

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Autauga County; authorizing the sheriff
14 to sell certain abandoned, stolen, confiscated, lost, and
15 unclaimed property at public auction; authorizing the sheriff
16 to sell or destroy certain abandoned, stolen, or unclaimed
17 firearms; and providing for the auction and for the
18 disposition of proceeds.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) The Sheriff of Autauga County shall
21 keep and maintain a permanent record of all abandoned and
22 stolen personal property recovered by the sheriff's office.
23 These records shall state the description of the property, the
24 date of recovery of the property, the serial or other
25 identifying number of the property, and the place of recovery
26 of the property. The records shall be open to public
27 inspection at all reasonable times.

1 (b) All abandoned or stolen property recovered by
2 the sheriff's office shall be stored in a suitable place to
3 protect the property from deterioration.

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

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

26 (b) Unless otherwise provided by law, the sheriff
27 may sell or destroy these firearms if the owner of the firearm

1 does not claim the firearm within six months of the date the
2 sheriff obtained it.

3 (c) The sheriff may sell the firearms only to gun
4 dealers who have a current federal firearms license on the
5 date of sale. A firearm shall be sold to the gun dealer
6 submitting the highest sealed bid. All sales shall be on a
7 cash basis. The proceeds of the sale, after deducting and
8 paying all expenses incurred in the recovery, maintenance, and
9 sale of the firearms shall be paid to the office of the
10 Sheriff of Autauga County.

11 (d) The sheriff may establish a procedure to destroy
12 firearms and may expend necessary sheriff's office funds for
13 that purpose.

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

21 (b) Prior to the sale, notice shall be given by
22 publication in a newspaper of general circulation in Autauga
23 County once a week for two successive weeks or by posting
24 notice in a conspicuous place at the Autauga County Courthouse
25 for a period of no less than 20 days. The notice shall contain
26 the place, date, and time of each auction and a description of
27 each item of personal property to be sold at the auction. If

1 publication of notice is made in the newspaper, the first
2 notice shall run not less than 20 days prior to the auction.

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

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

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

1 Section 8. 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.