

1 HB545
2 148227-2
3 By Representative Newton (C) (N & P)
4 RFD: Local Legislation
5 First Read: 04-APR-13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Relating to Butler County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; providing for such an auction 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) The Sheriff of Butler County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's office. 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. The records shall be open to public inspection at all reasonable times.

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

Section 2. If the abandoned or 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 account for a period of six months for the owner.

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

8 Section 3. (a) The sheriff shall keep and maintain a
9 permanent record of all abandoned or 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, and the serial or other identifying number, if any,
13 of the firearm. Firearm as used in this act shall have the
14 same meaning as defined in Section 13A-8-1 of the Code of
15 Alabama 1975.

16 (b) 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 six months of the date the
19 sheriff obtained it.

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

1 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 Butler County.

5 (d) The sheriff may establish a procedure to destroy
6 firearms and may expend necessary sheriff's office funds for
7 that purpose.

8 (e) Any firearm held by the sheriff on the effective
9 date of this act shall be subject to this section, but shall
10 be held for at least six months after the effective date of
11 this act.

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

18 (b) Prior to the sale, notice shall be given by
19 publication in a newspaper of general circulation in Butler
20 County once a week for two successive weeks or by posting
21 notice in a conspicuous place at the Butler County Courthouse
22 and by posting on the sheriff's office website for a period of
23 at least 20 days. The notice shall contain the place, date,
24 and time of each auction and a general description of items of
25 personal property to be sold at the auction. If publication of

1 notice is made in the newspaper, the first notice shall run at
2 least 20 days prior to the auction.

3 Section 5. The owner of any abandoned or stolen
4 personal property recovered by the Butler County Sheriff's
5 Office, including firearms, may claim the property at any time
6 prior to its sale by submitting sufficient proof of ownership
7 as determined by the sheriff. The sheriff may require the
8 owner to pay a pro rata share of the costs, if any, of
9 publication of notice of the sale of the property.

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

16 Section 7. The proceeds from the sale of property at
17 an auction conducted under the authority of this act, after
18 deducting and paying all expenses incurred in the recovery,
19 storage, maintenance, and sale of property, shall be paid to
20 the office of the Sheriff of Butler County and shall be used
21 solely for law enforcement purposes. The receipts and
22 expenditures of funds shall be audited by the Examiners of
23 Public Accounts.

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

