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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 and Walen.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Authorizes the Washington State Patrol to destroy forfeited firearms in its custody.</li></ul>
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**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.

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

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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 on or after May 7, 1993, 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 Washington State Patrol for agency use; and (3) all other legal firearms must be auctioned or traded to licensed dealers. The Washington State Patrol may keep any proceeds of an auction or trade.

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