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## Judiciary Committee

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### HB 2372

**Title:** An act relating to the disposition of forfeited firearms.

**Brief Description:** Addressing the disposition of forfeited firearms in the custody of law enforcement agencies.

**Sponsors:** Representatives Senn, Kagi, Jinkins, Tarleton, Reykdal, Appleton, McBride, Pollet and Farrell.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Revises requirements for the disposition of forfeited firearms in the custody of local law enforcement agencies and the Washington State Patrol.</li></ul>
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**Hearing Date:** 1/21/16

**Staff:** Edie Adams (786-7180).

**Background:**

The firearm forfeiture statute allows courts to order forfeiture of a firearm under a number of circumstances, including if the firearm is proven to be: concealed on a person without a concealed pistol license or found in the possession of a person prohibited from possessing firearms; in the possession of a person at the time of commission of, or arrest for, a felony, or while criminal charges are pending; in the possession of a person who was mentally incompetent when apprehended; or used in the commission of certain crimes. Firearms seized under this statute must be returned if the court finds there is no probable cause to believe a violation occurred or if the criminal proceedings are dismissed.

Under the unclaimed property statutes, firearms also may be forfeited when the owner fails to claim the firearm within a certain time period after being notified by the local agency. In this case, any unsafe or illegal firearms must be destroyed, and other firearms may be retained and

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used by the law enforcement agency for a period of one year, after which time they must be disposed of in the manner provided under the firearm forfeiture statute.

Local Law Enforcement Agencies.

Firearms in the possession of local law enforcement agencies that have been ordered forfeited by a court under the firearm forfeiture statute or that have been forfeited under the unclaimed property statutes may be disposed of in any manner chosen by the local legislative authority, except that antique firearms, curios, relics, and firearms of particular historical significance must be auctioned or traded to commercial sellers. The local legislative authority may keep the proceeds of any auction or trade of forfeited firearms.

Washington State Patrol.

Forfeited firearms in the possession of the Washington State Patrol (WSP) that are not needed for evidence must be disposed of as follows: (1) illegal firearms must be destroyed; (2) ten percent of legal firearms may be retained by the WSP for agency use; and (3) all other legal firearms must be auctioned or traded to licensed dealers. The WSP may keep any proceeds of an auction or trade.

**Summary of Bill:**

Requirements for the disposition of firearms in the custody law enforcement agencies that have been ordered forfeited by a court under the firearm forfeiture statute or that have been forfeited under the unclaimed property statutes are revised.

Local Law Enforcement Agencies.

Local authority to determine the manner of disposing of forfeited firearms is removed. Firearms in the possession of local law enforcement agencies must be disposed of as follows: (1) illegal firearms must be destroyed; (2) legal firearms may be retained by the law enforcement agency for agency use; (3) antique firearms, curios, relics, and firearms of particular historical significance must be auctioned or traded to licensed dealers; and (4) all other firearms must be destroyed. The local jurisdiction may keep the proceeds from any auction or trade of antique firearms, curios or relics, or firearms of particular historical significance.

Washington State Patrol.

Forfeited firearms in the possession of the WSP that are not retained for agency use must be destroyed, rather than auctioned or traded to licensed dealers. Antique firearms, curios, relics, and firearms of particular historical significance must continue to be auctioned or traded to licensed dealers, and the WSP may keep any proceeds of the auction or trade.

Provisions governing the disposition of firearms in the custody of law enforcement agencies prior to July 1, 1993, are removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.