

Chapter 63.21 RCW

LOST AND FOUND PROPERTY

Sections

- 63.21.010** Procedure where finder wishes to claim found property—Appraisal—Surrender of property—Notice of intent to claim—Publication.
 - 63.21.020** Circumstances extinguishing finder's claim to property.
 - 63.21.030** Release of property to finder—Limitations—Payment to governmental entity—Expiration of finder's claim.
 - 63.21.040** Failure to comply with chapter—Forfeiture of right to property.
 - 63.21.050** Duties of chief law enforcement officer receiving found property.
 - 63.21.060** Duties of governmental entity acquiring lost property—Disposal of property.
 - 63.21.070** Claim to found property by employee, officer, or agent of governmental entity—Limitation.
 - 63.21.080** Chapter not applicable to certain unclaimed property.
 - 63.21.090** Designation of alternate entity to accept, store, retain, and dispose of found property.
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RCW 63.21.010

Procedure where finder wishes to claim found property—Appraisal—Surrender of property—Notice of intent to claim—Publication.

(1) Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(a) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge, unless the found property is cash; and

(b) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value of the property to the chief law enforcement officer, his or her designated representative, or other designated entity under RCW **63.21.090**, of the governmental entity where the property was found, and serve written notice upon the officer or designee of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter.

(2) Within thirty days of the report the governmental entity shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found, unless the appraised value of the property is less than the cost of publishing notice. If the value is less than the cost of publishing notice, the governmental entity may cause notice to be posted or published in other media or formats that do not incur expense to the governmental entity.

[2020 c 26 § 10; 1997 c 237 § 1; 1979 ex.s. c 85 § 1.]

NOTES:

Intent—2020 c 26: See note following RCW **63.21.090**.

RCW 63.21.020**Circumstances extinguishing finder's claim to property.**

The finder's claim to the property shall be extinguished:

- (1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer or, if so designated under RCW **63.21.090**, the appropriate entity, the owner's right to possession of the property; or
- (2) If the chief law enforcement officer or designee determines and so informs the finder that the property is illegal for the finder to possess.

[2020 c 26 § 11; 1979 ex.s. c 85 § 2.]

NOTES:

Intent—2020 c 26: See note following RCW **63.21.090**.

RCW 63.21.030**Release of property to finder—Limitations—Payment to governmental entity—Expiration of finder's claim.**

(1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer or designee if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of payment to the treasurer of the governmental entity handling the found property, the amount of ten dollars plus the amount of the cost of publication of notice incurred by the governmental entity pursuant to RCW **63.21.010**, which amount shall be deposited in the general fund of the governmental entity. If the appraised value of the property is less than the cost of publication of notice of the finding, then the finder is not required to pay any fee.

(2) When ninety days have passed after the found property was reported to the appropriate officer or designee, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter **63.32** or **63.40** RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property.

[2020 c 26 § 12; 1997 c 237 § 2; 1979 ex.s. c 85 § 3.]

NOTES:

Intent—2020 c 26: See note following RCW **63.21.090**.

RCW 63.21.040

Failure to comply with chapter—Forfeiture of right to property.

Any finder of property who fails to discharge the duties imposed by this chapter shall forfeit all right to the property and shall be liable for the full value of the property to its owner.

[1979 ex.s. c 85 § 4.]

RCW 63.21.050

Duties of chief law enforcement officer receiving found property.

(1) The chief law enforcement officer, his or her designated representative, or other designated entity under RCW **63.21.090** to whom a finder surrenders property, must:

(a) Advise the finder if the found property is illegal for him or her to possess;

(b) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(c) Advise the finder in writing of the procedures to be followed in claiming the found property;

(d) If the property is valued at one hundred dollars or less adjusted for inflation under subsection (2) of this section, allow the finder to retain the property if it is determined there is no reason for the officer or designee to retain the property;

(e) If the property exceeds one hundred dollars adjusted for inflation under subsection (2) of this section in value and has been requested to be surrendered to the governmental entity, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner has recovered the property;

(f) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(g) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(h) If neither the finder nor the owner claim the property retained by the officer or designee within thirty days of the time when the claim can be made, the property must be disposed of as unclaimed property under chapter **63.32** or **63.40** RCW.

