

TITLE 55
PROPERTY IN GENERAL

CHAPTER 4
PERSONAL PROPERTY

55-401. CONFLICT OF LAWS. If there is no law to the contrary in the place where personal property is situated, it is deemed to follow the person of its owner and is governed by the law of his domicil.

[(55-401) R.S., sec. 2890; reen. R.C. & C.L., sec. 3095; C.S., sec. 5363; I.C.A., sec. 54-401.]

55-402. TRANSFER AND DEVOLUTION OF THINGS IN ACTION. A thing in action arising out of the violation of a right of property, or out of an obligation, may be transferred by the owner. Upon the death of the owner it passes to his personal representatives, except where, in the cases provided in the Code of Civil Procedure, it passes to his devisees or successor in office.

[(55-402) R.S., sec. 2891; reen. R.C. & C.L., sec. 3096; C.S., sec. 5364; I.C.A., sec. 54-402.]

55-403. ABANDONED OR UNCLAIMED PROPERTY IN POSSESSION OF SHERIFF OR CITY POLICE DEPARTMENT -- SALE AT PUBLIC AUCTION. (1) Except as otherwise provided in subsection (4) of this section, any personal property that has come into the possession or custody of the sheriff of any county in this state or the city police department of any city in this state by reason of the same having been abandoned, impounded or otherwise left with the sheriff or city police department, or if originally taken into custody under legal process, such property has been lawfully released or discharged from the attachment or other process under which it was taken into custody and which remains unclaimed or unredeemed by the owner or one entitled to possession thereof for more than ninety (90) days from the date of such abandonment, impoundment, leaving, or release from attachment or other process under which the same was originally taken into custody, as the case may be, shall be subject to sale by the sheriff or city police department at public auction for cash on not less than five (5) or more than ten (10) days' notice except as otherwise provided in subsection (2) of this section, the conduct and notice of which sale shall be given and had in conformity with sales on execution; provided, however, that prior to public auction, bicycles need only be unclaimed or unredeemed by the owner or one entitled to possession for more than sixty (60) days and that personal property with a fair market value of less than twenty-five dollars (\$25.00) need only be unclaimed or unredeemed by the owner or one entitled to possession for more than thirty (30) days.

(2) Whenever the sheriff or city police department has knowledge of the name and address of the owner or one entitled to possession of personal property, a copy of such notice of sale at public auction as provided in subsection (1) of this section or of a bid for sale as provided in subsection (4) of this section, shall be mailed to such owner or one entitled to possession, with postage prepaid, at least fourteen (14) days prior to such sale.

(3) As many items of personal property may be noticed for sale and sold at the same sale as the sheriff or city police department may deem advisable, and said property may be sold singly or in lots or as a whole as the sheriff or city police department may determine. The sheriff or city police department

shall give a bill of sale to the highest bidder upon payment of the amount bid upon payment of the bid price.

(4) (a) Any firearm or ammunition that meets the established specifications for official law enforcement duty use and will be used for official law enforcement duty use and which has come into the possession or custody of the sheriff of any county in this state or the city police department of any city in this state by reason of the firearm or ammunition having been abandoned, impounded or otherwise acquired by the sheriff or city police department, or if originally released or discharged from the attachment or other process under which it was taken into custody and which remains unclaimed or unredeemed by the owner or person entitled to possession thereof for more than six (6) months from the date of such abandonment, impoundment, leaving or release from attachment or other process under which the firearm or ammunition was originally taken into custody, as the case may be, may be converted by the county sheriff or city police department in the county or city in which it was first acquired. A serial number record shall be maintained for all firearms thus converted, and such record shall include the description, acquisition and disposition for each firearm converted.

(b) Any firearm or ammunition not converted for official law enforcement duty use as provided in subsection (4) (a) of this section, where such firearm or ammunition may be lawfully possessed by a licensed firearm dealer, shall be subject to sale to a licensed firearm dealer by sealed or opened bids after notification as provided in subsection (2) of this section. If no sale is completed for the firearm or ammunition pursuant to this paragraph, the firearm or ammunition may be converted to public agency ownership for official law enforcement purposes, provided an actual or appraised value is determined for each firearm or any ammunition converted. If the firearm or ammunition is not converted, or if following conversion the firearm or ammunition is deemed unusable or unsafe, the firearm or ammunition may be scrapped by melting or other method of destruction. The public agency shall maintain procedures and records as to the acquisition, serial number, location, use and final disposition of the firearm.

(c) Notwithstanding any other provision of law, a court shall direct the county sheriff or city police department to dispose of any firearm that has been used in the commission of a homicide in a manner the sheriff or city police department deems appropriate, provided however, this paragraph shall not apply to a firearm confiscated or otherwise acquired pursuant to an action under section [18-4009](#), [18-4011](#) or [18-4012](#), Idaho Code.

