



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 2, 2018

Ordinance 18805

Proposed No. 2018-0368.1

Sponsors Kohl-Welles and McDermott

1 AN ORDINANCE requiring the destruction of all forfeited
2 firearms under the control of the sheriff's office; and
3 amending Ordinance 10767, Sections 1 through 5, as
4 amended, and K.C.C. 2.16.062.

5 PREAMBLE:

6 Under state law, the superior courts and the courts of limited jurisdiction
7 of the state may order forfeiture of a firearm that is proven to be illegally
8 obtained, used in the commission of crime or held by a person in the
9 violation of a proper written order of a court of general jurisdiction, such
10 as a domestic violence restraining order.

11 Further, the courts can order that these firearms are considered judicially
12 forfeited and no longer needed for evidence, or forfeited due to a failure to
13 make a claim under state law and may be disposed of in any manner
14 determined by the local legislative authority. State law allows that any
15 proceeds of an auction or trade may be retained by the legislative
16 authority.

17 Under RCW 9.41.098, a law enforcement agency is allowed to destroy
18 forfeited firearms, but may retain a maximum of ten percent of legal
19 forfeited firearms for agency use, including auctioning off or trading to

20 private firearms dealers forfeited weapons in return for new weapons or
21 revenue. Current county code allows the sheriff to: retain legally forfeited
22 firearms solely for agency use; to trade, auction, or arrange for the auction
23 of rifles and shotguns; trade-in surplus weapons and weapons of potential
24 value to private law enforcement equipment dealers for the sole purpose of
25 acquiring new handguns for duty use by commissioned members. Also,
26 antique firearms are exempt from destruction and shall be disposed of by
27 auction or trade to commercial sellers.

28 The sheriff's office reports that it currently destroys forfeited firearms and
29 does not trade or auction any of these weapons.

30 The sheriff's office trades surplus firearms that are no longer suitable for
31 use by commissioned officers for the purpose of upgrading to newer
32 weapons for duty service.

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. Ordinance 10767, Sections 1 through 5, as amended, and K.C.C.
35 2.16.062, are each hereby amended to read as follows:

36 A. The definitions in this subsection apply throughout this section unless the
37 context clearly requires otherwise.

38 1. "Antique firearms" means those firearms as defined by RCW 9.41.010(1)
39 and firearms recognized as curios, relics, and firearms of particular historical significance
40 by the United States treasury department bureau of alcohol, tobacco and firearms.

41 2. "Machine gun" means any firearm, weapon, mechanism, or instrument not
42 requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum,

43 belt, or other separable mechanical device for storing, carrying, or supplying ammunition
44 which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at
45 the rate of five or more shots per second.

46 3. "Rifles and shotguns" means any firearm with a barrel length of twelve inches
47 or longer but shall not include machine guns.

48 4. "Surplus firearms" means any firearm previously purchased, or converted to
49 official use in accordance with RCW 63.40.010 by King County for use by the
50 ~~((department of public safety))~~ sheriff's office or department of adult and juvenile
51 detention that are no longer serviceable or will become surplus as a result of those
52 departments upgrading to newer weapons for duty service.

53 5. For purposes of this section only, "Handguns of potential value" means any
54 handgun:

55 a. accepted as a duty weapon, or any type, make, model, and calibers normally
56 used by law enforcement, that is, caliber .380 or larger;

57 b. manufactured after 1945 which has a current version in production after 1975,
58 and would have a "new" retail replacement cost in excess of two hundred dollars each;

59 c. conditioned to operate legally and safely;

60 d. graded as "Good" or better according to National Rifle Association grading
61 scales;

62 e. valued at one hundred fifty dollars or more retail; and

63 f. manufactured by Smith and Wesson, Colt, Ruger, Beretta, Browning, Walther,
64 Sig/Sauer, Heckler & Koch, Glock, Dan Wesson, and Detonics.

65 6. Handguns manufactured by Charter Arms, Harrington and Richardson,

66 Rohm/RG, Rossi, Taurus, Iver Johnson, High Standard and other similar lower value
67 weapons, handguns considered as "assault" type handguns such as the Ingram/Cobray/RPB
68 models M-10 or M-11, Intratec Tech 9, Wilkinson "Linda" or "Diane" and other similar
69 rapid fire semi-automatic handguns normally manufactured and intended to use magazines
70 with capacities in excess of 20 rounds, or handguns manufactured by another but sold
71 under "house" names by department stores and/or discount stores, and/or all handguns
72 caliber .25ACP or smaller with barrels less than 4" in length, and, which are not classified
73 as curios, relics, or collectors arms per the list maintained by the United States treasury
74 department, bureau of alcohol, tobacco and firearms, do not have potential value.

75 B. (~~Inventory, destruction and disposition.~~) Within thirty days of May 7, 1993,
76 the sheriff shall have prepared an inventory of every firearm that has been judicially
77 forfeited, that has been seized and may be subject to judicial forfeiture, or that has been, or
78 may be, forfeited due to a failure to make a claim under RCW 63.40.010, or that is no
79 longer needed for evidence. The inventory shall be updated annually and include a report
80 on the destruction and disposal of firearms included in the inventory. The sheriff shall
81 destroy every firearm in the inventory, according to the plan in subsection C. of this section
82 as approved by the council, except that:

- 83 1. The sheriff may retain legally forfeited firearms solely for agency use; and
- 84 2. (~~The sheriff may trade, auction, or arrange for the auction of rifles and~~
85 ~~shotguns.~~

86 3.) Antique firearms are exempt from destruction and may be disposed of by
87 auction or trade to commercial sellers as authorized by state law(~~; and~~

88 (~~4.)) 3. Surplus (~~weapons~~) firearms may be offered as trade-in to law~~

89 enforcement equipment dealers for the sole purpose of acquiring new (~~handguns~~)
90 weapons for duty use by commissioned members of the (~~department of public safety~~)
91 sheriff's office or department of adult and juvenile detention. If not offered as trade-in, they
92 shall be destroyed.

93 C. (~~Report required.~~) The sheriff shall submit a report to the council within thirty

94 days on the inventory of firearms under subsection B. of this section, which shall include a
95 plan for the destruction or disposal of all firearms in the inventory.
96

Ordinance 18805 was introduced on 7/30/2018 and passed by the Metropolitan King
County Council on 10/1/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


J. Joseph McDermott, Chair

ATTEST:


Melani Pedroza, Clerk of the Council

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KING COUNTY COUNCIL

APPROVED this 10 day of October, 2018.


Dow Constantine, County Executive

Attachments: None