

1 HB464
2 207966-1
3 By Representatives Baker and Jones (M) (N & P)
4 RFD: Local Legislation
5 First Read: 25-FEB-21

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; to authorize the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; to provide for the auctions and for the disposition of proceeds; and to authorize the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Sheriff of Escambia 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 where the property was recovered. The records shall be open to public 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 from the sale shall be held for
10 a period of six months for the owner. During this period, the
11 proceeds shall be paid to the owner upon demand, less any cost
12 of recovery, storage, maintenance, and sale. If the proceeds
13 are not claimed within six months, after deducting and paying
14 all expenses incurred in the recovery, storage, maintenance,
15 and sale of the property, the net funds shall be paid to the
16 office of the Sheriff of Escambia County.

17 Section 3. (a) (1) The sheriff shall keep and
18 maintain a permanent record of all abandoned or stolen
19 firearms, not subject to disposition by general law. The
20 records shall state the description of the firearm, the date
21 of recovery of the firearm, the serial or other identifying
22 number, if any, of the firearm, and the place where the
23 firearm was recovered.

24 (2) For the purposes of this act, "firearm" shall
25 have the same meaning as defined in Section 13A-8-1 of the
26 Code of Alabama 1975.

1 (b) Unless otherwise provided by law, the sheriff
2 may sell or destroy the firearm if the owner of the firearm
3 does not claim the firearm within six months of the date the
4 sheriff obtained it.

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

14 (d) The sheriff may establish a procedure to destroy
15 firearms and may expend necessary funds of the sheriff's
16 office for that purpose.

17 Section 4. (a) As often as necessary, the sheriff
18 may sell at public auction or by internet auction to the
19 highest bidder all abandoned or stolen personal property,
20 other than firearms, which has been recovered by the sheriff's
21 office and has remained unclaimed by the rightful owner for at
22 least a six-month period.

23 (b) Prior to the sale, notice shall be given by
24 publication in a newspaper of general circulation in Escambia
25 County once a week for two successive weeks or by posting
26 notice in a conspicuous place at the Escambia County
27 Courthouse for a period of at least 20 days. The notice shall

1 contain the place, date, and time of each auction and a
2 general description of items of personal property to be sold
3 at the auction. If publication of notice is made in the
4 newspaper, the first notice shall run at least 20 days prior
5 to the auction.

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

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

20 Section 7. The proceeds from the sale of property at
21 an auction conducted under the authority of this act, after
22 deducting and paying all expenses incurred in the recovery,
23 storage, maintenance, and sale of property, shall be collected
24 by the sheriff and deposited in any bank located in Escambia
25 County into a fund designated as the sheriff's fund. The fund
26 may be drawn upon by the sheriff and used exclusively for law

1 enforcement purposes in the discharge of the duties of the
2 sheriff's office at the discretion of the sheriff.

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