

OPINIONS OF THE ATTORNEY GENERAL

The full text of an informal or formal opinion of the Attorney General may be obtained by writing to the Office of Legal Records, Department of Law, State Capitol, Albany, NY 12224. Please include the identification number, the date, the section(s) of law considered and the subject of the opinion.

INFORMAL OPINIONS

No. 2003-16

N.Y. Const., Art. VIII, § 1; Civil Practice Law and Rules, Art. 78; Municipal Home Rule Law, §10(1)(ii)(a)(1); Public Officers Law, §§ 18, 19(2)(a).

A town may not reimburse the costs incurred by the town supervisor who pled guilty to criminal charges pending against him. The town may not reimburse the legal costs incurred by town employees called to assist in the investigation and prosecution against the town supervisor. *November 4, 2003.*

No. 2003-17

Abandoned Property Law, §1310; Civil Practice Law and Rules, § 1311; Penal Law, §§165, 165.71, 165.72, 165.73, 165.74; Personal Property Law, §§ 251, 252, 253, 254, 256; 2 NYCRR 124.2; 18 U.S.C. § 2320; 49 U.S.C. §§ 805302, 80304, 80501.

If the government chooses not to commence forfeiture proceedings to obtain title to goods seized as evidence in a criminal investigation and the goods are not contraband per se, the government may either return the property to the person from who it was seized or hold the property indefinitely as custodian for the true owner. If the government wishes to return the property but cannot locate the owner, the government may acquire title to the property through compliance with the lost property statutes or ask the State Comptroller to assume custody of the property. *November 2, 2003.*