

1 HB464  
2 207966-3  
3 By Representatives Baker and Jones (M) (N & P)  
4 RFD: Local Legislation  
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ENROLLED, An Act,

Relating to Escambia County; to authorize the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; to provide for the auctions and for the disposition of proceeds; and to authorize 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 Escambia 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, the serial or other identifying number of the property, and the place where the property was recovered. 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

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

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

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

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

23 (b) Unless otherwise provided by law, the sheriff  
24 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.

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

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

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

1           Section 7. The proceeds from the sale of property at  
2           an auction conducted under the authority of this act, after  
3           deducting and paying all expenses incurred in the recovery,  
4           storage, maintenance, and sale of property, shall be collected  
5           by the sheriff and deposited in any bank located in Escambia  
6           County into a fund designated as the sheriff's fund. The fund  
7           may be drawn upon by the sheriff and used exclusively for law  
8           enforcement purposes in the discharge of the duties of the  
9           sheriff's office at the discretion of the sheriff.

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

