

1 SB495
2 135555-3
3 By Senator McGill (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 10-APR-12

1 SB495

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Jackson County; authorizing the sheriff
8 to sell certain abandoned, stolen, and unclaimed property at
9 public auction; providing for such an auction and for the
10 disposition of proceeds; and authorizing the sheriff to sell
11 or destroy certain abandoned, stolen, or unclaimed firearms.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) The Sheriff of Jackson County shall
14 keep and maintain a permanent record of all abandoned and
15 stolen personal property recovered by the sheriff's office.
16 These records shall state the description of the property, the
17 date of recovery of the property, and the serial or other
18 identifying number of the property. The records shall be open
19 to public inspection at all reasonable times.

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

23 Section 2. If the abandoned or stolen personal
24 property is of a perishable nature and reasonable attempts to
25 locate and identify the owner of the property are not

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

12 Section 3. (a) The sheriff shall keep and maintain a
13 permanent record of all abandoned or stolen firearms, not
14 subject to disposition by general law. The records shall state
15 the description of the firearm, the date of recovery of the
16 firearm, and the serial or other identifying number, if any,
17 of the firearm. Firearm as used in this act shall have the
18 same meaning as defined in Section 13A-8-1 of the Code of
19 Alabama 1975.

20 (b) Unless otherwise provided by law, the sheriff
21 may sell or destroy these firearms if the owner of the firearm
22 does not claim the firearm within six months of the date the
23 sheriff obtained it.

24 (c) The sheriff may sell the firearms only to gun
25 dealers who have held an active business license in this state

1 for at least one year immediately prior to the date of the
2 sale. The sheriff shall establish a procedure to notify gun
3 dealers of a sale. A firearm shall be sold to the gun dealer
4 submitting the highest sealed bid. All sales shall be on a
5 cash basis. The proceeds of the sale, after deducting and
6 paying all expenses incurred in the recovery, maintenance, and
7 sale of the firearms shall be paid to the office of the
8 Sheriff of Jackson County.

9 (d) The sheriff may establish a procedure to destroy
10 firearms and may expend necessary sheriff's office funds for
11 that purpose.

12 (e) Any firearm held by the sheriff on the effective
13 date of this act shall be subject to this section, but shall
14 be held for at least six months after the effective date of
15 this act.

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

22 (b) Prior to the sale, notice shall be given by
23 publication in a newspaper of general circulation in Jackson
24 County once a week for two successive weeks or by posting
25 notice in a conspicuous place at the Jackson County Courthouse

1 or on the Sheriff's Office website for a period of at least 20
2 days. The notice shall contain the place, date, and time of
3 each auction and a general description of items of personal
4 property to be sold at the auction. If publication of notice
5 is made in the newspaper, the first notice shall run at least
6 20 days prior to the auction.

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

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

21 Section 7. The proceeds from the sale of property at
22 an auction conducted under the authority of this act, after
23 deducting and paying all expenses incurred in the recovery,
24 storage, maintenance, and sale of property, shall be paid to

1 the office of the Sheriff of Jackson County and shall be used
2 solely for law enforcement purposes.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB495

Senate 03-MAY-12

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 09-MAY-12

By: Senator McGill