

HB341 ENROLLED



1 280FSI-2

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

3 (N & P)

4 RFD: Local Legislation

5 First Read: 18-Apr-23

6 2023 Regular Session



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Enrolled, 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.~~

~~(b)~~ (a) The ~~sheriff~~ Sheriff of Morgan County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the ~~department~~ sheriff's office. ~~which~~ These records shall state the description of the property, the date of recovery of the property, the serial or



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other identifying number of the property, and the place ~~of~~
~~recovery of~~ where the property was recovered. ~~Such~~ The records
shall be open to public inspection at all reasonable times.

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

~~(c) At least every six months, the sheriff shall sell~~
~~at public auction to the highest bidder for cash all abandoned~~
~~or stolen personal property which has been recovered by the~~
~~department and has remained unclaimed by the rightful owner~~
~~thereof after a period of six months. The sales are to be made~~
~~after notice thereof shall have been given by publication in a~~
~~newspaper of general circulation in Morgan County once a week~~
~~for two successive weeks or by posting such notice in a~~
~~conspicuous place at the Morgan County Courthouse for a period~~
~~of at least 20 days prior to sale. The notice shall contain~~
~~the place, date, and time of each auction and shall further~~
~~contain a description of each item of personal property to be~~
~~sold at the auction. If publication of the notice be made by~~



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~~publication in the newspaper, the first notice shall run at least 20 days prior to the auction.~~

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

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

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

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

§45-52-233.04

If abandoned or stolen personal property is of a perishable nature and reasonable attempts to locate and identify the owner of the property are unsuccessful, the



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property may be sold at once without notice. The sheriff shall attempt to obtain the best possible price for the property. The proceeds from the sale shall be held for a period of six months for the owner. During this period, the proceeds shall be paid to the owner upon demand, less any costs of recovery, storage, maintenance, and sale. If the proceeds are not claimed within six months, after deducting and paying all expenses incurred in the recovery, storage, maintenance, and sale of such property, the net funds shall be paid to the Sheriff of Morgan County.

§45-52-233.05

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

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

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

(c) The sheriff may sell the firearms only to gun dealers who have a current federal firearm license on the date of the sale. The sheriff shall establish a procedure to notify gun dealers of a sale. A firearm shall be sold to the gun



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dealer submitting the highest sealed bid. All sales shall be on a cash basis. The proceeds of the sale, after deducting and paying all expenses incurred in the recovery, maintenance, and sale of the firearms shall be paid to the office of the Sheriff of Morgan County.

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

§45-52-233.06

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

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

§45-52-233.07

The owner of any abandoned or stolen personal property recovered by the Morgan County Sheriff's Office, including



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firearms, may claim the property at any time prior to its sale by submitting sufficient proof of ownership as determined by the sheriff and paying any reasonable expenses incurred in the recovery of the property, its maintenance, storage, and a pro rata share of the cost, if any, of publication of notice of the sale of the property.

§45-52-233.08

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

§45-52-233.09

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

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 25-Apr-23.

John Treadwell
Clerk

Senate 25-May-23 Passed