
Civil Rights & Judiciary Committee

HB 1671

Brief Description: Disposing of confiscated firearms.

Sponsors: Representatives Dolan, Klippert, Irwin, Lovick, Appleton, Ortiz-Self, Sells, Chapman, Cody, Doglio and Macri.

Brief Summary of Bill

- Prohibits a court from ordering a law enforcement agency to hold a confiscated firearm longer than needed for evidentiary purposes.
- Provides that, once a confiscated firearm is no longer needed for evidentiary purposes, a law enforcement agency must dispose of the firearm in accordance with statutory standards for return of privately-owned firearms or disposition of forfeited firearms.

Hearing Date: 1/17/20

Staff: Edie Adams (786-7180).

Background:

Law enforcement officers are authorized by statute to confiscate firearms under a number of circumstances, including if the firearm is proven to be: used in the commission of certain crimes; 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; or in the possession of a person who was mentally incompetent when apprehended.

Firearms confiscated for these reasons may be ordered forfeited by a court. The court may retain forfeited firearms needed for evidence and may order destruction of any forfeited firearm. Confiscated firearms must be returned if the court finds there is no probable cause to believe a violation occurred, or the firearm was stolen or the owner had no knowledge of the act involving the firearm, or if the criminal proceedings are dismissed.

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

Law enforcement may surrender confiscated firearms only to the prosecutor for use as evidence in legal proceedings, for disposition if the court orders forfeiture of the firearm, or to the owner if the proceedings are dismissed or the court orders return of the firearm.

Legislation enacted in 2015 established a process relating to the return of private firearms in the custody of a law enforcement agency. A law enforcement agency may not return a private firearm until the agency determines the person is eligible to possess a firearm and at least 24 hours have elapsed from the time the firearm was obtained. If a family or household member has requested notification of the return, the agency must hold the firearm in custody for 72 hours from the time the notification is provided.

Forfeited firearms in the possession of local law enforcement agencies may be disposed of in any manner chosen by the local legislative authority. Forfeited firearms in the possession of the Washington State Patrol (WSP) must be disposed of as follows: (1) illegal firearms must be destroyed; (2) 10 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. Antique firearms, curios, relics, and firearms of particular historical significance may not be destroyed and must be auctioned or traded to licensed dealers.

Summary of Bill:

A court may not order a confiscated firearm to be held by a law enforcement agency beyond the conclusion of proceedings in which the firearm is needed for evidentiary purposes. Once related proceedings are concluded and the firearm is no longer need for evidentiary purposes, a law enforcement agency must dispose of the firearm in accordance with statutory standards for the return of a privately owned firearm or disposition of forfeited firearms.

Appropriation: None.

Fiscal Note: Not requested.

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