

1 HB427
2 203881-1
3 By Representative Sorrells (N & P)
4 RFD: Local Legislation
5 First Read: 10-MAR-20

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

1 does not claim the firearm within 12 months of the date the
2 sheriff obtained it.

3 (3) The sheriff may sell the firearms only to gun
4 dealers who have held an active business license from Geneva
5 County for at least one year immediately prior to the date of
6 the sale. The sheriff shall establish a procedure to notify
7 gun dealers of a sale. A firearm shall be sold to the gun
8 dealer submitting the highest sealed bid. All sales shall be
9 on a cash basis. The proceeds of the sale, after deducting and
10 paying all expenses incurred in the recovery, maintenance, and
11 sale of the firearms shall be paid to the office of the
12 Sheriff of Geneva County.

13 (4) The sheriff may establish a procedure to destroy
14 firearms and may expend necessary sheriff department funds for
15 that purpose.

16 (d) (1) At least every six months, the sheriff shall
17 sell at public auction to the highest bidder for cash all
18 abandoned or stolen personal property, other than firearms,
19 which has been recovered by the sheriff's department and has
20 remained unclaimed by the rightful owner during the preceding
21 six-month period.

22 (2) Prior to the sale, notice shall be given by
23 publication in a newspaper of general circulation in Geneva
24 County once a week for two successive weeks or by posting a
25 notice in a conspicuous place at the Geneva County Courthouse
26 for a period of at least 20 days. The notice shall contain the
27 place, date, and time of each auction and a description of

1 each item of personal property to be sold at the auction. If
2 publication of notice is made in the newspaper, the first
3 notice shall run at least 20 days prior to the auction.

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

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

19 (g) The proceeds from the sale of property at an
20 auction conducted under the authority of this section after
21 deducting and paying all expenses incurred in the recovery,
22 storage, maintenance, and sale of property, shall be paid to
23 the general fund of Geneva County and shall be used for the
24 purchase of new vehicles for the sheriff's office and for the
25 repair and maintenance of vehicles used by the sheriff's
26 office.

1 Section 2. 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.