

ASSEMBLY, No. 1696

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman CLINTON CALABRESE
District 36 (Bergen and Passaic)

SYNOPSIS

Permits police departments to donate unclaimed bicycles to nonprofit organizations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/3/2022)

1 AN ACT concerning the donation of bicycles to nonprofit
2 organizations and amending N.J.S.40A:14-157.

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4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

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

8 40A:14-157. a. Where tangible personal property comes into
9 the possession of the police department or force of a municipality,
10 by finding and recovery, by a member of the police force acting in
11 the line of duty, and if the owner or his whereabouts is unknown
12 and cannot be ascertained, or if said owner shall refuse to receive
13 such property, then the said property shall not be disposed of for six
14 months, except in cases of motor vehicles, which shall be disposed
15 of according to P.L.1964, c.81 (C. 39:10A-1 et seq.). In any such
16 case the governing body of said municipality, by resolution, may
17 then provide for the sale, in whole or in part of any such property,
18 at public auction, after notice of a designated time and place
19 therefor, not less than 10 days prior thereto, published in a
20 newspaper circulating within the municipality. Perishable items
21 may be sold without reference to the said periods of time. Moneys
22 received from the sale of any such property shall be paid into the
23 general municipal treasury.

24 All unclaimed moneys coming into the possession of any
25 municipal police department or force shall be turned over within 48
26 hours to the municipal treasurer for retention in a trust account and,
27 after six months, if unclaimed by any person entitled thereto, be
28 paid into the general municipal treasury.

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

43 c. This act shall apply to all money or tangible personal
44 property which now is in, or which hereafter may come into, the
45 possession or custody of any municipal police department, police
46 force or municipal treasury in the manner herein described.

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

Matter underlined thus is new matter.

2. This act shall take effect immediately.

STATEMENT

This bill would permit the governing body of a municipality to authorize, by annual resolution, the police department of the municipality to donate bicycles to nonprofit organizations. To receive a donation under this bill, the nonprofit organization would need to be exempt from federal taxation, pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501). Under this bill, the municipal police department could donate a bicycle found and recovered by a member of the department, acting in the line of duty, if the department cannot ascertain the identity of the owner, or his whereabouts, or if the owner refuses to receive possession of the bicycle. The police department would need to wait six months from the time it came into possession of a bicycle to donate the bicycle.

This bill would assist nonprofit organizations that collect, condition, and distribute free or low cost, quality bikes to families and individuals in New Jersey. Under current law, a municipal police department must sell unclaimed tangible property in its possession at an auction. This bill would allow police departments to donate bicycles to benefit the citizens of this State, especially those in disadvantaged situations.

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