

HB294 INTRODUCED



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



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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



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

35 (2) If the abandoned or stolen property is a firearm,
36 the person holding the auction must hold a federal firearm
37 license issued by the Bureau of Alcohol, Tobacco, Firearms and
38 Explosives (ATF), and all sales involving a firearm shall meet
39 the firearm transfer requirements of federal law.

40 (b) Prior to the auction, the Etowah County Drug
41 Enforcement Unit shall give notice by publication in a
42 newspaper of general circulation in Etowah County once a week
43 for two successive weeks or by posting notice in a conspicuous
44 place at the Etowah County Courthouse for a period of at least
45 20 days. The notice shall contain the place, date, and time of
46 each auction and a general description of items of personal
47 property to be sold at the auction.

48 (c) Notwithstanding subsection (b), if the abandoned or
49 stolen personal property is of a perishable nature and
50 reasonable attempts to locate and identify the owner of the
51 property are not successful, the property may be sold at once
52 without notice.

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

55 Section 4. (a) Prior to the sale of abandoned or stolen
56 property under this act, the owner of the property may claim



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57 the property at any time by submitting sufficient proof of
58 ownership as determined by the Etowah County Drug Enforcement
59 Unit.

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

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

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

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

80 Section 6. If abandoned or stolen property is sold at
81 public auction, as provided in this act, the Etowah County
82 Drug Enforcement Unit shall make a notation in the storage
83 record of the sale and the amount received for the property.
84 The person making the sale may reject any and all bids if the



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85 amount bid is unreasonably low and may continue the sale, from
86 time to time, at his or her discretion.

87 Section 7. Notwithstanding any other provision of this
88 act to the contrary, any abandoned or stolen firearm that has
89 been obtained by the Etowah County Drug Enforcement Unit and
90 that has been unclaimed for a period of six or more months, as
91 provided in this act, may be used by the drug enforcement unit
92 at its discretion for law enforcement purposes or, if unlawful
93 or not safe for use, in the discretion of the drug enforcement
94 unit, destroyed.

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

97 Section 9. This act shall become effective on October
98 1, 2025.