

HB612 INTRODUCED



1 HB612
2 DGE57HH-1
3 By Representative Hammett (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 11-Mar-26



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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Covington County, to authorize the sheriff to sell abandoned, stolen, and unclaimed personal property and firearms and to provide for the auctions and disposition of the proceeds.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Covington County, to authorize the sheriff to sell abandoned, stolen, and unclaimed personal property and firearms, and to provide for the auctions and the disposition of the proceeds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) The Sheriff of Covington County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's office. These



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29 records shall state the description of the property, the date
30 of recovery of the property, the serial or other identifying
31 number of the property, and the place of recovery of the
32 property. The records shall be open to the public at all
33 reasonable times.

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

37 (c) If the abandoned or stolen personal property is of
38 a perishable nature and reasonable attempts to locate and
39 identify the owner of the property are not successful, the
40 property may be sold at once without notice. The sheriff shall
41 attempt to obtain the best possible price for the property.
42 The proceeds of a sale shall be held in a separate account for
43 a period of six months for the owner. During this period, the
44 proceeds shall be paid to the owner upon demand, less any cost
45 of recovery, storage, maintenance, and sale. If the proceeds
46 are not claimed within six months, after deducting and paying
47 all expenses incurred in the recovery, storage, maintenance,
48 and sale of the property, the net funds shall be paid to the
49 office of the Sheriff of Covington County.

50 (d) The sheriff shall keep and maintain a permanent
51 record of all abandoned or stolen firearms that are not
52 subject to disposition by general law. The records shall state
53 the description of the firearm, the date of recovery of the
54 firearm, the serial or other identifying number, if any, of
55 the firearm, and the place of recovery of the firearm.
56 "Firearm" as used in this subpart shall have the same meaning



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57 as defined in Section 13A-8-1.

58 (e) Unless otherwise provided by law, the sheriff may
59 sell or destroy these firearms if the owner of the firearm
60 does not claim the firearm within six months of the date the
61 sheriff obtained it.

62 (f) The sheriff may sell the firearms only to gun
63 dealers who have a current federal firearms license on the
64 date of sale. A firearm shall be sold to the gun dealer
65 submitting the highest sealed bid. All sales shall be on a
66 cash basis. The proceeds of the sale, after deducting and
67 paying all expenses incurred in the recovery, maintenance, and
68 sale of the firearm, shall be paid to the office of the
69 Sheriff of Covington County.

70 (g) The sheriff may establish a procedure to destroy
71 firearms and may expend necessary sheriff's office funds for
72 that purpose.

73 (h) At least every six months, the sheriff may sell at
74 public auction or through an Internet auction provider, to the
75 highest bidder for cash, all abandoned or stolen personal
76 property, other than firearms and unauthorized sound or
77 audiovisual recordings, which has been recovered by the
78 sheriff and has remained unclaimed by the rightful owner
79 during the preceding six-month period.

80 (i) Prior to the sale, notice shall be given by
81 publication in a newspaper of general circulation in Covington
82 County once a week for two successive weeks or by posting in a
83 conspicuous place at the Covington County Courthouse for a
84 period of not less than 20 days. The notice shall contain the



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85 place, date, and time of each auction and a description of
86 each item of personal property to be sold at the auction. If
87 publication of notice is made in the newspaper, the first
88 notice shall run not less than 20 days prior to the auction.

89 (j) The owner of any abandoned or stolen personal
90 property recovered by the Covington County Sheriff's Office,
91 including firearms, may claim the property at any time prior
92 to its sale by submitting sufficient proof of ownership as
93 determined by the sheriff and by paying any reasonable
94 expenses incurred in the recovery of the property, its
95 maintenance, storage, and a pro rata share of the costs, if
96 any, of publication of notice of the sale of the property.

97 (k) If property is sold at public auction, as provided
98 in this subpart, a notation in the storage record book shall
99 be made of the sale and of the amount received for the
100 property. The person making the sale may reject any and all
101 bids if the amount bid is unreasonably low and may continue
102 the sale, from time to time, if no bidders are present.

103 (l) The proceeds from the sale of property at an
104 auction conducted under the authority of this subpart, after
105 deducting and paying all expenses incurred in the recovery,
106 storage, maintenance, and sale of property, shall be collected
107 by the sheriff and deposited into any bank located in
108 Covington County into a fund designated as the sheriff's fund.
109 The fund shall be drawn upon by the sheriff and used
110 exclusively for purposes of law enforcement in the discharge
111 of the sheriff's office at the discretion of the sheriff.



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112 Upon ratification of this constitutional amendment, the
113 Code Commissioner shall number and place this amendment as
114 appropriate in the constitution omitting this instructional
115 paragraph and may make the following nonsubstantive revisions:
116 change capitalization, hierarchy, spelling, and punctuation
117 for purposes of style and uniformity; correct manifest
118 grammatical, clerical, and typographical errors; revise
119 internal or external citations and cross-references; harmonize
120 language; and translate effective dates.

END PROPOSED AMENDMENT

122 Section 2. An election upon the proposed amendment
123 shall be held in accordance with Sections 284, 284.01, and 285
124 of the Constitution of Alabama of 2022, and the election laws
125 of this state. The appropriate election official shall assign
126 a ballot number for the proposed constitutional amendment on
127 the election ballot and shall set forth the following
128 description of the substance or subject matter of the proposed
129 constitutional amendment:

130 "Relating to Covington County, proposing an amendment
131 to the Constitution of Alabama of 2022, to authorize the
132 sheriff to sell abandoned, stolen, and unclaimed personal
133 property and firearms, and to provide for the auctions and the
134 disposition of the proceeds.

135 Proposed by Act ____."

136 This description shall be followed by the following
137 language:

138 "Yes () No ()."

139 Section 3. The proposed amendment shall become valid as



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140 part of the Constitution of Alabama of 2022, when approved by
141 a majority of the qualified electors voting thereon.