

1 HB362
2 163695-2
3 By Representative Whorton (R) (N & P)
4 RFD: Local Legislation
5 First Read: 31-MAR-15

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ENROLLED, An Act,

Relating to Jackson County; to amend Section 45-36-231.02, Code of Alabama 1975, to authorize the sheriff of the county under certain conditions to sell abandoned or stolen firearms to the highest bidder so long as the highest bidder may purchase firearms legally in the state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-36-231.02, Code of Alabama 1975, is amended to read as follows:

"§45-36-231.02.

"(a) 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, and the serial or other identifying number, if any, of the firearm. Firearm as used in this subpart shall have the same meaning as defined in Section 13A-8-1.

"(b) Unless otherwise provided by law, the sheriff may sell or destroy these firearms 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 held an active business license in this state for at least one year immediately prior to the date of the~~

1 ~~sale. The sheriff shall establish a procedure to notify gun~~
2 ~~dealers of a sale. A firearm shall be sold to the gun dealer~~
3 ~~submitting the highest sealed bid. All sales shall be on a~~
4 ~~cash basis. to the highest bidder as long as that person or~~
5 ~~business may purchase a firearm legally in the State of~~
6 ~~Alabama. The bidder shall be subject to a background check for~~
7 ~~any and all records that would prohibit the bidder from~~
8 ~~purchasing a firearm. If the bidder is legally prohibited from~~
9 ~~purchasing the firearm, the firearm shall be put up for~~
10 ~~auction at another time, and the bidder shall be refunded any~~
11 ~~money he or she placed on the bid. All sales shall be on a~~
12 ~~cash basis.~~ The proceeds of the sale, after deducting and
13 paying all expenses incurred in the recovery, maintenance, and
14 sale of the firearms shall be paid to the office of the
15 Sheriff of Jackson County to be used for law enforcement
16 purposes.

17 "(d) The sheriff may establish a procedure to
18 destroy firearms and may expend necessary sheriff's office
19 funds for that purpose.

20 "(e) Any firearm held by the sheriff on August 1,
21 2012, shall be subject to this section, but shall be held for
22 at least six months after August 1, 2012."

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.

