

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

1 locate and identify the owner of the property are not
2 successful, the property may be sold at once without notice.
3 The sheriff shall attempt to obtain the best possible price
4 for the property. The proceeds from the sale shall be held for
5 a period of six months for the owner. During this period, the
6 proceeds shall be paid to the owner upon demand, less any cost
7 of recovery, storage, maintenance, and sale. If the proceeds
8 are not claimed within six months, after deducting and paying
9 all expenses incurred in the recovery, storage, maintenance,
10 and sale of the property, the net funds shall be paid to the
11 office of the Sheriff of Escambia County.

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

19 The sheriff shall take reasonable efforts to locate
20 the owner of abandoned or stolen firearms recovered by the
21 sheriff's office including notifying the sheriff's office of
22 surrounding counties of the recovered firearms.

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

26 (b) Unless otherwise provided by law, the sheriff
27 may sell or destroy the firearm if the owner of the firearm

1 does not claim the firearm within six months of the date the
2 sheriff obtained it.

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

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

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

21 The sheriff shall take reasonable efforts to locate
22 the owner of abandoned or stolen personal property recovered
23 by the sheriff's office including notifying the sheriff's
24 office of surrounding counties if the property is deemed to be
25 a family heirloom or to be of substantial value.

26 (b) Prior to the sale, notice shall be given by
27 publication in a newspaper of general circulation in Escambia

1 County once a week for two successive weeks or by posting
2 notice in a conspicuous place at the Escambia County
3 Courthouse for a period of at least 20 days. The notice shall
4 contain the place, date, and time of each auction and a
5 general description of items of personal property to be sold
6 at the auction. If publication of notice is made in the
7 newspaper, the first notice shall run at least 20 days prior
8 to the auction.

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

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

23 Section 7. The proceeds from the sale of property at
24 an auction conducted under the authority of this act, after
25 deducting and paying all expenses incurred in the recovery,
26 storage, maintenance, and sale of property, shall be collected
27 by the sheriff and deposited in any bank located in Escambia

1 County into a fund designated as the sheriff's fund. The fund
2 may be drawn upon by the sheriff and used exclusively for law
3 enforcement purposes in the discharge of the duties of the
4 sheriff's office at the discretion of the sheriff.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Local Legisla-
tion..... 25-FEB-21

Read for the second time and placed
on the calendar 1 amendment 04-MAR-21

Read for the third time and passed
as amended..... 09-MAR-21

Yeas 46, Nays 0, Abstains 50

Jeff Woodard
Clerk