

HB341 INTRODUCED



1 280FSI-1

2 By Representatives Moore (P), Collins, Stadthagen, Yarbrough

3 (N & P)

4 RFD: Local Legislation

5 First Read: 18-Apr-23

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A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to amend Section 45-52-233.02, Code of Alabama 1975, to further provide for the maintenance of abandoned and stolen personal property by the sheriff; to add Sections 45-52-233.04 through 45-52-233.09, inclusive, to the Code of Alabama 1975, to authorize the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; to provide for the auction and for the disposition of proceeds; to authorize the sheriff to sell or destroy certain, stolen, or unclaimed firearms; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-52-233.02, Code of Alabama 1975, is amended to read as follows:

"§45-52-233.02

~~(a) The Sheriff of Morgan County is authorized to sell at public auction, in the manner provided in this section, abandoned and stolen personal property recovered by the Sheriff's Department of Morgan County, which property has remained unclaimed by the rightful owner thereof for a period of six consecutive months.~~



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29 ~~(b)~~ (a) The ~~sheriff~~ Sheriff of Morgan County shall keep
30 and maintain a permanent record of all abandoned and stolen
31 personal property recovered by the ~~department~~ sheriff's
32 office. ~~which~~ These records shall state the description of the
33 property, the date of recovery of the property, the serial or
34 other identifying number of the property, and the place ~~of~~
35 ~~recovery of~~ where the property was recovered. ~~Such~~ The records
36 shall be open to public inspection at all reasonable times.

37 (b) All abandoned or stolen property recovered by the
38 ~~department~~ sheriff's office shall be stored in a suitable
39 place to protect the ~~same~~ property from deterioration; ~~;~~
40 ~~provided, that if the property be of a perishable nature,~~
41 ~~after reasonable attempts have been made to locate and~~
42 ~~identify the owner thereof, if such attempts be unsuccessful,~~
43 ~~the same may be sold at once without notice in which case the~~
44 ~~proceeds shall be held for a period of six months for the~~
45 ~~account of the owner and if not called for within that period~~
46 ~~of time, after deducting and paying all expenses incurred in~~
47 ~~the recovery, storage, maintenance, and sale of such property,~~
48 ~~shall be paid to the department.~~

49 ~~(c)~~ At least every six months, the sheriff shall sell
50 at public auction to the highest bidder for cash all abandoned
51 or stolen personal property which has been recovered by the
52 department and has remained unclaimed by the rightful owner
53 thereof after a period of six months. The sales are to be made
54 after notice thereof shall have been given by publication in a
55 newspaper of general circulation in Morgan County once a week
56 for two successive weeks or by posting such notice in a



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57 ~~conspicuous place at the Morgan County Courthouse for a period~~
58 ~~of at least 20 days prior to sale. The notice shall contain~~
59 ~~the place, date, and time of each auction and shall further~~
60 ~~contain a description of each item of personal property to be~~
61 ~~sold at the auction. If publication of the notice be made by~~
62 ~~publication in the newspaper, the first notice shall run at~~
63 ~~least 20 days prior to the auction.~~

64 ~~(d) The owner of any abandoned or stolen personal~~
65 ~~property recovered by the department may redeem the same at~~
66 ~~any time prior to its sale by paying any reasonable expenses~~
67 ~~incurred in the recovery of the property, its maintenance and~~
68 ~~storage, and a pro rata share of the costs, if any, of~~
69 ~~publication of notice of the sale of the property.~~

70 ~~(e) Whenever any property is sold at public auction as~~
71 ~~provided in this section, a notation in the storage record~~
72 ~~book shall be made of the fact of the sale and of the amount~~
73 ~~received for the property. All sales shall be cash. The person~~
74 ~~making the sale shall have the right to reject any and all~~
75 ~~bids if the amount bid be unreasonably low and shall have the~~
76 ~~right to continue the sale from time to time if no bidders are~~
77 ~~present.~~

78 ~~(f) The proceeds from any auction conducted under the~~
79 ~~authority of this section, after deducting and paying all~~
80 ~~expenses incurred in the recovery, storage, maintenance, and~~
81 ~~sale of property sold at the auction, shall be paid into the~~
82 ~~office of the sheriff. "~~

