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SENATE BILL NO. 936

Offered January 14, 2015

Prefiled January 8, 2015

A BILL to amend and reenact §§ 15.2-1721, 30-34.2:2, and 52-11.5 of the Code of Virginia, relating to unclaimed firearms; Department of Forensic Science.

Patron—Marsden

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1721, 30-34.2:2, and 52-11.5 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1721. Disposal of unclaimed firearms or other weapons in possession of sheriff or police.

Any locality may destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than sixty days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

At the discretion of the chief of police, sheriff, or their duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the chief of police, sheriff, or their duly authorized agents shall comply with the notice provision contained in § 15.2-1719.

In lieu of destroying any such unclaimed firearm, the locality may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

§ 30-34.2:2. Disposal of unclaimed firearms or other weapons in possession of the Division of Capitol Police.

Subject to the provisions of § 19.2-386.29, the Division of Capitol Police may destroy unclaimed firearms and other weapons that have been in the possession of the Division for a period of more than 60 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

At the discretion of the chief of police or his designee, unclaimed firearms or other weapons may be destroyed by any means that renders the firearms or other weapons permanently inoperable. Prior to the destruction of such firearms or other weapons, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of the property and (ii) obtain from the attorney for the Commonwealth of the jurisdiction from which the unclaimed item came into the possession of the Division of Capitol Police in writing a statement advising that the item is not needed in any criminal prosecution.

In lieu of destroying any such unclaimed firearm, the chief of police or his designee may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

§ 52-11.5. Disposal of unclaimed firearms or other weapons in possession of the State Police.

Subject to the provisions of § 19.2-386.29, the State Police may destroy unclaimed firearms and other weapons that have been in the possession of the Department for a period of more than 60 days and that have been determined by the Superintendent or his designee to be unsuitable to be placed in service with the Department. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner and that the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

At the discretion of the Superintendent or his designee, unclaimed firearms or other weapons may be destroyed by any means that render the firearms or other weapons permanently inoperable. Prior to the destruction of such firearms or other weapons, the Superintendent or his designee shall comply with the notice provisions contained in § 52-11.4.

In lieu of destroying any such unclaimed firearm, the Superintendent or his designee may donate the

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SB936

59 *firearm to the Department of Forensic Science, upon agreement of the Department of Forensic Science.*