

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

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Jackson County; to amend Section
14 45-36-231.02, Code of Alabama 1975, to authorize the sheriff
15 of the county under certain conditions to sell abandoned or
16 stolen firearms to the highest bidder so long as the highest
17 bidder may purchase firearms legally in the state.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 45-36-231.02, Code of Alabama
20 1975, is amended to read as follows:

21 "§45-36-231.02.

22 "(a) The sheriff shall keep and maintain a permanent
23 record of all abandoned or stolen firearms, not subject to
24 disposition by general law. The records shall state the
25 description of the firearm, the date of recovery of the
26 firearm, and the serial or other identifying number, if any,

1 of the firearm. Firearm as used in this subpart shall have the
2 same meaning as defined in Section 13A-8-1.

3 "(b) Unless otherwise provided by law, the sheriff
4 may sell or destroy these firearms if the owner of the firearm
5 does not claim the firearm within six months of the date the
6 sheriff obtained it.

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

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

4 "(e) Any firearm held by the sheriff on August 1,
5 2012, shall be subject to this section, but shall be held for
6 at least six months after August 1, 2012."

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