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Civil Rights & Judiciary Committee

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HB 1010

**Brief Description:** Concerning the disposition of forfeited firearms by the Washington state patrol.

**Sponsors:** Representatives Senn, Lovick, Chapman, Walen, Slatter, Kloba, Peterson, Valdez, Kilduff, Ryu, Fitzgibbon, Appleton, Jinkins, Macri, Wylie, Goodman, Cody, Bergquist, Doglio, Robinson, Orwall, Stanford, Ortiz-Self, Santos, Frame and Leavitt.

**Brief Summary of Bill**

- Authorizes the Washington State Patrol to destroy forfeited firearms in its custody

**Hearing Date:** 1/15/19

**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 may also be forfeited when the owner fails to claim the firearm within a certain 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 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

Forfeited firearms in the possession of the Washington State Patrol that are not retained for agency use may be auctioned or traded to licensed dealers or destroyed.

**Appropriation:** None

**Fiscal Note:** Requested on January 10, 2019.

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