

1 HB563  
2 127922-2  
3 By Representative Vance (N & P)  
4 RFD: Local Legislation  
5 First Read: 27-APR-11

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ENROLLED, An Act,

Relating to the City of Phenix City, authorizing the chief of police to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the chief of police to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds; and to repeal Act 2000-777 of the 2000 Regular Session (Acts 2000, p. 1796).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Chief of Police of Phenix City shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the Phenix City Police Department. These records shall state the description of the property, the date of recovery of the property, the serial or other identifying number of the property, and the place of recovery of the property. The records shall be open to public inspection at all reasonable times.

(b) All abandoned or stolen property recovered by the police department shall be stored in a suitable place to protect the property from deterioration.

Section 2. If the abandoned and stolen personal property is of a perishable nature and reasonable attempts to locate and identify the owner of the property are not successful, the property may be sold at once without notice.

1 The chief of police shall attempt to obtain the best possible  
2 price for the property. The proceeds of such a sale shall be  
3 held in a separate account for a period of six months for the  
4 owner. During this period, the proceeds will be paid to the  
5 owner upon demand, less any cost of recovery, storage,  
6 maintenance, and sale. If the proceeds are not claimed within  
7 six months, after deducting and paying all expenses incurred  
8 in the recovery, storage, maintenance, and sale of the  
9 property, the net funds shall be paid to the Office of the  
10 Chief of Police of Phenix City.

11 Section 3. (a) The chief of police shall keep and  
12 maintain a separate permanent record of all abandoned and  
13 stolen firearms, not subject to disposition by general law.  
14 The records shall state the description of the firearm, the  
15 date of recovery of the firearm, the serial or other  
16 identifying number, if any, of the firearm, and the place of  
17 recovery of the firearm. Firearm as used in this act shall  
18 have the same meaning as defined in Section 13A-8-1 of the  
19 Code of Alabama 1975.

20 (b) Unless otherwise provided by law, the chief of  
21 police may sell or destroy these firearms if the owner of the  
22 firearm does not claim the firearm within six months of the  
23 date the chief of police obtained it.

24 (c) The chief of police may sell the firearms only  
25 to gun dealers who have held an active business license in

1 Russell County for at least one year immediately prior to the  
2 date of the sale. The chief of police shall establish a  
3 procedure to notify gun dealers of a sale. A firearm shall be  
4 sold to the gun dealer submitting the highest sealed bid. All  
5 sales shall be on a cash basis. The proceeds of the sale,  
6 after deducting and paying all expenses incurred in the  
7 recovery, maintenance, and sale of the firearms shall be paid  
8 to the Office of the Chief of Police of Phenix City.

9 (d) The chief of police may establish a procedure to  
10 destroy firearms and may expend necessary police department  
11 funds for that purpose.

12 Section 4. (a) At least every six months, the chief  
13 of police shall sell at public auction to the highest bidder  
14 for cash all abandoned or stolen personal property, other than  
15 firearms, which has been recovered by the police department  
16 and has remained unclaimed by the rightful owner during the  
17 preceding six-month period.

18 (b) Prior to the sale, notice shall be given by  
19 publication in a newspaper of general circulation in Phenix  
20 City once a week for two successive weeks or by posting a  
21 notice in a conspicuous place at the Phenix City municipal  
22 hall building for a period of at least 20 days. The notice  
23 shall contain the place, date, and time of each auction and a  
24 description of each item of personal property to be sold at  
25 the auction. If publication of notice is made in the

1 newspaper, the first notice shall run at least 20 days prior  
2 to the auction.

3 Section 5. The owner of any abandoned or stolen  
4 personal property recovered by the Phenix City Police  
5 Department, including firearms, may claim the property at any  
6 time prior to its sale by submitting sufficient proof of  
7 ownership as determined by the chief of police and by paying  
8 any reasonable expenses incurred in the recovery of the  
9 property, its maintenance, storage, and a pro rata share of  
10 the costs, if any, of publication of notice of the sale of the  
11 property.

12 Section 6. If property is sold at public auction, as  
13 provided in this act, a notation in the storage record book  
14 shall be made of the sale and of the amount received for the  
15 property. The person making the sale may reject any and all  
16 bids if the amount bid is unreasonably low and may continue  
17 the sale, from time to time, if no bidders are present.

18 Section 7. The proceeds from the sale of property at  
19 an auction conducted under the authority of this act, after  
20 deducting and paying all expenses incurred in the recovery,  
21 storage, maintenance, and sale of property, shall be paid to  
22 the Office of the Chief of Police of Phenix City.

23 Section 8. Act 2000-777 of the 2000 Regular Session  
24 (Acts 2000, p. 1796), is hereby repealed.

1                   Section 9. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

