

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO 2011-003

ORDINANCE AMENDING SECTION 2.81.080 OF THE KITTITAS COUNTY CODE.

WHEREAS, Kittitas County Ordinance 2009-004 established County policy for management of County real and personal property based on Chapter 36.34 RCW; and

WHEREAS, The County passed Resolution 2004-72 that provided a process for the Kittitas County Sheriff's Office to dispose of forfeited firearms; and

WHEREAS, Resolution 2004-72 was superseded by the passage of Ordinance 2009-004; and

WHEREAS, The Kittitas County Sheriff's Office would like to return to a policy similar to Resolution 2004-72 for the disposal of firearms; and

WHEREAS, The Kittitas County Board of County Commissioners held a public hearing on May 3, 2011, to hear public comment on the proposed ordinance; and

WHEREAS, The Kittitas County Board of County Commissioners supports the proposed revisions to Section 2.81.080 of the Kittitas County Code.

NOW, THEREFORE, BE IT RESOLVED that after holding a public hearing on May 3, 2011, and receiving public comment on the proposed ordinance, the Kittitas County Board of County Commissioners believes it is in the best interest of the public to amend Section 2.81.080 of the Kittitas County Code as follows:

2.81.080 Disposition of Firearms by Kittitas County Sheriff's Office.

1. The Kittitas County Sheriff's Office (KCSO) will maintain a current inventory of all firearms found, forfeited due to failure to make a claim, seized, subject to judicial forfeiture, or purchased by KCSO.
2. The Sheriff's Office may retain for agency use a maximum of 10 percent of legal firearms that were judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.40.010.
3. Antique firearms, curios and collector's items are exempt from destruction and shall be disposed of by auction or trade to licensed commercial firearms dealers. Proceeds from any auction will go to the Kittitas County Sheriff's Office firearm program.
4. Surplus, unclaimed and forfeited rifles, shotguns and handguns may be offered for auction or as trade-in to licensed commercial firearms dealers for the sole purpose of acquiring new firearms and related equipment for use by commissioned deputy sheriffs.

5. Notwithstanding any contrary provision of this chapter, retired duty weapons may be offered for current market value to particular sheriff's deputies upon their retirement. If not retired, such weapons shall be retained for use by the Kittitas County Sheriff's Office until they are otherwise classified and disposed of as surplus firearms.
6. The Sheriff's Office shall destroy all weapons that are unlawful to possess as described in RCW 9.41.220 or as ordered by the court.
7. As per RCW 63.40.010(5), the Kittitas County Sheriff's Office may destroy a firearm that is safe or legal to possess or sell, but has been or may be used, in the discretion of the Kittitas County Sheriff, in a manner that is illegal.

TRACKED CODE CHANGES

2.81.080 Destruction and Disposition of Recovered, Forfeited and Surplus Firearms by Kittitas County Sheriff's Office.

1. ~~Definitions.~~ As used in this section:

- a. ~~"Antique firearms"~~ means those firearms as defined by RCW 9.41.010 and a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
- b. ~~"Firearms of potential value,"~~ for purposes of this section only, means any rifle, shotgun or handgun:
 - i. ~~Accepted as a duty weapon, or any type, make, model and caliber normally used by law enforcement; and~~
 - ii. ~~Manufactured after 1945 which has a current version in production after 1975; and~~
 - iii. ~~Is reasonably expected to have a value at trade-in excess of two hundred dollars (\$200) each; and~~
 - iv. ~~Conditioned to operate legally and safely; and~~
 - v. ~~Graded as "Good" or better according to National Rifle Association grading scales; and~~
 - vi. ~~Is a handgun manufactured by Smith and Wesson, Colt, Ruger, Beretta, Browning, Walther, Sig/Sauer, Heckler & Koch, Glock, Dan Wesson, Steyer and any nationally recognized brand name of custom-manufactured pistols retailing in excess of five hundred dollars (\$500), such as Les Baer, Wilson and the like.~~
- c. ~~"Firearms of no potential value,"~~ for purposes of this section, include the following firearms:
 - i. ~~Any forfeited firearm used in a crime of violence, as defined in RCW 9.41.010, regardless of actual or apparent value;~~
 - ii. ~~Any firearm contaminated by biohazardous material, regardless of actual or apparent value;~~
 - iii. ~~Any .22 caliber rifle, except that constituting an antique, curio or collector's item;~~
 - iv. ~~Handguns manufactured by Charter Arms, Harrington and Richardson, Rohm/RG, Rossi, Taurus, Iver Johnson, High Standard and other similar lower value weapons; handguns considered as "assault" type handguns such as the~~

Ingram/Cobray/RPB models M-10 or M-11, Intratec Tech 9, Wilkinson "Linda" or "Diane" and other similar rapid fire semiautomatic handguns normally manufactured and intended to use magazines with capacities in excess of twenty (20) rounds; or handguns manufactured by another but sold under "house" names by department stores and/or discount stores; and/or all handguns caliber .25ACP or smaller with barrels less than four (4) inches in length, and, which are not classified as antiques or as curios, relics or collectors arms per the list maintained by the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms, do not have potential value.

