

1 HB427
2 203881-2
3 By Representative Sorrells (N & P)
4 RFD: Local Legislation
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ENROLLED, An Act,

Relating to Geneva County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property; providing for the sale and for the disposition of proceeds; and authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) (1) The sheriff shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's department. 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 of recovery of the property. The records shall be open to public inspection at all reasonable times.

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

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

1 account for a period of six months for the owner. During this
2 period, the proceeds will be paid to the owner upon demand,
3 less any cost of recovery, storage, maintenance, and sale. If
4 the proceeds are not claimed within six months, after
5 deducting and paying all expenses incurred in the recovery,
6 storage, maintenance, and sale of the property, the net funds
7 shall be paid to the office of the Sheriff of Geneva County.

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

16 (2) Unless otherwise provided by law, the sheriff
17 may sell or destroy these firearms if the owner of the firearm
18 does not claim the firearm within 12 months of the date the
19 sheriff obtained it.

20 (3) The sheriff may sell the firearms only to gun
21 dealers who have held an active business license from Geneva
22 County for at least one year immediately prior to the date of
23 the sale. The sheriff shall establish a procedure to notify
24 gun dealers of a sale. A firearm shall be sold to the gun
25 dealer submitting the highest sealed bid. All sales shall be

1 on a cash basis. The proceeds of the sale, after deducting and
2 paying all expenses incurred in the recovery, maintenance, and
3 sale of the firearms shall be paid to the office of the
4 Sheriff of Geneva County.

5 (4) The sheriff may establish a procedure to destroy
6 firearms and may expend necessary sheriff department funds for
7 that purpose.

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

14 (2) Prior to the sale, notice shall be given by
15 publication in a newspaper of general circulation in Geneva
16 County once a week for two successive weeks or by posting a
17 notice in a conspicuous place at the Geneva County Courthouse
18 for a period of at least 20 days. The notice shall contain the
19 place, date, and time of each auction and a description of
20 each item of personal property to be sold at the auction. If
21 publication of notice is made in the newspaper, the first
22 notice shall run at least 20 days prior to the auction.

23 (e) The owner of any abandoned or stolen personal
24 property recovered by the Geneva County Sheriff's Department,
25 including firearms, may claim the property at any time prior

1 to its sale by submitting sufficient proof of ownership as
2 determined by the sheriff and by paying any reasonable
3 expenses incurred in the recovery of the property, its
4 maintenance, storage, and a pro rata share of the costs, if
5 any, of publication of notice of the sale of the property.

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

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

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

