

HB294 ENROLLED



1 HB294
2 BLDQM44-2
3 By Representative Butler (N & P)
4 RFD: Local Legislation
5 First Read: 18-Feb-25



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1 Enrolled, An Act,

2
3 Relating to Etowah County; to provide for the sale,
4 use, and destruction of certain abandoned, stolen, and
5 unclaimed property by the Etowah County Drug Enforcement Unit;
6 and to specify requirements for the sale and disposition of
7 proceeds thereof.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act shall only apply to Etowah County.

10 Section 2. (a) The Etowah County Drug Enforcement Unit
11 shall keep and maintain a record of all abandoned and stolen
12 personal property recovered by the drug enforcement unit.
13 These records shall state the description of the property, the
14 date of recovery of the property, and the serial or other
15 identifying number of the property. If the property is a
16 firearm, the records shall state the description of the
17 firearm, the date of recovery of the firearm, and the serial
18 or other identifying number, if any. The records shall be open
19 to public inspection at all reasonable times.

20 (b) All abandoned or stolen property recovered by the
21 drug enforcement unit shall be stored in a suitable place to
22 protect the property from deterioration.

23 Section 3. (a) (1) As often as necessary, the Etowah
24 County Drug Enforcement Unit may sell at public auction,
25 including an Internet auction, to the highest bidder all
26 abandoned or stolen personal property that have been recovered
27 by the drug enforcement unit and have remained unclaimed by
28 the rightful owner for a period of not less than six months.



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29 (2) If the abandoned or stolen property is a firearm,
30 the person holding the auction must hold a federal firearm
31 license issued by the Bureau of Alcohol, Tobacco, Firearms and
32 Explosives (ATF), and all sales involving a firearm shall meet
33 the firearm transfer requirements of federal law.

34 (b) Prior to the auction, the Etowah County Drug
35 Enforcement Unit shall give notice by publication in a
36 newspaper of general circulation in Etowah County once a week
37 for two successive weeks or by posting notice in a conspicuous
38 place at the Etowah County Courthouse for a period of at least
39 20 days. The notice shall contain the place, date, and time of
40 each auction and a general description of items of personal
41 property to be sold at the auction.

42 (c) Notwithstanding subsection (b), if the abandoned or
43 stolen personal property is of a perishable nature and
44 reasonable attempts to locate and identify the owner of the
45 property are not successful, the property may be sold at once
46 without notice.

47 (d) The drug enforcement unit shall attempt to obtain
48 the best possible price for the property.

49 Section 4. (a) Prior to the sale of abandoned or stolen
50 property under this act, the owner of the property may claim
51 the property at any time by submitting sufficient proof of
52 ownership as determined by the Etowah County Drug Enforcement
53 Unit.

54 (b) The drug enforcement unit may require the owner to
55 pay a pro rata share of the costs, if any, of publication of
56 notice of the sale of the property.



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57 Section 5. (a) If abandoned or stolen property is sold
58 under this act, the proceeds of the sale shall be held in a
59 separate account for a period of six months for the owner.

60 (b) During the six-month period described in subsection
61 (a), upon demand by the owner and submission of sufficient
62 proof of ownership, the drug enforcement unit shall pay to the
63 owner the proceeds of the sale, less any cost of recovery,
64 storage, maintenance, and sale of the property.

65 (c) If the proceeds are not claimed within six months,
66 after deducting and paying all expenses incurred in the
67 recovery, storage, maintenance, and sale of the property, the
68 net proceeds shall be paid to the Drug Enforcement Forfeiture
69 Account in the county treasury. The funds in the account may
70 be expended based on vouchers submitted to the county and
71 shall be used solely for law enforcement purposes. The
72 receipts and expenditures of funds shall be audited by the
73 Examiners of Public Accounts.

74 Section 6. If abandoned or stolen property is sold at
75 public auction, as provided in this act, the Etowah County
76 Drug Enforcement Unit shall make a notation in the storage
77 record of the sale and the amount received for the property.
78 The person making the sale may reject any and all bids if the
79 amount bid is unreasonably low and may continue the sale, from
80 time to time, at his or her discretion.

81 Section 7. Notwithstanding any other provision of this
82 act to the contrary, any abandoned or stolen firearm that has
83 been obtained by the Etowah County Drug Enforcement Unit and
84 that has been unclaimed for a period of six or more months, as



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provided in this act, may be used by the drug enforcement unit at its discretion for law enforcement purposes or, if unlawful or not safe for use, in the discretion of the drug enforcement unit, destroyed.

Section 8. This act applies to any abandoned or stolen property held on or after the effective date of this act.

Section 9. This act shall become effective on October 1, 2025.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 27-Feb-25.

John Treadwell
Clerk

Senate

01-Apr-25

Passed