



Legislation Text

File #: 2018-0368, **Version:** 1

Clerk 07/25/2018

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

PREAMBLE:

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

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

Under RCW 9.41.098, a law enforcement agency is allowed to destroy forfeited firearms, but may retain a maximum of ten percent of legal forfeited firearms for agency use, including auctioning off or trading to private firearms dealers forfeited weapons in return for new weapons or revenue. Current county code allows the sheriff to: retain legally forfeited firearms solely for agency use; to trade, auction, or arrange for the auction of rifles and shotguns; trade-in surplus weapons and weapons of potential value to private law enforcement equipment dealers for the sole purpose of acquiring new handguns for duty use by commissioned members. Also, antique

firearms are exempt from destruction and shall be disposed of by auction or trade to commercial sellers.

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

2. "Machine gun" means any firearm, weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

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

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

5. For purposes of this section only, "Handguns of potential value" means any handgun:
- a. accepted as a duty weapon, or any type, make, model, and calibers normally used by law enforcement, that is, caliber .380 or larger;
 - b. manufactured after 1945 which has a current version in production after 1975, and would have a "new" retail replacement cost in excess of two hundred dollars each;
 - c. conditioned to operate legally and safely;
 - d. graded as "Good" or better according to National Rifle Association grading scales;
 - e. valued at one hundred fifty dollars or more retail; and
 - f. manufactured by Smith and Wesson, Colt, Ruger, Beretta, Browning, Walther, Sig/Sauer, Heckler & Koch, Glock, Dan Wesson, and Detonics.

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

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

except that:

1. The sheriff may retain legally forfeited firearms solely for agency use; and

2. ~~((The sheriff may trade, auction, or arrange for the auction of rifles and shotguns.~~

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

~~((4.))~~ 3. Surplus ~~((weapons))~~ firearms may be offered as trade-in to law enforcement equipment dealers for the sole purpose of acquiring new ~~((handguns))~~ weapons for duty use by commissioned members of the ~~((department of public safety))~~ sheriff's office or department of adult and juvenile detention. If not offered as trade-in, they shall be destroyed.

C. ~~((Report required.))~~ The sheriff shall submit a report to the council within thirty days on the inventory of firearms under subsection B. of this section, which shall include a plan for the destruction or disposal of all firearms in the inventory.