

1 HB532
2 173234-1
3 By Representatives Tuggle and Johnson (R) (N & P)
4 RFD: Local Legislation
5 First Read: 12-APR-16

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Coosa County; to amend Section 45-19-231
14 of the Code of Alabama 1975, relating to abandoned and stolen
15 property; to further provide that the sheriff may sell
16 abandoned or stolen firearms only to gun dealers who have a
17 current federal firearms license and to delete the requirement
18 that the gun dealers have a Coosa County business license; to
19 further provide that the sheriff may sell abandoned or stolen
20 personal property, other than firearms, on an Internet auction
21 provider; and to further provide that the sheriff shall use
22 the proceeds exclusively for purposes of law enforcement.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 45-19-231 of the Code of Alabama
25 1975, is amended to read as follows:

26 "§45-19-231.

1 "(a) (1) The sheriff shall keep and maintain a
2 permanent record of all abandoned and stolen personal property
3 recovered by the sheriff's ~~department~~ office. These records
4 shall state the description of the property, the date of
5 recovery of the property, the serial or other identifying
6 number of the property, and the place of recovery of the
7 property. The records shall be open to public inspection at
8 all reasonable times.

9 "(2) All abandoned or stolen property recovered by
10 the sheriff's ~~department~~ office shall be stored in a suitable
11 place to protect the property from deterioration.

12 "(b) If the abandoned and stolen personal property
13 is of a perishable nature and reasonable attempts to locate
14 and identify the owner of the property are not successful, the
15 property may be sold at once without notice. The sheriff shall
16 attempt to obtain the best possible price for the property.
17 The proceeds of such a sale shall be held in a separate
18 account for a period of six months for the owner. During this
19 period, the proceeds shall be paid to the owner upon demand,
20 less any cost of recovery, storage, maintenance, and sale. If
21 the proceeds are not claimed within six months, after
22 deducting and paying all expenses incurred in the recovery,
23 storage, maintenance, and sale of the property, the net funds
24 shall be paid to the office of the Sheriff of Coosa County.

25 "(c) (1) The sheriff shall keep and maintain a
26 separate permanent record of all abandoned and stolen
27 firearms, not subject to disposition by general law. The

1 records shall state the description of the firearm, the date
2 of recovery of the firearm, the serial or other identifying
3 number, if any, of the firearm, and the place of recovery of
4 the firearm. Firearm, as used in this section, shall have the
5 same meaning as defined in Section 13A-8-1.

6 "(2) Unless otherwise provided by law, the sheriff
7 may sell or destroy these firearms if the owner of the firearm
8 does not claim the firearm within six months of the date the
9 sheriff obtained it.

10 "(3) The sheriff may sell the firearms only to gun
11 dealers who have ~~held an active business license from Coosa~~
12 ~~County for at least one year immediately prior to a current~~
13 federal firearms license on the date of the sale. ~~The sheriff~~
14 ~~shall establish a procedure to notify gun dealers of a sale.~~ A
15 firearm shall be sold to the gun dealer submitting the highest
16 sealed bid. All sales shall be on a cash basis. The proceeds
17 of the sale, after deducting and paying all expenses incurred
18 in the recovery, maintenance, and sale of the firearms shall
19 be paid to the office of the Sheriff of Coosa County.

20 "(4) The sheriff may establish a procedure to
21 destroy firearms and may expend necessary sheriff's ~~department~~
22 office funds for that purpose.

23 "(d) (1) At least every six months, the sheriff ~~shall~~
24 may sell at public auction or on an Internet auction provider,
25 such as GovDeals.com, to the highest bidder for cash all
26 abandoned or stolen personal property, other than firearms,
27 which has been recovered by the ~~sheriff's department~~ sheriff

1 and has remained unclaimed by the rightful owner during the
2 preceding six-month period.

3 "(2) Prior to the sale, notice shall be given by
4 publication in a newspaper of general circulation in Coosa
5 County once a week for two successive weeks and by posting a
6 notice in a conspicuous place at the Coosa County Courthouse
7 for a period of at least 20 days. The notice shall contain the
8 place, date, and time of each auction and a description of
9 each item of personal property to be sold at the auction.
10 ~~Publication~~ If publication of notice ~~shall be~~ is made in the
11 newspaper, ~~the~~ the first notice shall run at least 20 days prior
12 to the auction.

13 "(e) The owner of any abandoned or stolen personal
14 property recovered by the Coosa County Sheriff's ~~Department~~
15 Office, including firearms, may claim the property at any time
16 prior to its sale by submitting sufficient proof of ownership
17 as determined by the sheriff and by paying any reasonable
18 expenses incurred in the recovery of the property, its
19 maintenance, storage, and a pro rata share of the costs, if
20 any, of publication of notice of the sale of the property.

21 "(f) If property is sold at public auction, as
22 provided in this section, a notation in the storage record
23 book shall be made of the sale and of the amount received for
24 the property. The person making the sale may reject any and
25 all bids if the amount bid is unreasonably low and may
26 continue the sale, from time to time, if no bidders are
27 present.

1 "(g) The proceeds from the sale of property at an
2 auction conducted under the authority of this section, after
3 deducting and paying all expenses incurred in the recovery,
4 storage, maintenance, and sale of property, shall be paid to
5 the office of the Sheriff of Coosa County. The sheriff shall
6 use these proceeds exclusively for the purposes of law
7 enforcement."

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