

FINAL BILL REPORT

ESHB 2021

C 287 L 24

Synopsis as Enacted

Brief Description: Concerning the disposition of privately owned firearms in the custody of state or local government entities or law enforcement agencies.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Senn, Walen, Berry, Fitzgibbon, Ryu, Duerr, Ramel, Reed, Ormsby, Peterson, Callan, Macri, Gregerson, Farivar, Alvarado, Lekanoff, Doglio, Riccelli, Reeves, Wylie, Santos, Hackney and Pollet).

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

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 in public who is under the influence of alcohol or drugs;
- in the possession of a person who was mentally incompetent when apprehended; or
- used in the commission of certain crimes.

Firearms seized under this forfeiture 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 one year, such firearms must be disposed of in the manner provided under the firearm forfeiture statute.

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.

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. The local legislative authority may keep the proceeds of any auction or trade of forfeited firearms.

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

Forfeited firearms in the possession of the Washington State Patrol (WSP) on or after May 7, 1993, that are not needed for evidence must be disposed of as follows:

- illegal firearms must be destroyed;
- 10 percent of legal firearms may be retained by the WSP for agency use; and
- all other legal firearms must be auctioned or traded to licensed dealers.

The WSP may keep any proceeds of an auction or trade.

Summary:

Forfeited firearms in the possession of the Washington State Patrol that are not retained for agency use may be auctioned, traded to licensed dealers, or destroyed. Destruction of a firearm means melting or shredding all parts of the firearm. Antique firearms, curios, relics, and firearms of particular historical significance may also be provided to museums or historical societies.

Any firearm in the possession of a state or local government entity or law enforcement agency that is obtained through a firearm buyback program conducted by the entity or agency must be destroyed unless the firearm is:

- returned to the rightful owners if the firearm is determined to be stolen;
- retained and stored for law enforcement investigation or evidence purposes if the firearm was used in the commission of a crime; or
- provided to a museum or historical society if the firearm is recognized as a curio, relic, or has particular historical significance.

Any state or local government entity or law enforcement agency that is conducting a firearm buy-back program must establish procedures for:

- returning a stolen firearm to the rightful owner; and
- determining if a firearm has been used in the commission of a crime.

Votes on Final Passage:

House 68 29

House 68 29

Senate 31 18

Effective: June 6, 2024