

1 HB300
2 154796-2
3 By Representative Beckman (N & P)
4 RFD: Local Legislation
5 First Read: 21-JAN-14

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ENROLLED, An Act,

Relating to Autauga County; authorizing the sheriff to sell certain abandoned, stolen, confiscated, lost, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the auction and for the disposition of proceeds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Sheriff of Autauga County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's office. 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 sheriff's office shall be stored in a suitable place to protect the property from deterioration.

Section 2. If the abandoned or 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. The sheriff shall attempt to obtain the best possible price

1 for the property. The proceeds of such a sale shall be held in
2 a separate account for a period of six months for the owner.
3 During this period, the proceeds will be paid to the owner
4 upon demand, less any cost of recovery, storage, maintenance,
5 and sale. If the proceeds are not claimed within six months,
6 after deducting and paying all expenses incurred in the
7 recovery, storage, maintenance, and sale of the property, the
8 net funds shall be paid to the office of the Sheriff of
9 Autauga County.

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

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

22 (c) The sheriff may sell the firearms only to gun
23 dealers who have a current federal firearms license on the
24 date of sale. A firearm shall be sold to the gun dealer
25 submitting the highest sealed bid. All sales shall be on a

1 cash basis. The proceeds of the sale, after deducting and
2 paying all expenses incurred in the recovery, maintenance, and
3 sale of the firearms shall be paid to the office of the
4 Sheriff of Autauga County.

5 (d) The sheriff may establish a procedure to destroy
6 firearms and may expend necessary sheriff's office funds for
7 that purpose.

8 Section 4. (a) At least every six months, the
9 sheriff may sell at public auction or Internet auction
10 provider, such as "GOVDeals.com," to the highest bidder for
11 cash all abandoned or stolen personal property, other than
12 firearms, which has been recovered by the sheriff and has
13 remained unclaimed by the rightful owner during the preceding
14 six month period.

15 (b) Prior to the sale, notice shall be given by
16 publication in a newspaper of general circulation in Autauga
17 County once a week for two successive weeks or by posting
18 notice in a conspicuous place at the Autauga County Courthouse
19 for a period of no less than 20 days. The notice shall contain
20 the place, date, and time of each auction and a description of
21 each item of personal property to be sold at the auction. If
22 publication of notice is made in the newspaper, the first
23 notice shall run not less than 20 days prior to the auction.

24 Section 5. The owner of any abandoned or stolen
25 personal property recovered by the Autauga County Sheriff's

1 Office, including firearms, may claim the property at any time
2 prior to its sale by submitting sufficient proof of ownership
3 as determined by the sheriff and by paying any reasonable
4 expenses incurred in the recovery of the property, its
5 maintenance, storage, and a pro rata share of the costs, if
6 any, of publication of notice of the sale of the property.

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

13 Section 7. The proceeds from the sale of property at
14 an auction conducted under the authority of this act, after
15 deducting and paying all expenses incurred in the recovery,
16 storage, maintenance, and sale of property, shall be collected
17 by the sheriff and deposited into any bank located in Autauga
18 County to a fund designated as the Sheriff's Fund. The fund
19 shall be drawn upon by the sheriff and used exclusively for
20 purposes of law enforcement in the discharge of the sheriff's
21 office as the sheriff sees fit.

22 Section 8. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

