

HB612 ENROLLED



1 HB612
2 DGE57HH-2
3 By Representative Hammett (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 11-Mar-26



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1 Enrolled, An Act,

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3 To propose an amendment to the Constitution of Alabama
4 of 2022, relating to Covington County, to authorize the
5 sheriff to sell abandoned, stolen, and unclaimed personal
6 property and firearms, and to provide for the auctions and the
7 disposition of the proceeds.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. The following amendment to the Constitution
10 of Alabama of 2022, is proposed:

11 PROPOSED AMENDMENT

12 (a) The Sheriff of Covington County shall keep and
13 maintain a permanent record of all abandoned and stolen
14 personal property recovered by the sheriff's office. These
15 records shall state the description of the property, the date
16 of recovery of the property, the serial or other identifying
17 number of the property, and the place of recovery of the
18 property. The records shall be open to the public at all
19 reasonable times.

20 (b) All abandoned or stolen property recovered by the
21 sheriff's office shall be stored in a suitable place to
22 protect the property from deterioration.

23 (c) If the abandoned or stolen personal property is of
24 a perishable nature and reasonable attempts to locate and
25 identify the owner of the property are not successful, the
26 property may be sold at once without notice. The sheriff shall
27 attempt to obtain the best possible price for the property.
28 The proceeds of a sale shall be held in a separate account for



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29 a period of six months for the owner. During this period, the
30 proceeds shall be paid to the owner upon demand, less any cost
31 of recovery, storage, maintenance, and sale. If the proceeds
32 are not claimed within six months, after deducting and paying
33 all expenses incurred in the recovery, storage, maintenance,
34 and sale of the property, the net funds shall be paid to the
35 office of the Sheriff of Covington County.

36 (d) The sheriff shall keep and maintain a permanent
37 record of all abandoned or stolen firearms that are not
38 subject to disposition by general law. The records shall state
39 the description of the firearm, the date of recovery of the
40 firearm, the serial or other identifying number, if any, of
41 the firearm, and the place of recovery of the firearm.
42 "Firearm" as used in this subpart shall have the same meaning
43 as defined in Section 13A-8-1.

44 (e) Unless otherwise provided by law, the sheriff may
45 sell or destroy these firearms if the owner of the firearm
46 does not claim the firearm within six months of the date the
47 sheriff obtained it.

48 (f) The sheriff may sell the firearms only to gun
49 dealers who have a current federal firearms license on the
50 date of sale. A firearm shall be sold to the gun dealer
51 submitting the highest sealed bid. All sales shall be on a
52 cash basis. The proceeds of the sale, after deducting and
53 paying all expenses incurred in the recovery, maintenance, and
54 sale of the firearm, shall be paid to the office of the
55 Sheriff of Covington County.

56 (g) The sheriff may establish a procedure to destroy



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57 firearms and may expend necessary sheriff's office funds for
58 that purpose.

59 (h) At least every six months, the sheriff may sell at
60 public auction or through an Internet auction provider, to the
61 highest bidder for cash, all abandoned or stolen personal
62 property, other than firearms and unauthorized sound or
63 audiovisual recordings, which has been recovered by the
64 sheriff and has remained unclaimed by the rightful owner
65 during the preceding six-month period.

66 (i) Prior to the sale, notice shall be given by
67 publication in a newspaper of general circulation in Covington
68 County once a week for two successive weeks or by posting in a
69 conspicuous place at the Covington County Courthouse for a
70 period of not less than 20 days. The notice shall contain the
71 place, date, and time of each auction and a description of
72 each item of personal property to be sold at the auction. If
73 publication of notice is made in the newspaper, the first
74 notice shall run not less than 20 days prior to the auction.

75 (j) The owner of any abandoned or stolen personal
76 property recovered by the Covington County Sheriff's Office,
77 including firearms, may claim the property at any time prior
78 to its sale by submitting sufficient proof of ownership as
79 determined by the sheriff and by paying any reasonable
80 expenses incurred in the recovery of the property, its
81 maintenance, storage, and a pro rata share of the costs, if
82 any, of publication of notice of the sale of the property.

83 (k) If property is sold at public auction, as provided
84 in this subpart, a notation in the storage record book shall



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85 be made of the sale and of the amount received for the
86 property. The person making the sale may reject any and all
87 bids if the amount bid is unreasonably low and may continue
88 the sale, from time to time, if no bidders are present.

89 (1) The proceeds from the sale of property at an
90 auction conducted under the authority of this subpart, after
91 deducting and paying all expenses incurred in the recovery,
92 storage, maintenance, and sale of property, shall be collected
93 by the sheriff and deposited into any bank located in
94 Covington County into a fund designated as the sheriff's fund.
95 The fund shall be drawn upon by the sheriff and used
96 exclusively for purposes of law enforcement in the discharge
97 of the sheriff's office at the discretion of the sheriff.

98 Upon ratification of this constitutional amendment, the
99 Code Commissioner shall number and place this amendment as
100 appropriate in the constitution omitting this instructional
101 paragraph and may make the following nonsubstantive revisions:
102 change capitalization, hierarchy, spelling, and punctuation
103 for purposes of style and uniformity; correct manifest
104 grammatical, clerical, and typographical errors; revise
105 internal or external citations and cross-references; harmonize
106 language; and translate effective dates.

107 END PROPOSED AMENDMENT

108 Section 2. An election upon the proposed amendment
109 shall be held in accordance with Sections 284, 284.01, and 285
110 of the Constitution of Alabama of 2022, and the election laws
111 of this state. The appropriate election official shall assign
112 a ballot number for the proposed constitutional amendment on



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113 the election ballot and shall set forth the following
114 description of the substance or subject matter of the proposed
115 constitutional amendment:

116 "Relating to Covington County, proposing an amendment
117 to the Constitution of Alabama of 2022, to authorize the
118 sheriff to sell abandoned, stolen, and unclaimed personal
119 property and firearms, and to provide for the auctions and the
120 disposition of the proceeds.

121 Proposed by Act ____."

122 This description shall be followed by the following
123 language:

124 "Yes() No()."

125 Section 3. The proposed amendment shall become valid as
126 part of the Constitution of Alabama of 2022, when approved by
127 a majority of the qualified electors voting thereon.



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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 17-Mar-26.

John Treadwell
Clerk

Senate **31-Mar-26** Passed