

SENATE BILL REPORT

ESSB 5131

AS PASSED SENATE, MARCH 11, 1993

Brief Description: Authorizing destruction of confiscated firearms.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Gaspard, Moyer, Prentice, A. Smith, Spanel, Deccio, Haugen, Quigley, Pelz and Talmadge)

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Staff: Jon Carlson (786-7459)

Hearing Dates: January 26, 1993; February 9, 1993

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Without recommendation.

Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Staff: Martin Chaw (786-7715)

Hearing Dates: February 25, 1993

BACKGROUND:

Firearms illegally used or possessed may, under certain circumstances, be seized by a law enforcement agency and ordered forfeited by a court. When firearms are forfeited, one of three actions may be taken. Firearms that are illegal for anyone to possess are to be destroyed. Up to 10 percent of other firearms may be retained by law enforcement agencies for their own use. The remainder of the forfeited firearms are sold at auction to commercial sellers.

The proceeds from the sale of forfeited firearms are divided as follows: The agency which seized the firearms is reimbursed for the cost of storage and sale. The rest of the proceeds go to the state Department of Wildlife for use in its firearms training program.

SUMMARY:

New procedures are adopted with regard to the disposition of firearms that are judicially forfeited or forfeited due to a failure to make a claim.

Firearms Currently in the Law Enforcement Agency's Possession: By midnight, June 30, 1993, each law enforcement agency must prepare an inventory of all firearms in the agency's possession that have been, or may be, forfeited, or that are no longer needed for evidence.

The law enforcement agency must destroy every illegal firearm in the inventory and may retain 10 percent of the legal firearms for agency use. Of the remaining firearms in the inventory, the law enforcement agency must either:

- (1) Comply with the auction provisions of the statute in effect immediately preceding the effective date of the act; or
- (2) Trade or auction the firearms. Net auction proceeds must be forwarded to the firearms range account. Further, for every short firearm the law enforcement agency neither trades nor auctions, the agency must pay a \$25 fee to the State Treasurer, to a maximum of \$50,000. The State Treasurer is to credit the fees to the firearms range account.

Firearms Coming into a Law Enforcement Agency's Possession After June 30, 1993: With regard to firearms coming into a law enforcement agency's possession after June 30, 1993, a legislative authority may dispose of forfeited firearms or firearms no longer needed for evidence in any manner it chooses. The legislative authority may keep the proceeds of an auction or trade.

Firearms in the Possession of the Washington State Patrol: Those firearms in the possession of the Washington State Patrol on or after the effective date of this act that are judicially forfeited or forfeited due to a failure to make a claim, and that are no longer needed for evidence, must be disposed of as follows: 1) firearms illegal for a person to possess must be destroyed; 2) a maximum of 10 percent of legal firearms may be retained for agency use; and 3) all other legal firearms must be auctioned or traded to commercial sellers. The State Patrol may retain the proceeds of an auction or trade.

Antique firearms, curios, relics, and firearms of particular historical significance must be auctioned or traded to commercial sellers.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Law enforcement has emphasized that the proceeds from the sale of seized and forfeited firearms are an important means of financial assistance to local agencies. The local destruction option will assist jurisdictions in keeping seized and forfeited firearms from returning into the stream of commerce, thus preventing their use in criminal ventures.

TESTIMONY AGAINST:

There is no evidence to support the belief that the auctioned firearms are subsequently used in criminal activity. A local destruction option will result in a loss of valuable revenues to the jurisdiction.

TESTIFIED: K. David Reynard, Washington Arms Collectors (con); John C. Lenzi, National Rifle Association (con); George Aiton, Washington Arms Collectors (con); Margot Blacker, Deputy Mayor, City of Bellevue (pro); Karen Vialle, Mayor of Tacoma (pro); Jackie McFayden, Association of Washington Cities (pro); Joanne F. Wallace, Washington Citizens for Rational Handgun Controls (pro); John W. Riley, Washington Citizens for Gun Control (pro); Merton Cooper, Kitsap Rifle and Revolver Club (con); Ted Cowan, National Association to Keep and Bear Arms (con); Dave Workman, Snoqualmie Valley Rifle Club (con); Al Wallace, Police Chief, Renton Police Department (pro); Bob McBride, Kittitas County Sheriff (pro); Tim Schellberg, WASPC (pro)