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SENATE BILL NO. 406

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 30-34.2:2 of the Code of Virginia, relating to disposal of unclaimed personal property in possession of the Division of Capitol Police.*

Patron—McDougle

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That § 30-34.2:2 of the Code of Virginia is amended and reenacted as follows:****§ 30-34.2:2. Disposal of unclaimed firearms, other weapons, or other unclaimed personal property 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, *and may lawfully dispose of other unclaimed personal property*, that have been in the possession of the Division for a period of more than 120 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.), *and "unclaimed personal property" means any personal property 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, *the Division of Capitol Police may destroy* unclaimed firearms or other weapons ~~may be destroyed~~ by any means that renders the firearms or other weapons permanently inoperable *and may lawfully dispose of other unclaimed personal property*. Prior to the destruction of such *unclaimed* firearms or other weapons *or disposal of such other unclaimed personal property*, 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. *The Division may dispose of an unclaimed bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped in accordance with the provisions of § 15.2-1720.*

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.

INTRODUCED

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