

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 173

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

SENATE BILL 1241

AN ACT

AMENDING SECTIONS 12-945 AND 13-3105, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-945, Arizona Revised Statutes, is amended to
3 read:

4 12-945. Sale of property

5 A. If after sixty days notice has been given,— the owner or person
6 entitled to the property has not taken it away or answered the petition filed
7 concerning the property, the court shall order the property sold. The
8 property shall be sold in the manner provided by law for the sale of personal
9 property under execution in a civil action. The proceeds shall be paid to
10 the general fund of the jurisdiction from which the unclaimed property was
11 received pursuant to section 12-941.

12 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF THE PROPERTY IS A
13 FIREARM, THE COURT SHALL ORDER THE FIREARM TO BE SOLD TO ANY BUSINESS THAT IS
14 AUTHORIZED TO RECEIVE AND DISPOSE OF THE FIREARM UNDER FEDERAL AND STATE LAW
15 AND THAT SHALL SELL THE FIREARM TO THE PUBLIC ACCORDING TO FEDERAL AND STATE
16 LAW, UNLESS THE FIREARM IS OTHERWISE PROHIBITED FROM BEING SOLD UNDER FEDERAL
17 AND STATE LAW. A LAW ENFORCEMENT AGENCY MAY TRADE A FIREARM THAT IT HAS
18 RETAINED TO A FEDERAL FIREARMS LICENSED BUSINESS FOR AMMUNITION, WEAPONS,
19 EQUIPMENT OR OTHER MATERIALS TO BE EXCLUSIVELY USED FOR LAW ENFORCEMENT
20 PURPOSES.

21 ~~B.~~ C. If upon a hearing of the petition and answer it appears that
22 the state, county, city or town has good title to such estate or property or
23 any part thereof, the court shall order the property sold in the manner
24 provided in subsection A OF THIS SECTION. The proceeds of such sale shall be
25 paid to the general fund of the jurisdiction from which the unclaimed
26 property was received pursuant to section 12-941.

27 Sec. 2. Section 13-3105, Arizona Revised Statutes, is amended to read:

28 13-3105. Forfeiture of weapons and explosives

29 A. On the conviction of any person for a violation of any felony in
30 this state in which a deadly weapon, dangerous instrument or explosive was
31 used, displayed or unlawfully possessed by the person, the court shall order
32 the article forfeited and sold WITHIN ONE YEAR AFTER ITS FORFEITURE to any
33 business that is authorized to receive and dispose of the article under
34 federal,— AND state ~~and local~~ law and that shall sell the article to the
35 public according to federal,— AND state ~~and local~~ law, unless the article is
36 otherwise prohibited from being sold under federal,— AND state ~~or local~~ law,
37 in which case it shall be destroyed or otherwise properly disposed.

38 B. On the conviction of any person for a violation of section 13-2904,
39 subsection A, paragraph 6 or section 13-3102, subsection A, paragraph 1 or
40 8, the court may order the forfeiture of the deadly weapon or dangerous
41 instrument involved in the offense.

42 C. If at any time the court finds pursuant to rule 11 of the Arizona
43 rules of criminal procedure that a person who is charged with a violation of
44 this title is incompetent, the court shall order that any deadly weapon,
45 dangerous instrument or explosive used, displayed or unlawfully possessed by

1 the person during the commission of the alleged offense be forfeited and sold
2 WITHIN ONE YEAR AFTER ITS FORFEITURE to any business that is authorized to
3 receive and dispose of the article under federal, ~~AND state and local~~ law
4 and that shall sell the article to the public according to federal, ~~AND~~
5 state ~~and local~~ law, unless the article is otherwise prohibited from being
6 sold under federal, ~~AND state or local~~ law, in which case it shall be
7 destroyed or otherwise properly disposed.

APPROVED BY THE GOVERNOR APRIL 4, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2012.

Passed the House March 27, 2012,

Passed the Senate February 16, 2012,

by the following vote: 43 Ayes,

by the following vote: 21 Ayes,

12 Nays, 5 Not Voting

9 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2 day of April, 2012,

at 2:10 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 4th day of

April, 2012,

at 2:00 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4th day of April, 2012,

at 3:32 o'clock P M.

[Signature]
Secretary of State

S.B. 1241