

40A: 14-157

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:14-157
 Laws of 1975 Chapter 206
 Bill No. A2177
 Sponsor(s) Esposito & Others
 Date Introduced Oct. 7, 1974
 Committee: Assembly Municipal Government
 Senate County & Municipal Gov't.

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Feb. 24, 1975; Re'enacted 1/8/76
 Senate May 5, 1975; Re'enacted 1/8/76

Date of approval February 9, 1976

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement:	Assembly Yes	No
	Senate Yes	No
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No
Following were printed:		
Reports	Yes	No
Hearings	Yes	No

As noted in the Senate committee statement, A2177 and S1386 were identical. There were no committee statements for S1386; it was given a pocket veto at the end of the session because A2177 had already been approved with changes recommended by the Governor.

10/4/76
 and 1977

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ASSEMBLY, No. 2177

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1974

By Assemblymen ESPOSITO, SALKIND, CALI, ADUBATO
MARINO and PERKINS

Referred to Committee on Municipal Government

AN ACT concerning ****[county and]**** municipal police departments
and amending N. J. S. 40A:14-157 (P. L. 1971, c. 197).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 40A:14-157 is amended to read as follows:

2 40A:14-157. *a.* Where tangible personal property comes into the
3 possession of the police department or force of a municipality, by
4 *finding or recovery, by a member of the police force acting in the*
5 *line of duty*, and if the owner or his whereabouts is unknown and
6 cannot be ascertained, or if said owner shall refuse to receive such
7 property, then the said property shall not be disposed of for 6
8 months, except in cases of motor vehicles, which shall be for 3
9 months. In any such case the governing body of said municipality,
10 by resolution, may then provide for the sale, in whole or in part
11 of any such property, at public auction, after notice of a designated
12 time and place therefor, not less than 10 days prior thereto, pub-
13 lished in a newspaper circulating within the municipality. Perish-
14 able items may be sold without reference to the said periods of time.
15 Moneys received from the sale of any such property *****[if**
16 *unclaimed by a person entitled thereto within said 6-month*
17 *period]*** shall be paid ***[into the police pension fund, if any,**
18 *otherwise]* into the general municipal treasury.**

19 All unclaimed moneys coming into the possession of any
20 municipal police department or force shall be turned over within
21 48 hours to the municipal treasurer for retention in a trust account
22 and, after 6 months, *if unclaimed by any person entitled thereto,*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

23 be paid ***[into the police pension fund, if any, otherwise]*** into the
24 general municipal treasury.

25 *b. Whenever any money or tangible personal property other*
26 *than a motor vehicle has been or shall be found or discovered by*
27 *any person other than by a member of a municipal police force*
28 *acting in the line of duty and the finder shall have given or shall*
29 *give custody of the found money or tangible personal property to*
30 *the municipal police department or force for the purpose of assist-*
31 *ing the police to find the owner thereof, the police department or*
32 *police force shall retain custody of said money or tangible personal*
33 *property for a period of 6 months. If the money or tangible*
34 *personal property is unclaimed during said 6-month period by the*
35 *person entitled thereto, the money or personal property shall be*
36 *returned by the municipal police department or police force to the*
37 *finder, who shall be deemed the sole owner thereof.*

38 *c. This act shall apply to all money or tangible personal property*
39 *which now is in, or which hereafter may come into, the possession*
40 *or custody of any municipal police department, police force or*
41 *municipal treasury in the manner herein described.*

1 2. This act shall take effect immediately.

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7 property, then the said property shall not be disposed of for 6
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16 *by a person entitled thereto within said 6-month period* shall be
17 paid into the police pension fund, if any, otherwise into the general
18 municipal treasury.

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20 municipal police department or force shall be turned over within
21 48 hours to the municipal treasurer for retention in a trust account
22 and, after 6 months, *if unclaimed by any person entitled thereto,*
23 be paid into the police pension fund, if any, otherwise into the
24 general municipal treasury.

