

**SENATE BILL REPORT**

**SB 5131**

**AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 25, 1993**

**Brief Description:** Authorizing destruction of confiscated firearms.

**SPONSORS:** 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 and forfeited. 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:**

A new division is made of the proceeds from the sale of forfeited firearms, and law enforcement agencies are given an alternative to sale for disposing of firearms.

The agency which seizes the firearms may keep 60 percent of the proceeds, to be used by the agency exclusively for law enforcement purposes. The remaining 40 percent goes to the state firearms range account for use in the purchase of land and the development and operation of firearms ranges. Instead of selling forfeited firearms, an agency may trade the weapons to a commercial seller for other firearms or police equipment.

The requirement that forfeited firearms be sold is removed. Local jurisdictions may, by ordinance, provide for the destruction of such firearms. Antique firearms are exempt from destruction.

**EFFECT OF PROPOSED SUBSTITUTE:**

The definition of "antique firearm" is deleted.

**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)