

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



1 Enrolled, An Act,

2

3 Relating to Morgan County; to amend Section
4 45-52-233.02, Code of Alabama 1975, to further provide for the
5 maintenance of abandoned and stolen personal property by the
6 sheriff; to add Sections 45-52-233.04 through 45-52-233.09,
7 inclusive, to the Code of Alabama 1975, to authorize the
8 sheriff to sell certain abandoned, stolen, and unclaimed
9 property at public auction; to provide for the auction and for
10 the disposition of proceeds; to authorize the sheriff to sell
11 or destroy certain, stolen, or unclaimed firearms; and to make
12 nonsubstantive, technical revisions to update the existing
13 code language to current style.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§45-52-233.02

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

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



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

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

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



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

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

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

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

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

81 \$45-52-233.04

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



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

95 \$45-52-233.05

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

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

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

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



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

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

121 \$45-52-233.06

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

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

138 \$45-52-233.07

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



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

147 \$45-52-233.08

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

154 \$45-52-233.09

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

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



HB341 Enrolled

167
168
169
170
171
172

173 Speaker of the House of Representatives

174
175
176
177

178 President and Presiding Officer of the Senate

179
180

181 House of Representatives

182

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

185

186 John Treadwell
187 Clerk

188
189
190
191
192
193
194

195 Senate 25-May-23 Passed