

Larry Phillips  
Cynthia Sullivan

Introduced by: Paul Barden

Proposed No.: 93-766

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ORDINANCE NO. **11167**

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AN ORDINANCE authorizing the sheriff to trade in certain unclaimed and seized firearms for new weapons for Department of Public Safety and amending Ordinance No. 10767 and K.C.C. 2.16.062

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PREAMBLE:

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Ordinance 10767 directed the sheriff to prepare an inventory of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010, or that is no longer needed for evidence, or surplus firearms owned by the department of public safety.

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Ordinance 10767 further directs the sheriff to destroy every firearm in the inventory except for certain firearms, as further defined in sections 2.A, 2.B, and 2.C, of Ordinance 10767.

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Certain of those firearms still included as firearms to be destroyed have considerable potential value to King County, if available to be offered as trade in for law enforcement equipment.

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Destruction of such firearms places a dual financial impact on King County and the taxpayers of King County in that King County is required to pay to the state a fee for each such firearm that is destroyed, and King County loses the financial value that such firearms may provide in trade-in for new law enforcement equipment, and, such financial impacts further strain the financial resources of King County.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. Ordinance No. 10767, sections 1 through 5

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and K.C.C. 2.16.062 are each hereby amended as follows:

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Destruction and disposition of confiscated firearms

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A. Definitions:

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1. "Antique firearms" means those firearms as defined

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by R.C.W. 9.41.150 and firearms recognized as curios, relics,

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and firearms of particular historical significance by the

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United States treasury department bureau of alcohol, tobacco

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and firearms.

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

8           3. "Rifles and Shotguns" means any firearm with a  
9 barrel length of twelve inches or longer, but shall not include  
10 machine guns as defined in this section.

11           4. "Surplus firearms" means any firearm previously  
12 purchased, or converted to official use in accordance with  
13 R.C.W. 63.40.010 by King County for use by the department of  
14 public safety or department of adult detention that are no  
15 longer serviceable or will become surplus as a result of those  
16 departments upgrading to newer weapons for duty service.

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

19           a. Accepted as a duty weapon, or any type, make,  
20 model, and calibers normally used by law enforcement, (i.e.  
21 caliber .380 or larger) and,

22           b. Manufactured after 1945 which has a current  
23 version in production after 1975, and would have a "new" retail  
24 replacement cost in excess of two hundred dollars each, and,

25           c. Conditioned to operate legally and safely, and,

26           d. Graded as "Good" or better according to National  
27 Rifle Association grading scales, and,

28           e. Valued at one hundred fifty dollars or more  
29 retail, and,

30           f. Manufactured by Smith and Wesson, Colt, Ruger,  
31 Beretta, Browning, Walther, Sig/Sauer, Heckler & Koch, Glock,  
32 Dan Wesson, and Detonics.

33           6. Handguns manufactured by Charter Arms, Harrington  
34 and Richardson, Rohm/RG, Rossi, Taurus, Iver Johnson, High  
35 Standard and other similar lower value weapons, handguns

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

13 B. Inventory, destruction and disposition. Within thirty  
14 (30) days of the effective date of this section, May 7, 1993,  
15 the sheriff shall have prepared an inventory of every firearm  
16 that has been judicially forfeited, has been seized and may be  
17 subject to judicial forfeiture, or that has been, or may be,  
18 forfeited due to failure to make a claim under RCW 63.32.010,  
19 63.35.020, or 63.40.010, or that is no longer needed for  
20 evidence (( ~~or surplus firearms owned by the department of~~  
21 ~~public safety~~)). This inventory shall be updated annually and  
22 include a report on the destruction and disposal of firearms  
23 included in the inventory.

24 The sheriff shall destroy every firearm in the inventory,  
25 according to the plan in paragraph C of this section as  
26 approved by the council. Except that:

27 1. The sheriff may retain legally forfeited firearms  
28 solely for agency use.

29 2. The sheriff shall trade, auction, or arrange for the  
30 auction of rifles and shotguns.

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

33 4. Surplus weapons and weapons of potential value may be  
34 offered as trade-in to law enforcement equipment dealers for  
35 the sole purpose of acquiring new handguns for duty use by

1 commissioned members of the department of public safety or  
2 department of adult detention. If not offered as trade-in, they  
3 shall be destroyed.

4 C. Report required. The sheriff shall submit a report to the  
5 council within thirty (30) days on the inventory of firearms  
6 under paragraph B which shall include a plan for the  
7 destruction or disposal of all firearms in the inventory.

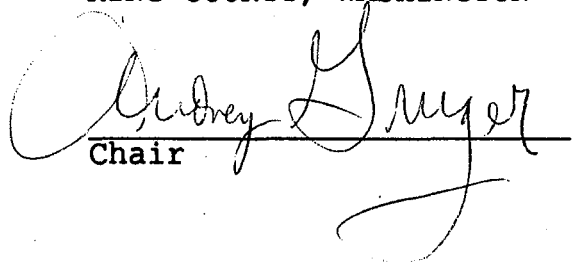
8 D. Effective date. This ((~~ordinance~~)) shall take effect upon  
9 the effective date of ((~~state legislation amending RCW 9.41.098~~  
10 ~~to authorize local governments to destroy rather than sell~~  
11 ~~firearms which are legal for citizen possession.~~)) this  
12 ordinance.

13 E. Severability. If any provision of this section or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the ordinance or the application of the provision  
16 to other persons or circumstances is not affected.


17 INTRODUCED AND READ for the first time this 18th day  
18 of October, 1993.

19 PASSED this 13<sup>th</sup> day of December, 1993.

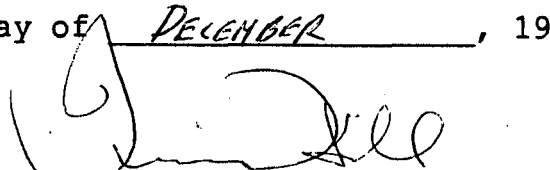
20 KING COUNTY COUNCIL  
21 KING COUNTY, WASHINGTON

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23 Chair

24 ATTEST:

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26 Clerk of the Council

27 APPROVED this 27<sup>th</sup> day of DECEMBER, 1993

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29 King County Executive

30 Attachments: None