

SB219 INTRODUCED



1 SB219
2 Y98R666-1
3 By Senator Price (N & P)
4 RFD: Local Legislation
5 First Read: 04-Mar-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to Clay County; to authorize the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; to provide for the auctions and for the disposition of proceeds; and to authorize the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Sheriff of Clay County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's office. These records shall state the description of the property, the date of recovery of the property, the serial or other identifying number of the property, and the place where the property was recovered. The records shall be open to public inspection at all reasonable times.

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

Section 2. If the abandoned or stolen personal property is of a perishable nature and reasonable attempts to locate and identify the owner of the property are not successful, the



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29 property may be sold at once without notice. The sheriff shall
30 attempt to obtain the best possible price for the property.
31 The proceeds from the sale shall be held for a period of six
32 months for the owner. During this period, the proceeds shall
33 be paid to the owner upon demand, less any cost of recovery,
34 storage, maintenance, and sale. If the proceeds are not
35 claimed within six months, after deducting and paying all
36 expenses incurred in the recovery, storage, maintenance, and
37 sale of the property, the net funds shall be paid to the
38 Office of the Sheriff of Clay County.

39 Section 3.(a)(1) The sheriff shall keep and maintain a
40 permanent record of all abandoned or stolen firearms not
41 subject to disposition by general law. The records shall state
42 the description of the firearm, the date of recovery of the
43 firearm, the serial or other identifying number, if any, of
44 the firearm, and the place where the firearm was recovered.
45 The sheriff shall take reasonable efforts to locate the owner
46 of abandoned or stolen firearms recovered by the sheriff's
47 office including notifying the sheriff's office, of
48 surrounding counties of the recovered firearms.

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

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

56 (c) The sheriff may sell a firearm only to gun dealers



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57 who have a current federal firearm license on the date of the
58 sale. The sheriff shall establish a procedure to notify gun
59 dealers of a sale. A firearm shall be sold to the gun dealer
60 submitting the highest sealed bid. All sales shall be on a
61 cash basis. The proceeds of the sale, after deducting and
62 paying all expenses incurred in the recovery, maintenance, and
63 sale of the firearm, shall be paid to the Office of the
64 Sheriff of Clay County.

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

68 Section 4. (a) (1) As often as necessary, the sheriff
69 may sell at public auction or by Internet auction to the
70 highest bidder all abandoned or stolen personal property,
71 other than firearms, which has been recovered by the sheriff's
72 office and has remained unclaimed by the rightful owner for at
73 least a six-month period.

74 (2) The sheriff shall take reasonable efforts to locate
75 the owner of abandoned or stolen personal property recovered
76 by the sheriff's office, including notifying the sheriff's
77 office of surrounding counties if the property is deemed to be
78 a family heirloom or to be of substantial value.

79 (b) Prior to the sale, notice shall be given by
80 publication in a newspaper of general circulation in Clay
81 County once a week for two consecutive weeks or by posting
82 notice in a conspicuous place at the Clay County Courthouse
83 for a period of at least 20 days. The notice shall contain the
84 place, date, and time of each auction and a general



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85 description of items of personal property to be sold at the
86 auction. If publication of notice is made in the newspaper,
87 the first notice shall run at least 20 days prior to the
88 auction.

89 Section 5. The owner of any abandoned or stolen
90 personal property recovered by the Clay County Sheriff's
91 Office, including firearms, may claim the property at any time
92 prior to its sale by submitting sufficient proof of ownership
93 as 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 Section 6. If property is sold at public auction, as
98 provided in this act, a notation in the storage record shall
99 be made of the sale and of the amount received for the
100 property. The person making the sale may reject any bid if the
101 amount bid is unreasonably low and may continue the sale, from
102 time to time, if no bidders are present.

103 Section 7. The proceeds from the sale of property at an
104 auction conducted under the authority of this act, 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 in any bank located in Clay
108 County into a fund designated as the Sheriff's Fund. The fund
109 may be drawn upon by the sheriff and used exclusively for law
110 enforcement purposes in the discharge of the duties of the
111 sheriff's office at the discretion of the sheriff.

112 Section 8. This act shall become effective on October



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113 1, 2025.