

SENATE BILL REPORT

SHB 1978

As of February 12, 1998

Title: An act relating to disposal of firearms.

Brief Description: Providing alternative methods for the disposal of firearms in the possession of the state patrol.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Sheahan, Mitchell and O'Brien; by request of Washington State Patrol).

Brief History:

Committee Activity: Law & Justice: 4/1/97; 2/19/98.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: David Johnson (786-7754)

Background: Law enforcement agencies come into possession of firearms in a number of ways. They may be evidence seized in a criminal investigation, or unclaimed property found or otherwise acquired by an agency. A court may order the forfeiture of a seized firearm for a variety of reasons.

Seized, unclaimed or forfeited firearms may be disposed of in a variety of ways. Under the unclaimed property laws, a firearm may be disposed of following prescribed attempts to notify the rightful owner. Since 1993, any judicially forfeited or unclaimed firearm in the possession of a local government may be disposed of in any manner determined by the local legislative authority. Firearms in the possession of the Washington State Patrol (WSP), however, are subject to certain restrictions. A firearm held by the WSP: (1) must be destroyed if it is illegal to possess; (2) may be retained for agency use, but not more than 10 percent of the firearms held may be retained; or (3) auctioned or traded to a licensed dealer.

Summary of Bill: The WSP is given the option to either auction or trade legal firearms to licensed dealers, or destroy them if the firearm was offered for auction or trade and no offer was accepted, and the firearm is unsafe or inoperative.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.