

RESOLUTION NO. 123 - 97

A RESOLUTION authorizing the Mason County Sheriff to dispose of judicially forfeited firearms.

WHEREAS, prior to June 30, 1993, RCW 9.41.098(2) provided that a court ordering the forfeiture of firearms would also set forth in the order how the firearms would be disposed of; and

WHEREAS, RCW 9.41.098(2) was amended in 1993 to provide that firearms that are: (1) judicially forfeited and no longer needed for evidence; or (2) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010 may be disposed of in any manner determined by the local legislative authority; and

WHEREAS, RCW 9.41.098(2) (a) provides that any proceeds of an auction or trade may be retained by the legislative authority;

WHEREAS, with regard to firearms that come into the possession of the Mason County Sheriff's Office after June 30, 1993, absent some action by the Mason County Board of County Commissioners, the Mason County Sheriff's Office is limited to retaining judicially forfeited firearms as evidence or seeking a court order to destroy illegal firearms; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY that the following be invoked:

- A. Except as provided in subsections (b) and (c) of RCW 9.41.098(2), all firearms that come into the possession of the Mason County Sheriff's Office after June 30, 1993, that are: judicially forfeited and no longer needed for evidence; or forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010 may be disposed of by the Mason County Sheriff's Office in its discretion and in compliance with RCW 9.41.098(2)(b) as follows:
1. A maximum of ten percent of the forfeited firearms may be retained by the Mason County Sheriff's Office for agency use.
  2. Forfeited firearms may be traded for law enforcement equipment or supplies to commercial law enforcement equipment sellers or suppliers.
  3. Lawful firearms that are forfeited may be auctioned to commercial sellers.
  4. Forfeited firearms may be destroyed.

B. The proceeds of any auction or trade shall be used to fund law enforcement activities.

ADOPTED: October 14, 1997

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
Mason County, Washington

Rebecca Rogers  
Clerk of the Board

Mary J. Cady  
Chairman

APPROVED AS TO FORM:

Mike Clift  
CHIEF DPA  
Mike Clift, Deputy Prosecutor

Mr. Boland  
Commissioner

Excused Absence 10/14/97  
Commissioner