83 Section 2. Section 45-52-233.04 through 45-52-233.09,
84 inclusive, are added to the Code of Alabama 1975, to read as



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85 follows:

86 §45-52-233.04

87 If abandoned or stolen personal property is of a
88 perishable nature and reasonable attempts to locate and
89 identify the owner of the property are unsuccessful, the
90 property may be sold at once without notice. The sheriff shall
91 attempt to obtain the best possible price for the property.
92 The proceeds from the sale shall be held for a period of six
93 months for the owner. During this period, the proceeds shall
94 be paid to the owner upon demand, less any costs of recovery,
95 storage, maintenance, and sale. If the proceeds are not
96 claimed within six months, after deducting and paying all
97 expenses incurred in the recovery, storage, maintenance, and
98 sale of such property, the net funds shall be paid to the
99 Sheriff of Morgan County.

100 §45-52-233.05

101 (a) (1) The sheriff shall keep and maintain a permanent
102 record of all abandoned or stolen firearms not subject to
103 disposition by general law. The records shall state the
104 description of the firearm, the date of recovery of the
105 firearm, the serial or other identifying number, if any, of
106 the firearm, and the place where the firearm was recovered.

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

110 (b) Unless otherwise provided by law, the sheriff may
111 sell or destroy the firearm if the owner of the firearm does
112 not claim the firearm within six months of the date the



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113 sheriff obtained it.

114 (c) The sheriff may sell the firearms only to gun
115 dealers who have a current federal firearm license on the date
116 of the sale. The sheriff shall establish a procedure to notify
117 gun dealers of a sale. A firearm shall be sold to the gun
118 dealer submitting the highest sealed bid. All sales shall be
119 on a cash basis. The proceeds of the sale, after deducting and
120 paying all expenses incurred in the recovery, maintenance, and
121 sale of the firearms shall be paid to the office of the
122 Sheriff of Morgan County.

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

126 §45-52-233.06

127 (a) As often as necessary, the sheriff may sell at
128 public auction or by internet auction to the highest bidder
129 all abandoned or stolen personal property, other than
130 firearms, which has been recovered by the sheriff's office and
131 has remained unclaimed by the rightful owner for at least a
132 six-month period.

133 (b) Prior to the sale, notice shall be given by
134 publication in a newspaper of general circulation in Morgan
135 County once a week for two successive weeks or by posting
136 notice in a conspicuous place at the Morgan County Courthouse
137 for a period of at least 20 days. The notice shall contain the
138 place, date, and time of each auction and a general
139 description of items of personal property to be sold at the
140 auction. If the publication of notice is made in the



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141 newspaper, the first notice shall run at least 20 days prior
142 to the auction.

143 §45-52-233.07

144 The owner of any abandoned or stolen personal property
145 recovered by the Morgan County Sheriff's Office, including
146 firearms, may claim the property at any time prior to its sale
147 by submitting sufficient proof of ownership as determined by
148 the sheriff and paying any reasonable expenses incurred in the
149 recovery of the property, its maintenance, storage, and a pro
150 rata share of the cost, if any, of publication of notice of
151 the sale of the property.

152 §45-52-233.08

153 If the property is sold at public auction, as provided
154 in this act, a notation in the storage record shall be made of
155 the sale and of the amount received for the property. The
156 person making the sale may reject any and all bids if the
157 amount bid is unreasonably low and may continue the sale, from
158 time to time, if no bidders are present.

159 §45-52-233.09

160 The proceeds from the sale of the property at an
161 auction conducted under the authority of this act, after
162 deducting and paying all expenses incurred in the recovery,
163 storage, maintenance, and sale of property, shall be collected
164 by the sheriff and deposited in any bank located in Morgan
165 County into a fund designated as the sheriff's fund. The fund
166 may be drawn upon by the sheriff and used exclusively for law
167 enforcement purposes in the discharge of the duties of the
168 sheriff's office at the discretion of the sheriff.



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