(5) Any public agency that confiscates a firearm shall maintain a serial number record, including a record of the acquisition and disposition, of such firearm and shall provide the firearm to the sheriff or city police department in the county or city in which the confiscation takes place. The firearm shall thereafter be handled in accordance with the provisions of this section.

[55-403, added 1957, ch. 131, sec. 1, p. 221; am. 1978, ch. 357, sec. 1, p. 940; am. 1986, ch. 136, sec. 1, p. 366; am. 2005, ch. 217, sec. 2, p. 691; am. 2021, ch. 183, sec. 1, p. 504.]

55-404. PROCEEDS OF SALE -- DISBURSEMENT. Except as provided in section [55-405](#), Idaho Code, the proceeds of said sale shall be applied first to

all costs assessed or incurred against the personal property so sold including any storage charges as keepers' fee and expenses of sale incurred by the sheriff or city police department, and the balance of such proceeds, if any, shall be kept by the sheriff or city police department in a separate fund for a period of one (1) year from the date of sale. Any person claiming title to, or ownership of, such proceeds by reason of ownership of such personal property at the time of sale by the sheriff or city police department shall make written application therefor to the sheriff or city police department. If satisfactory proof of such title or ownership is furnished within one (1) year of the receipt of such proceeds, then the said proceeds shall be delivered to the claimant. If no claim and proof is made before the expiration of one (1) year from the receipt of the proceeds, the same shall be paid by the sheriff to the county treasurer or by the city police department to the city clerk who shall credit the same to the general fund of the county or the city, as the case may be, and no claim therefor shall be thereafter considered.

[55-404, added 1957, ch. 131, sec. 2, p. 221; am. 1978, ch. 357, sec. 2, p. 941; am. 2002, ch. 131, sec. 1, p. 362.]

55-405. FOUND PERSONAL PROPERTY. (1) Notwithstanding any other provision of law, any person who finds money or goods valued at one hundred dollars (\$100) or more, excepting firearms, explosives or other deadly weapons as identified in [chapter 33, title 18](#), Idaho Code, shall, if the owner of the money or goods is unknown, give written notice of the finding within ten (10) days to the county clerk of the county in which the money or goods were found. Within twenty (20) days after the date of the finding, the person who finds such money or goods shall cause to be published in a newspaper of general circulation in the county a notice of the finding once each week for two (2) consecutive weeks. Each such notice shall state:

- (a) A general description of the money or goods found;
- (b) The address and telephone number of the county clerk's office; and
- (c) The final date by which such money or goods must be claimed.

(2) If no person establishes ownership of the money or goods prior to the expiration of three (3) months from the date of the notice to the county clerk, as provided in subsection (1) of this section, the person who found such money or goods shall be the rightful owner thereof.

(3) (a) If any person who finds money or goods valued at one hundred dollars (\$100) or more, excepting firearms, explosives or other deadly weapons as identified in [chapter 33, title 18](#), Idaho Code, fails to comply with the provisions of subsection (1) of this section, such person shall be liable to the county for the money or goods or for the value of such money or goods.

(b) Upon forfeiture of the money or goods, or the value of such money or goods, as provided in this subsection, the county treasurer shall hold the money or goods or their value for the owner and shall publish in a newspaper of general circulation in the county a notice of the finding once each week for two (2) consecutive weeks. Each such notice shall state:

- (i) A general description of the money or goods found;
- (ii) The address and telephone number of the county treasurer's office; and
- (iii) The final date by which such money or goods must be claimed.

(c) If the owner does not reclaim the money or goods within three (3) months after the date of first publication of the notice by the county

treasurer, the owner forfeits any rights to the money or goods or the value thereof and:

(i) If money, such money shall be placed in the general fund of the county for payment of the general operating expenses of the county; or

(ii) If goods, such goods shall be delivered to the sheriff of the county and sold at public auction as provided in section [55-403](#), Idaho Code. The proceeds of the sale of such goods shall be applied first to the costs of the sale and the remainder shall be placed in the general fund of the county for the payment of the general operating expenses of the county.

(4) An owner of money or goods found by another person who establishes a claim to such money or goods within the time period specified in this section shall have restitution of such money or goods, or their value, upon payment to the finder or the county treasurer, as applicable, of all costs and charges incurred in the finding, giving of notice, and care and custody of such money or goods.

(5) Nothing in this section shall be construed to affect the provisions of [chapter 5, title 14](#), Idaho Code.

[55-405, added 2002, ch. 131, sec. 2, p. 362.]