- v. ~~"Machine Gun"~~ means a firearm so defined in RCW 9.41.010 and any firearm, weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at the rate of five (5) or more shots per second.
- vi. ~~"Retired Duty Weapon"~~ means a surplus firearm, previously purchased, or converted to official use in accordance with RCW 63.40.010 by Kittitas County and assigned to a particular deputy sheriff as his or her duty weapon and made available to such deputy at retirement.
- vii. ~~"Rifles and Shotguns"~~ means those firearms defined in RCW 9.41.010 and any firearm with a barrel length of twelve (12) inches or longer and an overall length of twenty-six (26) inches or longer, but shall not include machine guns as defined in this section.
- viii. i. ~~"Surplus firearms"~~ means any firearm previously purchased or converted to official use in accordance with RCW 63.40.010 by Kittitas County for use by the Kittitas County Sheriff's Department that is no longer serviceable, will be retired or will become surplus as a result of the department's upgrading to newer weapons for duty service.

~~2. Inventory, and Destruction and Disposition.~~

- a. ~~1. The Kittitas County Sheriff's Office (KCSO) will maintain a current inventory of all firearms purchased, found, forfeited due to failure to make a claim, that have been seized, and may be subject to judicial forfeiture, or purchased by KCSO, found or forfeited due to failure to make a claim. Within thirty (30) days of the effective date of this section or by December 31, 2009, whichever shall last occur, the sheriff shall have prepared an inventory of every firearm (i) that has been judicially forfeited; (ii) that has been seized and may be subject to judicial forfeiture; (iii) that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010; (iv) that is no longer needed for evidence; or (v) has been identified as a retired duty weapon. This inventory shall be updated annually and include a report on the destruction, disposal and retirement of firearms included in the inventory.~~

~~The sheriff shall destroy every firearm in the inventory, according to the plan in subsection 3 of this section as approved by the board of county commissioners, except that:~~

- ~~2. The sheriff-Sheriff's Office may retain for agency use a maximum of 10 percent of legal firearms that were judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.40.010, for use in accordance with RCW 9.41.098 (2) (b), legally forfeited firearms solely for use by the sheriff's office or other law enforcement agency.~~

~~The sheriff shall sell, trade, auction or arrange for the auction of legal rifles and shotguns of potential value.~~

3. ~~Antique firearms, curios and collector's items are exempt from destruction and shall be disposed of by sale, auction or trade to licensed commercial firearms dealers commercial sellers. Proceeds from any auction will go to the Kittitas County Sheriff's Office firearm program.~~

4. ~~Surplus, Unclaimed and forfeited rifles, shotguns firearms and handguns of potential value may be offered for auction sale or as trade-in to licensed law enforcement equipment commercial firearmrs dealers or firearms dealers for the sole purpose of acquiring new firearms and related equipment for use by commissioned deputy sheriffs. In accordance with RCW 9.41.098 (2) (b) (ii) .If not offered for sale or as trade-in, they shall be destroyed.~~

5. ~~Notwithstanding any contrary provision of this chapter, retired duty weapons may be offered for current market retail value to particular sheriff's deputies upon their retirement. If not retired, such weapons shall be retained for use by the Kittitas County Sheriff's Department Office until they are otherwise classified and disposed of as surplus firearms.~~

~~All cash proceeds from sales to or by licensed firearms dealers or from retiring deputies shall be paid to the county's general fund.~~

~~3. Report Required. The sheriff shall submit a report to the board of county commissioners, within the time specified in subsection 2, on the inventory of firearms under subsection 2 which shall include a plan for the destruction or disposal of all firearms in the inventory. (Ord. 2009-04, 2009)~~

~~Destruction.~~


~~6. The Sheriff's Office shall destroy all weapons that are unlawful to possess as described in RCW 9.41.220 or as ordered by the court.~~

~~7 As per RCW 63.40.010(5), the Kittitas County Sheriff's Office may destroy a firearm that is safe or legal to possess or sell, but has been or may be used, in the discretion of the Kittitas County Sheriff, in a manner that is illegal.~~

ADOPTED this 3rd day of May 2011.

BOARD OF COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON



Paul Jewell, Chair



Alan Crankovich, Vice-Chair

Obie O'Brien

Obie O'Brien, Commissioner



Julie A. Kjorsvik
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APPROVED AS TO FORM:

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