

1 SB183
2 189023-1
3 By Senators Williams and Dial (N & P)
4 RFD: Local Legislation
5 First Read: 16-JAN-18

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Cherokee County; authorizing the sheriff
14 to sell certain abandoned, stolen, and unclaimed property at
15 public auction; providing for such an auction and for the
16 disposition of proceeds; and authorizing the sheriff to sell
17 or destroy certain abandoned, stolen, or unclaimed firearms.
18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) The Sheriff of Cherokee County shall
20 keep and maintain a record of all abandoned and stolen
21 personal property recovered by the sheriff's office. These
22 records shall state the description of the property, the date
23 of recovery of the property, and the serial or other
24 identifying number of the property. The records shall be open
25 to public inspection at all reasonable times.

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

4 Section 2. If the abandoned or stolen personal
5 property is of a perishable nature and reasonable attempts to
6 locate and identify the owner of the property are not
7 successful, the property may be sold at once without notice.
8 The sheriff shall attempt to obtain the best possible price
9 for the property. The proceeds of such a sale shall be held in
10 a separate account for a period of six months for the owner.
11 During this period, the proceeds will be paid to the owner
12 upon demand, less any cost of recovery, storage, maintenance,
13 and sale. If the proceeds are not claimed within six months,
14 after deducting and paying all expenses incurred in the
15 recovery, storage, maintenance, and sale of the property, the
16 net funds shall be paid to the office of the Sheriff of
17 Cherokee County.

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

26 (b) Unless otherwise provided by law, the sheriff
27 may sell or destroy these firearms 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 held an active business license for at least
5 one year immediately prior to the date of the sale. The
6 sheriff shall establish a procedure to notify gun dealers of a
7 sale. A firearm shall be sold to the gun dealer submitting the
8 highest sealed bid unless the firearm is being traded in to a
9 public safety firearm store. The proceeds of the sale, after
10 deducting and paying all expenses incurred in the recovery,
11 maintenance, and sale of the firearms, shall be paid to the
12 Sheriff's Office Law Enforcement Fund of Cherokee County.

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

16 (e) Any firearm held by the sheriff on the effective
17 date of this act shall be subject to this section, but shall
18 be held for at least six months after the effective date of
19 this act.

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

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

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

10 Section 5. The owner of any abandoned or stolen
11 personal property recovered by the Cherokee County Sheriff's
12 Office, including firearms, may claim the property at any time
13 prior to its sale by submitting sufficient proof of ownership
14 as determined by the sheriff. The sheriff may require the
15 owner to pay a pro rata share of the costs, if any, of
16 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 paid to
27 the Sheriff's Office Law Enforcement Fund of Cherokee County

1 and shall be used solely for law enforcement purposes. The
2 receipts and expenditures of funds shall be audited by the
3 Examiners of Public Accounts.

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