

REFERENCE TITLE: **unclaimed property; firearms; disposition**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

## **HB 2455**

Introduced by  
Representatives Barton, Kwasman, Livingston, Montenegro, Smith, Stevens,  
Thorpe: Allen, Borrelli, Fann, Gowan, Lesko, Mitchell, Olson, Shope,  
Senators McGuire, Murphy

**AN ACT**

**AMENDING SECTIONS 12-940, 12-941 AND 12-945, ARIZONA REVISED STATUTES;  
RELATING TO UNCLAIMED PROPERTY IN HANDS OF PUBLIC AGENCY.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-940, Arizona Revised Statutes, is amended to  
3 read:

4 12-940. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Dispose" means the transfer of property by its return to the  
7 owner, sale, conversion or destruction or by any other means of disposal.

8 2. "Evidence" means property that is held for possible presentation in  
9 a judicial or administrative proceeding to establish the truth or falsity of  
10 an alleged matter of fact.

11 3. "Found property" means recovered, lost, **SURRENDERED** or abandoned  
12 property that is turned over to a public agency where the owner may or may  
13 not be known and that is not classified as evidence.

14 4. "Property" means any item, including currency, that is held for  
15 safekeeping or as evidence or found property or that has been abandoned,  
16 unclaimed or awarded by the court.

17 5. "Property value" means the reasonable value of the property in its  
18 present condition.

19 6. "Safekeeping" means storage of an asset or item of value by a  
20 public agency that is not classified as evidence and that belongs to a known  
21 individual.

22 Sec. 2. Section 12-941, Arizona Revised Statutes, is amended to read:

23 12-941. Disposal of certain unclaimed property in the custody  
24 of a state, county, city or town agency

25 A. A state, county, city or town agency shall dispose of all property  
26 that was used as evidence and that remains unclaimed in the hands of the  
27 agency, after final disposition of the cause in which so used, or that was  
28 seized by a peace officer as being used unlawfully or for an unlawful purpose  
29 and that was held unclaimed from the date of seizure, or that came into the  
30 hands of the agency as unclaimed or contraband. A law enforcement agency may  
31 retain and use those items that have a useful value to that law enforcement  
32 agency.

33 B. Found property turned over to a state, county, city or town agency  
34 may be returned to the person who found and turned it over if all of the  
35 following conditions apply:

36 1. The property is not contraband **OR A FIREARM**.

37 2. The property remains unclaimed for thirty days after reasonable  
38 efforts have been made to locate and notify the owner.

39 3. The person who found and turned over the property is not a public  
40 officer or employee of the federal, a state or a local government who found  
41 the property in the course of performing the duties of the office or  
42 employment.

43 C. If United States currency is delivered to the proper agency  
44 pursuant to subsection A of this section, it shall be deposited in the  
45 general fund of the state, county, city or town, as the case may be.

1 D. A record of all transactions shall be maintained for at least  
2 twenty-four months.

3 Sec. 3. Section 12-945, Arizona Revised Statutes, is amended to read:  
4 12-945. Sale of property

5 A. If after thirty days' notice has been given the owner or person  
6 entitled to the property has not taken it away, the property may be sold.  
7 The proceeds shall be paid to the general fund of the jurisdiction from which  
8 the unclaimed property was received.

9 B. Notwithstanding subsection A of this section, if the property is a  
10 firearm, the ~~court shall order the firearm to be sold~~ AGENCY SHALL SELL THE  
11 FIREARM to any business that is authorized to receive and dispose of the  
12 firearm under federal and state law and that shall sell the firearm to the  
13 public according to federal and state law, unless the firearm is otherwise  
14 prohibited from being sold under federal and state law. A law enforcement  
15 agency may trade a firearm that it has retained to a federal firearms  
16 licensed business for ammunition, weapons, equipment or other materials to be  
17 exclusively used for law enforcement purposes.