

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Phenix City, authorizing the
14 chief of police to sell certain abandoned, stolen, and
15 unclaimed property at public auction; authorizing the chief of
16 police to sell or destroy certain abandoned, stolen, or
17 unclaimed firearms; providing for such an auction and for the
18 disposition of proceeds; and to repeal Act 2000-777 of the
19 2000 Regular Session (Acts 2000, p. 1796).

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) The Chief of Police of Phenix City
22 shall keep and maintain a permanent record of all abandoned
23 and stolen personal property recovered by the Phenix City
24 Police Department. These records shall state the description
25 of the property, the date of recovery of the property, the
26 serial or other identifying number of the property, and the

1 place of recovery of the property. The records shall be open
2 to public inspection at all reasonable times.

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

6 Section 2. If the abandoned and stolen personal
7 property is of a perishable nature and reasonable attempts to
8 locate and identify the owner of the property are not
9 successful, the property may be sold at once without notice.
10 The chief of police shall attempt to obtain the best possible
11 price for the property. The proceeds of such a sale shall be
12 held in a separate account for a period of six months for the
13 owner. During this period, the proceeds will be paid to the
14 owner upon demand, less any cost of recovery, storage,
15 maintenance, and sale. If the proceeds are not claimed within
16 six months, after deducting and paying all expenses incurred
17 in the recovery, storage, maintenance, and sale of the
18 property, the net funds shall be paid to the Office of the
19 Chief of Police of Phenix City.

20 Section 3. (a) The chief of police shall keep and
21 maintain a separate permanent record of all abandoned and
22 stolen firearms, not subject to disposition by general law.
23 The records shall state the description of the firearm, the
24 date of recovery of the firearm, the serial or other
25 identifying number, if any, of the firearm, and the place of
26 recovery of the firearm. Firearm as used in this act shall

1 have the same meaning as defined in Section 13A-8-1 of the
2 Code of Alabama 1975.

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

7 (c) The chief of police may sell the firearms only
8 to gun dealers who have held an active business license in
9 Russell County for at least one year immediately prior to the
10 date of the sale. The chief of police shall establish a
11 procedure to notify gun dealers of a sale. A firearm shall be
12 sold to the gun dealer submitting the highest sealed bid. All
13 sales shall be on a cash basis. The proceeds of the sale,
14 after deducting and paying all expenses incurred in the
15 recovery, maintenance, and sale of the firearms shall be paid
16 to the Office of the Chief of Police of Phenix City.

17 (d) The chief of police may establish a procedure to
18 destroy firearms and may expend necessary police department
19 funds for that purpose.

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

26 (b) Prior to the sale, notice shall be given by
27 publication in a newspaper of general circulation in Phenix

1 City once a week for two successive weeks or by posting a
2 notice in a conspicuous place at the Phenix City municipal
3 hall building for a period of at least 20 days. The notice
4 shall contain the place, date, and time of each auction and a
5 description of each item of personal property to be sold at
6 the auction. If publication of notice is made in the
7 newspaper, the first notice shall run at least 20 days prior
8 to the auction.

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

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

24 Section 7. The proceeds from the sale of property at
25 an auction conducted under the authority of this act, after
26 deducting and paying all expenses incurred in the recovery,

1 storage, maintenance, and sale of property, shall be paid to
2 the Office of the Chief of Police of Phenix City.

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

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