not appoint a property custodian pursuant to KRS 95.845.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 141, effective June 26, 2007. -- Amended 2004 Ky. Acts ch. 189, sec. 25, effective July 13, 2004. -- Amended 1990 Ky. Acts ch. 445, sec. 4, effective July 13, 1990. -- Created 1980 Ky. Acts ch. 193, sec. 1, effective July 15, 1980.