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NATURAL RESOURCES COMMISSION

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## Information Bulletin #23 (Second Amendment)

**SUBJECT:** Personal Property Found on DNR Properties

Field properties of the Department of Natural Resources (DNR) often have personal property left at their locations, intentionally or unintentionally. This information bulletin is directed at personal property not owned by the state of Indiana ("personal property") which is either lost or abandoned on a "DNR property" as defined at [312 IAC 8-1.5-6](#). This policy applies whether the owner is known or unknown. The policy also applies if the property is seized pursuant to a criminal investigation or another law enforcement activity.

**1. Procedures and Notice**

Any personal property found on a DNR property shall be turned in to the person in charge of the property (property manager, curator, or person with similar responsibilities, collectively referenced as a "DNR representative"). A property owner or lien holder is entitled to written notice both before and after personal property is seized and an opportunity to be heard. Notice shall be sent by certified mail to the last known address of the owner. If the DNR property should reasonably know that the personal property has a lien, the lien holder shall also be notified by certified mail. Except as otherwise provided below, the notice shall include the following:

You are notified personal property described in this notice was found at our DNR property. If you do not claim the personal property within 90 days, the State may dispose of it. You are entitled to administrative review of this determination under [IC 4-21.5](#) and [312 IAC 3-1](#). To exercise your rights of review, you must within 18 days of mailing of this notice send a letter to: Division of Hearings, Natural Resources Commission, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204.

**2. Types of Personal Property**

In the case of nonliving personal property, whether or not it is operable, a DNR property shall make a diligent effort to notify the property owner the item has been found. A DNR property may assess impoundment fees and administrative fees (such as mailing costs) against the property owner which must be paid prior to release of the item or items. Except as otherwise provided in this bulletin, if the property owner is unknown or if the property owner has not claimed the personal property within 90 days of notification by DNR, the DNR property may either use the item for state business, send the item to the surplus property sale, or discard the property. This procedure applies unless specific kinds of personal property are subject to other laws as outlined below. If there is a conflict, the stricter procedure shall apply and statutes shall supersede a rule. Unless otherwise specified below, the personal property which is found shall not be used or taken by state employees or their family members.

a. Vehicles: "Vehicle" has the meaning set forth in [IC 9-13-2-196](#)(d) and includes an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle. [IC 9-22](#) governs the disposition of abandoned, salvaged, or scrap vehicles. When a vehicle or vehicle part is found on a DNR property, the property manager shall notify the district conservation law enforcement office. A conservation officer shall take control of the vehicle or vehicle part and follow applicable statutory procedures.

b. "Boat" has the meaning set forth in [312 IAC 1-1-4.5](#) and includes any instrumentality or device in or by means of which a person may be transported upon the public water of Indiana. The term includes a motorboat, personal watercraft, a boat part, sailboat, rowboat, skiff, dinghy, canoe, or similar item of personal property of any length or size and whether or not used to carry passengers for hire. When a boat is found on a DNR property, the DNR representative shall notify the district conservation law enforcement office. A conservation officer shall take control of the boat and follow the applicable statutory procedures.

c. Firearms: "Firearm" includes any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion and includes a part of a firearm. When a firearm is found on a DNR property, the property manager shall notify the district conservation law enforcement office. A conservation officer shall take control of the firearm and follow the applicable statutory procedures.

d. Contraband and Criminal Investigation: Any items that are prohibited by law are considered contraband. When contraband is found on a DNR property, a DNR representative shall immediately notify the district conservation law enforcement office. The conservation officer shall take control of the contraband and follow the applicable statutory procedures. A conservation officer, or, if a conservation officer is unavailable, another law enforcement officer, shall direct and take control of any personal property associated with a criminal investigation or other law enforcement activity.

e. Food and Perishable Items: Unclaimed personal property that is perishable, such as food, shall be donated to a local charity or thrown away. No notice is required.

f. Other Personal Property: Any nonliving personal property found on a DNR property, which is not otherwise addressed in this information bulletin, shall follow the general procedures of documentation, notification, storage, and disposition set forth in this bulletin. All cash or cash equivalent items shall be kept in a locked safe. If a DNR property does not have a safe, it shall be kept in another locked, secure area. If unclaimed, the money shall be deposited as miscellaneous revenue.

g. Pets: Pets are personal property. If the owner of the pet is known, the DNR property shall notify the owner as soon as practicable. If the DNR property has adequate facilities, the pet may be kept in a sheltered, enclosed area for up to seven days. The DNR shall provide humane care while a pet is under its supervision. If the DNR property does not have facilities to keep a pet, or upon the expiration of the seven days, the animal may be either: (1) held and cared for by an employee until the animal is claimed; or (2) transferred to a humane society, wildlife rehabilitator, animal shelter, veterinarian, or another appropriate animal care facility. This procedure also applies to pets that appear to belong to someone (such as having a collar or leash), but which do not have an identification tag.

### **3. Reimbursement of Fees**

A DNR property may assess impoundment fees and administrative fees (such as mailing costs) against the personal property owner, and these fees must be paid before release of the property to the owner.

### **4. Record Keeping**

Any personal property taken pursuant to this information bulletin shall be documented on an Incident Report form, SF 42836 (R/11-90). These records shall be maintained at the DNR property for at least one year.

### **5. Employee Training**

All DNR properties shall inform their employees (full time, CR & R, and intermittent) of the terms of this information bulletin.

### **6. History**

This information bulletin was approved by the Natural Resources Commission on December 22, 1998, and became effective January 1, 1999. On January 16, 2007, the Commission reviewed and affirmed this bulletin. On March 20, 2012, the Commission made technical corrections and updated the bulletin.

*Posted: 03/21/2012 by Legislative Services Agency*

An [html](#) version of this document.