



1995 ASSEMBLY BILL 256

March 23, 1995 - Introduced by Representatives BALDUS, LEHMAN, FOTI, ZIEGELBAUER, F. LASEE, WILDER, HUBER, LINTON, BALDWIN, PLACHE, GROTHMAN, PLOMBON, HASENOHRL, R. YOUNG, L. YOUNG and RYBA, cosponsored by Senators CLAUSING and BUETTNER. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to amend* 170.07, 170.08, 170.09 and 170.10; and *to create* 170.105 of
2 the statutes; **relating to:** the return of lost money or goods.

Analysis by the Legislative Reference Bureau

Under current law, a person who finds money or goods worth \$3 or more is required to give written notice of the find to the clerk of the town where the money or goods were found. If the goods are worth \$25 or more, the finder must give notice of the goods to the town clerk and have a notice of the find published twice in a newspaper. If no one claims the goods within 2 months, the town chairperson is required to appraise the goods. If the owner of the lost money or goods appears within one year after the notice is given to the town clerk, current law requires the finder to return the money or goods to the owner after the owner pays all costs incurred by the town and reasonable compensation to the finder. If no owner appears within the one-year period, current law requires the finder to pay 50% of the value of the money or goods to the town, after deducting all legal charges, and keep the remainder.

This bill requires the finder of money or goods worth more than \$25 to give notice to the law enforcement agency of the city, village or town where the property is found. The bill increases the minimum value of goods that require an appraisal and newspaper notice from \$25 to \$100. The bill requires the law enforcement agency, not the town chairperson, to appraise the found goods. The bill changes the time during which the owner can come forward and claim the goods from one year to 90 days after the notice is provided to the law enforcement agency. If the owner does not come forward within the 90-day period, the bill provides that the finder becomes the owner of the money or goods. If the money or goods are found by a public official, employe or agent, the money or goods revert to the public agency if the owner does not come forward to claim the money or goods.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 170.07 of the statutes is amended to read:

2 **170.07 Lost chattels, notice.** Except as provided in ~~s. ss. 170.105 and~~ 170.12,
3 if a person finds ~~\$3~~ \$25 or more or any goods having a value of at least ~~\$3~~ \$25 but
4 less than ~~\$25~~ \$100, and if the owner of the money or goods is unknown, the finder
5 shall, within 5 days after finding the money or goods, give a written notice of the
6 found money or goods to the law enforcement agency of the city, village or town clerk
7 of the town in which the money or goods are found and cause. That law enforcement
8 agency shall post a notice of the found money or goods ~~to be posted~~ in 2 public places
9 in the city, village or town.

10 **SECTION 2.** 170.08 of the statutes is amended to read:

11 **170.08 Notice and appraisal.** Except as provided in ~~s. ss. 170.105 and~~
12 170.12, the finder of lost goods having a value of ~~\$25~~ \$100 or more shall give a written
13 notice of the found goods to the ~~clerk~~ law enforcement agency of the city, village or
14 town in which the goods are found within 15 days after finding the goods and cause
15 a class 2 notice under ch. 985 of the found goods to be published in the county. If no
16 person who is entitled to the goods appears to claim the goods, the finder shall, within
17 2 months after finding the goods and before using the goods to their injury, procure
18 an appraisal of the goods by the ~~town chairperson~~ law enforcement agency of the
19 finder's city, village or town. The appraisal shall be certified by the ~~chairperson~~ head
20 of the law enforcement agency and filed in the office of the law enforcement agency
21 of the city, village or town clerk's office.

1 **SECTION 3.** 170.09 of the statutes is amended to read:

2 **170.09 Restitution.** If the owner of lost money or goods appears within ~~one~~
3 year 90 days after notice is given to the law enforcement agency of the city, village
4 or town clerk under s. 170.07 or 170.08 and makes out his or her right to the money
5 or goods, he or she shall have restitution of the money or goods or the value of the
6 money or goods upon his or her paying all the costs and charges on the money or
7 goods, including a reasonable compensation to the finder for the finder's trouble.

8 **SECTION 4.** 170.10 of the statutes is amended to read:

9 **170.10 Payment to town.** If no owner of lost money or goods appears within
10 ~~one year~~ 90 days after notice is given to the law enforcement agency of the city, village
11 or town clerk under s. 170.07 or 170.08, the finder of the money or goods shall ~~pay~~
12 ~~one-half of the value of the money or goods, after deducting all legal charges, to the~~
13 ~~treasurer of the town. If the finder fails to pay the amount required under this~~
14 ~~section, the amount may be sued for and recovered by the town~~ be the owner of the
15 lost money or goods.

16 **SECTION 5.** 170.105 of the statutes is created to read:

17 **170.105 Chattels found by public officials, employes or agents. (1)**
18 Notwithstanding ss. 170.07 and 170.08, if an official, employe or agent of the state
19 or of a county, city, village or town finds \$25 or more or any goods having a value of
20 at least \$25 while acting within the scope of his or her official duties, employment
21 or agency, he or she shall transfer custody of the found money or goods to the agency
22 in the city, village or town where the money or goods were found that is designated
23 by the city, village or town governing body to receive found money or goods. That
24 agency shall post a notice of the found money or goods in 2 public places in the city,
25 village or town.

