

House Research Act Summary

CHAPTER: 148

SESSION: 1999 Regular Session

TOPIC: Sale of forfeited firearms

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Analyst: Emily F. Shapiro, 651-296-5041

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Overview

This bill provides new options for the disposition of firearms, ammunition, and firearm accessories that have been forfeited by a law enforcement agency. The bill permits law enforcement agencies to sell these forfeited items to federally-licensed firearms dealers, keep them for official law enforcement purposes, or destroy them. However, the bill prohibits the Hennepin or Ramsey county sheriff from selling forfeited firearms, ammunition, or firearm accessories if the county board disapproves of such a policy.

1 Disposition. Under current law, law enforcement agencies are not permitted to sell forfeited firearms, ammunition, and firearm accessories at a forfeiture sale; rather, they are required either to destroy them or keep and use them for official use. This bill expands the options available to law enforcement agencies to dispose of these forfeited items. The available dispositions include the following:

- if the items are antique firearms, the agency may sell them to the public at a forfeiture sale;

- if the items are semiautomatic military-style assault weapons, the agency may either destroy them or use them for law enforcement purposes;

- if the items do not fall into either of these categories, the agency may either destroy them, use them for law enforcement purposes or sell them at a forfeiture sale to federally-licensed firearms dealers. In the latter case, the dealers could sell the firearms at retail, subject to applicable federal and state background check requirements. However, the bill prohibits the Hennepin or Ramsey county sheriff from selling forfeited firearms, ammunition, or firearm accessories if the county board disapproves of such a policy.

The proceeds of items sold at a forfeiture sale would be distributed as otherwise provided under the forfeiture law; *i.e.* 70 percent of the proceeds would be distributed to the law enforcement

agency, 20 percent would be distributed to the prosecuting authority, and 10 percent would be distributed to the state general fund.

- 2 **Distribution of administratively forfeited property.** Technical change to conform with section 1.