

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

**CHAPTER 173**  
**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~~ 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  
46 the person during the commission of the alleged offense be forfeited and sold

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

APPROVED BY THE GOVERNOR APRIL 4, 2012.

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