

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

ORDINANCE NO _____

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WHEREAS, Resolution 2004-72 was superseded by the passage of Ordinance 2009-004; and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

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4. Surplus, unclaimed and forfeited rifles, shotguns and handguns may be offered for auction or as trade-in to licensed law enforcement equipment dealers or 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.
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ADOPTED this _____ day of _____ 2011.

BOARD OF COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON

Paul Jewell, Chair

Alan Crankovich, Vice-Chair

Obie O'Brien, Commissioner

ATTEST:
CLERK OF THE BOARD

APPROVED AS TO FORM:

Julie A. Kjorsvik

Stephanie Happold, Deputy Prosecuting Attorney
WSBA#38112