

1 SB305
2 163695-3
3 By Senator Livingston (N & P)
4 RFD: Local Legislation
5 First Read: 31-MAR-15

1 SB305

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Jackson County; to amend Section
8 45-36-231.02, Code of Alabama 1975, to authorize the sheriff
9 of the county under certain conditions to sell abandoned or
10 stolen firearms to the highest bidder so long as the highest
11 bidder may purchase firearms legally in the state.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 45-36-231.02, Code of Alabama
14 1975, is amended to read as follows:

15 "§45-36-231.02.

16 "(a) The sheriff shall keep and maintain a permanent
17 record of all abandoned or stolen firearms, not subject to
18 disposition by general law. The records shall state the
19 description of the firearm, the date of recovery of the
20 firearm, and the serial or other identifying number, if any,
21 of the firearm. Firearm as used in this subpart shall have the
22 same meaning as defined in Section 13A-8-1.

23 "(b) Unless otherwise provided by law, the sheriff
24 may sell or destroy these firearms if the owner of the firearm

1 does not claim the firearm within six months of the date the
2 sheriff obtained it.

3 "(c) The sheriff may sell the firearms ~~only to gun~~
4 ~~dealers who have held an active business license in this state~~
5 ~~for at least one year immediately prior to the date of the~~
6 ~~sale. The sheriff shall establish a procedure to notify gun~~
7 ~~dealers of a sale. A firearm shall be sold to the gun dealer~~
8 ~~submitting the highest sealed bid. All sales shall be on a~~
9 ~~cash basis.~~ to the highest bidder as long as that person or
10 business may purchase a firearm legally in the State of
11 Alabama. The bidder shall be subject to a background check for
12 any and all records that would prohibit the bidder from
13 purchasing a firearm. If the bidder is legally prohibited from
14 purchasing the firearm, the firearm shall be put up for
15 auction at another time, and the bidder shall be refunded any
16 money he or she placed on the bid. All sales shall be on a
17 cash basis. The proceeds of the sale, after deducting and
18 paying all expenses incurred in the recovery, maintenance, and
19 sale of the firearms shall be paid to the office of the
20 Sheriff of Jackson County to be used for law enforcement
21 purposes.

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

1 "(e) Any firearm held by the sheriff on August 1,
2 2012, shall be subject to this section, but shall be held for
3 at least six months after August 1, 2012."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB305

Senate 16-APR-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 23-APR-15

By: Senator Livingston