25 *b.* Whenever any money or tangible personal property other
26 than a motor vehicle has been or shall be found or discovered by

27 any person other than by a member of a municipal police force
28 acting in the line of duty and the finder shall have given or shall
29 give custody of the found money or tangible personal property to
30 the municipal police department or force for the purpose of assist-
31 ing the police to find the owner thereof, the police department or
32 police force shall retain custody of said money or tangible personal
33 property for a period of 6 months. If the money or tangible
34 personal property is unclaimed during said 6-month period by the
35 person entitled thereto, the money or personal property shall be
36 returned by the municipal police department or police force to the
37 finder, who shall be deemed the sole owner thereof.

38 c. This act shall apply to all money or tangible personal property
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40 or custody of any municipal police department, police force or
41 municipal treasury in the manner herein described.

1 2. This act shall take effect immediately.

STATEMENT

One of the purposes of this bill is to express clearly the intent and meaning of the bill of which it is amendatory, which intent and meaning may have become obscured through various amendments and revisions. Subsection "(a)" now expresses the original intent and meaning of the bill which it amends and makes clear that it refers only to money or property found or recovered by the police acting in the line of duty.

Subsection "(b)" further clarifies the statute by reasserting the existing law and encouraging private citizens to enlist the cooperation of the police to find the owners of found property. In this regard, police officers who find money or property while not acting in the line of duty, come under the same classification as ordinary citizens.

Some question has arisen whether an honest citizen who turns in found money or property to the police loses his rights as a finder under the statute as it is now written.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2177

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 24, 1975

Assembly Bill No. 2177 concerns the dispositions of tangible property coming into the possession of a municipal police department. Except for the requirement that certain unclaimed moneys be turned over to the municipal treasury rather than be dedicated to the police pension fund, the provisions of Assembly Bill No. 2177 are identical to those of Senate Bill No. 1386, previously reported favorably by the committee.

The main provisions of the bill are as follows:

(1) unclaimed moneys from the sale of unclaimed tangible personal property found or recovered by a member of a municipal police force while on duty shall, after a 6 month period has elapsed from the date of sale, shall be turned over to the general municipal treasury;

(2) all moneys coming into possession of said department if unclaimed within 6 months shall be turned over to the municipal treasury; except that,

(3) whenever any money or tangible personal property, other than a motor vehicle, shall be discovered and turned over to the police department by any person other than a member of the municipal police department or force acting in the line of duty, the said property or moneys if unclaimed with a 6 month period shall be returned to the finder, who shall then be deemed sole owner.

The provisions of this bill would apply to any moneys presently in the possession or which may hereafter come into the possession of any municipal police department or force or municipal treasury.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 5, 1976

ASSEMBLY BILL NO. 2177 (SECOND OCR)

TO THE GENERAL ASSEMBLY:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 2177 (Second OCR), with my objections, for reconsideration.

This bill would provide for the disposition of unclaimed monies and tangible personal property which come into a municipal police department by finding or recovery. All monies and personal property discovered by a private citizen and turned over to the police department shall be returned to the private citizen when unclaimed for a certain period of time. Whenever monies and personal property are found by a police officer on duty and go unclaimed for a certain period of time, said monies and the proceeds from the sale of the personal property shall be given to the municipal treasury.

I agree with the purpose of the bill. However, there is an ambiguity which must be clarified. The Senate County and Municipal Government Committee's statement to the bill indicates that whenever personal property found by an on duty police officer is sold at public auction, the proceeds therefrom must be held for claim by the owner of the personal property for six months. I do not agree with this construction of the bill. The terms of the bill (Section 1, page 1, line 16) seem to provide that the proceeds of the sale may be immediately given to the municipal treasury. Moreover, there is no valid reason to require the proceeds of the sale of such property to be held for six months for further claim. Such a requirement would distinguish the disposal time period for such property from the disposal time period for monies found by a police officer and monies and personal property found by a private citizen. This is unwarranted. Therefore, the bill should have deleted any language which might be construed to require such a distinction.

Accordingly, I herewith return Assembly Bill No. 2177 (Second OCR) for reconsideration and recommend that it be amended as follows:

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

-2-

Page 1, Section 1, lines 15-16: After "property" delete "if unclaimed
by a person entitled thereto within said 6-month period."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

ATTEST:

/s/ Charles C. Carella

EXECUTIVE SECRETARY TO THE GOVERNOR