

**RETURN OF WEAPONS RECOVERED BY LAW**

**ENFORCEMENT**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires a law enforcement agency to return a firearm in its possession to the legal owner upon proof of ownership.

**Highlighted Provisions:**

This bill:

- ▶ requires a law enforcement agency to return a firearm in its possession to the legal owner within a certain time period upon proof of ownership;
- ▶ provides a process for a person who does not have the original proof of purchase to claim ownership of a firearm; and
- ▶ requires a law enforcement agency that returns a firearm to a legal owner to document the firearm disposition.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-525**, as enacted by Laws of Utah 1973, Chapter 196

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **76-10-525** is amended to read:

30 **76-10-525. Disposition of firearms.**

31 [~~All police departments and/or sheriff's departments which have in their possession a~~  
32 ~~weapon]~~

33 (1) A law enforcement agency as defined in Section 53-1-102 that has in its possession  
34 a firearm after it has been used for court [purposes] proceedings shall determine the [true] legal  
35 owner of the [weapon and return it to him; however, if unable to determine the true owner of  
36 the weapon, or if the true owner is the person committing the crime for which the weapon was  
37 used as evidence, the department shall confiscate it and it shall revert to that agency for their  
38 use and/or disposal as the head of the department determines.] firearm and return it to the  
39 owner within 30 days after the conclusion of court proceedings.

40 (2) A law enforcement agency in possession of a firearm that is not used for court  
41 proceedings as described in Subsection (1), shall be returned within 30 days to the legal owner  
42 upon submitting proof of ownership.

43 (3) A law enforcement agency may retain or dispose of a firearm pursuant to the  
44 agency's firearm disposal policy, if:

45 (a) it is unable to determine the legal owner of the firearm;

46 (b) the legal owner may not lawfully possess the firearm; or

47 (c) the legal owner was convicted of a crime for which the firearm was used as  
48 evidence.

49 (4) A law enforcement agency shall accept a sworn affidavit of firearm ownership from  
50 the person asserting ownership if the original proof of purchase is lost.

51 (5) A law enforcement agency shall document the disposition of any firearm.

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**Legislative Review Note**  
as of 1-25-13 5:25 PM

**Office of Legislative Research and General Counsel**