(2)(a) The office of financial management must adjust the dollar thresholds established in subsection (1)(d) and (e) of this section for inflation every five years, beginning July 1, 2025, based upon changes in the Seattle consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit the new dollar threshold, rounded up to the nearest dollar, to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(b) For the purposes of determining the thresholds in subsection (1)(d) and (e) of this section, the chief law enforcement officer, his or her designated representative, or other designated entity under RCW **63.21.090** must use the latest thresholds published by the office of financial management in the Washington State Register under (a) of this subsection.

[2020 c 26 § 13; 2019 c 30 § 1; 1979 ex.s. c 85 § 5.]

NOTES:

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.060

Duties of governmental entity acquiring lost property—Disposal of property.

Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, his or her designated representative, or other designated entity under *RCW 63.32.060, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town, his or her designated representative, or other entity of the city or town so designated under RCW 63.21.090. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW.

[2020 c 26 § 14; 1979 ex.s. c 85 § 6.]

NOTES:

***Reviser's note:** The reference to RCW 63.32.060 appears to be erroneous. RCW 63.21.090 was apparently intended.

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.070

Claim to found property by employee, officer, or agent of governmental entity—Limitation.

An employee, officer, or agent of a governmental entity who finds or acquires any property covered by this chapter while acting within the course of his or her employment may not claim possession of the lost property as a finder under this chapter unless the governing body of the governmental entity has specifically provided, by ordinance, resolution, or rule for such a claim.

[1979 ex.s. c 85 § 7.]

RCW 63.21.080

Chapter not applicable to certain unclaimed property.

This chapter shall not apply to:

- (1) Motor vehicles under chapter **46.52** RCW;
- (2) Unclaimed property in the hands of a bailee under chapter **63.24** RCW;
- (3) Uniform disposition of unclaimed property under chapter **63.29** RCW;
- (4) Secured vessels under chapter **79A.65** RCW; and
- (5) Crab or other shellfish pots in coastal marine or Puget Sound waters under RCW **77.70.500**.

[2010 c 193 § 6; 2009 c 355 § 2; 1994 c 51 § 6; 1985 c 7 § 125; 1979 ex.s. c 85 § 8.]

RCW 63.21.090

Designation of alternate entity to accept, store, retain, and dispose of found property.

(1) Except as provided in subsection (2) of this section, a county, city, or town may designate an alternate department or governmental entity to accept, store, retain, and dispose of found property as required under this chapter, rather than the chief law enforcement officer or his or her designee, so long as the alternate department or governmental entity complies with the requirements and procedures under this chapter.

(2) Regardless of whether a county, city, or town designates an alternate department or governmental entity under subsection (1) of this section, the chief law enforcement officer or his or her designated representative is responsible for retaining any of the following types of property in accordance with the requirements of this chapter: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. A county, city, or town designating an alternate department or governmental entity under subsection (1) of this section shall establish procedures for ensuring these types of property are directed to the chief law enforcement officer or his or her designated representative.

[2020 c 26 § 15.]

NOTES:

Intent—2020 c 26: "The legislature recognizes that proper storage and preservation of evidence, including maintaining chain of custody requirements, are critical to any successful investigation and prosecution. Unreported sexual assault kits are, therefore, most appropriately stored and preserved by law enforcement agencies. The legislature further recognizes that some agencies are facing storage capacity constraints. Agencies are currently responsible for storing found property, regardless if the property is associated with a criminal investigation. Therefore, the legislature hereby intends to provide flexibility for local governments to designate an alternate entity to store found property in order to allow those agencies with capacity issues to prioritize storage space for evidence and potential evidence in criminal investigations." [2020 c 26 § 9.]