

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

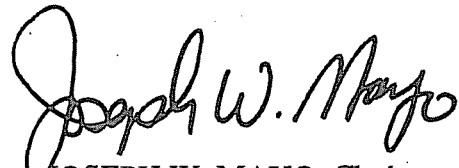
No. 787

H.P. 583

House of Representatives, March 4, 1993

An Act for the Return of Stolen Property Retained as Evidence.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KETTERER of Madison.
Cosponsored by Senator: CONLEY of Cumberland.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 15 MRSA §458 is enacted to read:

6 **§458. Custody and release of stolen property**

8 **1. Custody of stolen property.** When property, other than
10 contraband, that is alleged to have been stolen is in custody of
12 a law enforcement officer, it may be held subject to the order of
14 the court in which the criminal action is pending or, if a
16 request for its release from such custody is made, until the
18 prosecutor has notified the defendant or the defendant's attorney
of the request and both the prosecution and defense have been
afforded a reasonable opportunity for an examination of the
property to determine its true value and to produce or reproduce,
by photographs or other identifying techniques, legally
sufficient evidence for introduction at trial or other criminal
proceedings.

20 **2. Release procedure.** Upon expiration of a reasonable time
22 for the completion of the examination, which in no event may
24 exceed 30 days from the date of service of the notice of request
for return of property as provided in subsection 1, the property
26 must be released to the person making such request after
satisfactory proof of such person's entitlement to the possession
28 thereof. Notwithstanding this subsection, upon application by
either party with notice to the other, the court may order
retention of the property if it determines that retention is
necessary in the furtherance of justice.

30
32 **STATEMENT OF FACT**

34 Currently, property alleged to have been stolen is usually
36 held in the custody of the police. If a request for its release
38 from such custody is made, the property must be held until both
40 the prosecution and the defense have had an opportunity to
42 examine the property and photograph the evidence. This bill
provides that after the examination time has elapsed, the
property must be released to the person making the request for
the property, unless the court determines that retention of the
property is in the interest of justice.