Chapter 142

(1963 reprint)

Stolen Property and Property Taken from Person in Custody

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STOLEN PROPERTY

142.010 Officer's custody of stolen or embezzled property is subject to order of magistrate or court. When property alleged to have been stolen or embezzled comes into the custody of a peace officer, he shall hold it subject to the order of the magistrate or court, as provided in ORS 142.020.

142.020 Delivery of stolen or embezzled property to owner. (1) On satisfactory proof of the title of the owner of the property, the magistrate who examines the charge against the person accused of the crime shall order it to be delivered to the owner, or his duly authorized agent, on his paying the reasonable and necessary expenses incurred in its preservation, which shall be ascertained and certified by the magistrate.

(2) If property stolen or embezzled has not been delivered to the owner, the court before which a trial is had for the stealing or embezzling thereof may, on like proof and condition, order its delivery to the owner or his agent.

142.030 Rights and authority conferred by order of delivery. The order provided for in ORS 142.020 entitles the owner or his agent to demand and receive the possession of the property from the officer having it in custody and authorizes such officer to deliver it accordingly; but it does not affect the rights of third persons.

142.040 Disposal of unclaimed money or property; sale of property. If stolen or embezzled property is not claimed by the owner within 60 days from the conviction of the person for stealing or embezzling it, the officer having it in custody shall, if it is money, pay it into the county treasury. If it is other property, he shall sell it as upon an execution and, after paying the expenses of the sale and preservation of the property, which shall be ascertained and certified by the clerk of the court, pay the proceeds into the county treasury.

142.050 Title of purchaser at sale. A sale of property pursuant to ORS 142.040 conveys a good title to the purchaser as against any person.

142.060 Crediting and appropriating proceeds of sale paid into county treasury; rights of owner. Money paid into the county treasury pursuant to ORS 142.040 shall be credited and appropriated as a fine imposed upon a person convicted of stealing or embezzlement; but the owner of the property, at any time within six years of the conviction, upon making satisfactory proof of ownership before the county court of the county, may, by the order of such court, have the proceeds repaid to him from the county treasury.

142.070 Powers and duties of peace officers respecting theft and slaughter of animals and other property. All persons serving as special officers for the enforcement of any state or municipal law hereby are vested with the full powers of peace officers in so far as the same may be necessary or convenient for the apprehension of any persons engaged in, or accused of, the theft or slaughter of livestock, livestock carcasses, poultry, killed or dressed, or other personal property and products of the same or different kind from farms, pastures, ranges, industrial plants and other places of production or robbing the owners of such personal property, or other persons in possession of the same; for the prevention of such crimes; and for obtaining and seeking to obtain evidence of such crimes. It is the duty of all peace officers in the State of Oregon to enforce all laws for the protection of the property and the prevention of the crimes above mentioned.

142.080 Forfeiture of conveyances used unlawfully to conceal or transport stolen property. Any boat, vehicle or other conveyance used by or with the knowledge of the owner or the person operating or in charge thereof, other than stolen conveyances, in the unlawful transportation of livestock, livestock carcasses, poultry or other personal property, as provided in ORS 142.070, or in which any such personal property unlawfully possessed is kept or concealed by or with the knowledge of such owner or person operating or in charge thereof, shall be forfeited to the state.

142.090 Seizure of stolen animals or other property being transported; proceedings against person arrested. When any officer of the law discovers any person in the act of transporting any stolen live meat food animal or fowl, any meat food animal or fowl carcass, or any part thereof, or any wool, hides, grain or any other article which has been stolen in or upon any vehicle, team, horse or conveyance of any kind, the officer shall seize all such articles or things found

therein, take possession of the vehicle, team, horse or other conveyance and arrest any person in charge thereof. The officer shall at once proceed against the person arrested, under the provisions of the law which has been violated, in any court having competent jurisdiction and shall deliver the vehicle, team, horse or other conveyance to the sheriff of the county in which such seizure has been made; but the vehicle, team, horse or other conveyance shall be returned to the owner upon execution of a good and valid bond, with sufficient sureties in a sum double the value of the property, which bond shall be approved by the sheriff and shall be conditioned upon the return of said property to the custody of the sheriff on the day of trial to abide the judgment of the court.

142.100 Sale of seized property; rights of owner and lien holder. The court, upon conviction of the person arrested pursuant to ORS 142.090, shall, unless the bona fide owner or a bona fide lien holder registers his objection as provided in this section, or unless other good cause to the contrary is shown, order a sale of the property at public auction by the sheriff of the county where it was seized. The sheriff, after deducting the expense of keeping the property and the cost of sale, shall pay, according to their priorities, all liens which are established by intervention or otherwise at such hearing or in other proceedings brought for said purpose and shall pay the balance of the proceeds into the general fund of the county; provided, that no claim of ownership or of any right, title or interest in the vehicle, team, horse or other conveyance shall be held valid unless the claimant shows to the satisfaction of the court that he is in good faith the owner of the claim and had no knowledge that the vehicle, team, horse or other conveyance was used or to be used in violation of law; provided, further, that no such conveyance shall be sold under this section if the bona fide owner or any bona fide lien holder, before the date set for such sale, registers his objection to such sale with the court and proves to the satisfaction of the court that he had no knowledge that such conveyance was to be used to convey stolen property, in which case the court shall order the vehicle, team, horse or other conveyance to be released. All liens against property sold under the provisions of ORS 142.100, 142.110 or 142.120 shall be transferred from the property to the proceeds of the sale of the property.

142.110 Notice to owner. If no one claims the vehicle, team, horse or other conveyance, as provided in ORS 142.100, the taking of the same with description thereof shall be advertised in some daily newspaper published in the city or county where taken or, if there is no daily newspaper published in such county or city, in a newspaper having weekly circulation in the city or county once a week for two weeks and by notice posted in three public places near the place of seizure, and the legal owner, in the case of a motor vehicle, if licensed by the State of Oregon, as shown by his name and address in the records of the Department of Motor Vehicles, shall be notified by mail; and if no claimant appears within 10 days after the last publication of the advertisement, the property shall be sold and the proceeds, after deducting the expenses and costs, shall be paid into the general fund of the county.

142.120 Perishable property; livestock. If any of the property seized, as provided in ORS 142.090, is perishable, or livestock or fowls where the cost of keeping is great, the sheriff shall, upon order of the court, sell the same in the manner in which property is sold on execution.

142.130 Retention of property to answer order of court. The proceeds of the sale mentioned in ORS 142.120 and other property seized shall be retained by liens, if not released on bond, to answer any order that may be entered by the court upon the trial of the person arrested.

142.140 to 142.200 [Reserved for expansion]

PROPERTY TAKEN FROM PERSON IN CUSTODY

142.210 Receipts for property taken from person in custody. Whenever any jailer, peace officer or health officer takes or receives any money or other valuables from any prisoner or person in custody for safekeeping or for other purposes, the officer or jailer receiving such valuables or money forthwith shall tender one of duplicate receipts for the property being surrendered to the prisoner or person in custody. If possible, the prisoner or person in custody shall countersign both the original and duplicate receipts. If the prisoner or person is unable

to sign the receipts or receive the duplicate thereof, the same shall be signed by and delivered to the prisoner or person when reasonably possible. A file of the original receipts shall be kept for at least six months after the money or valuables have been returned to the prisoner, his agent or representative or other person entitled to the same.

142.220 to 142.980 [Reserved for expansion]

PENALTIES

142.990 Penalties. Violation of ORS 142.210 is punishable upon conviction by a fine of not more than $500 or by imprisonment in the county jail for not more than one year, or both.