

## **RESOLUTION 12-100**

### **A RESOLUTION TO AUTHORIZE THE DISPOSITION OF SURPLUS WEAPONS AND ACCESSORIES**

**WHEREAS**, the City of Spring Hill Police Department was awarded weapons and accessories by forfeiture from the Williamson County, TN Circuit Court and Maury County, TN Circuit Court; and

**WHEREAS**, TCA 39-17-1317 allows for disposition of confiscated weapons and section (l) provides for the exchange of firearms for legitimate law enforcement purposes between departments and a licensed and qualified law enforcement firearms dealer; and

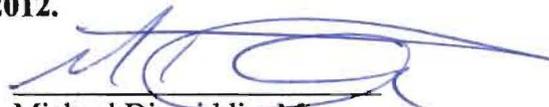
**WHEREAS**, the City of Spring Hill authorized the trade of the following weapons and accessories to King's Tactical Firearms, Columbia, TN for credit on the purchase of weapons and/or equipment:

	<u>Make</u>	<u>Model</u>	<u>Caliber</u>	<u>Serial</u>	<u>Misc</u>
1.	Para Ordinance magazine and Uncle Mike's side kick holster	P-14	45	QH6985	with
2.	Century Arms magazine	Carbine	308	C49175	with
3.	Kel-Tec rifle with black hard case	PLR-16	5.56	POU30	assault
4.	Taurus	Magnum	44	OC228531	8" barrel
5.	S & W	686	357	ACL0149	6" barrel
6.	S & W	686	357	AHD5518	4" barrel
7.	Remington case	7400	30-06	B8466278	black hard
8.	Remington leather case	700	30-06	A6733012	brown
9.	H & R leather case	single	12	49058	green
10.	Remington case	700	30-06	6489993	tan leather
11.	M48 case	TA676	unknown	NPEAY3EHE44	black hard
12.	Ruger case	1022	22	23766959	black hard
13.	Marlin	60	22	04259721	
14.	Mossburg case	183T	410	869248	brown/tan
15.	Stevens barrel	311	410	D224265	double
16.	Inter ordinance of Amer	M59/66	7.62	F167651	Yuko

17. Thompson loader	Cal50	50	K194735	Muzzle
18. Traditions loader		50	280697	Muzzle
19. GAI case		7.62	F142078	tan leather
20. Brolin Arms		12	T000599	
21. Romarm	Cucir	5.45	Z0114999	
22. Vulcan Arms	U15	5.56	P006379	
23. Maverick stock		12	MU44559J	folding
24. Mossburg	500A	12	R759746	
25. Romarm		7.62	14858008	
26. Vector Arms	UZI	45	504674	
27. Colt	1911A1	45	1168886	
28. NEF Co	R73	32	NB030199	
29. Taurus		38	HG596037	
30. Ruger	P95DC	9	31317392	
31. Jimenez Arms		380	015285	
32. Ammunition ammunition				Various
33. Walther Serial partially ground off	BB Gun	BB	KA09437	Black
34. Brolin Arms magazines. Black nylon clip-on holsters	L45	45	JPE10500	two
35. Savage Arms auto, wooden stock	6B	22	none	Older semi
36. Gamo CO <sub>2</sub> cartridges Case 2004-2005	P23	BB	044C06974002	BB's and
37. Remington shotgun	870	12	A601119M	express
38. Knife sheath, longer than 8 "	Bowie			with
39. Ammunition buckshot				12 gauge

**NOW, THEREFORE BE IT RESOLVED**, that the City of Spring Hill authorizes the trade of the above mentioned weapons and accessories to King's Tactical as stated above totaling a value of approximately \$5,580.00. Recommended by Staff and the Budget Finance Advisory Committee on September 10, 2012.

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill,  
Tennessee on the 17<sup>st</sup> day of September, 2012.**



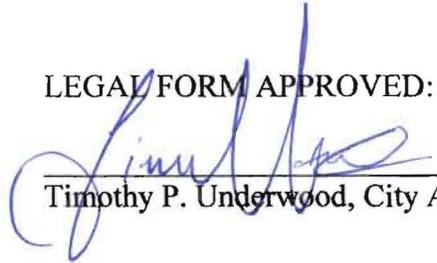
Michael Dinwiddie, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney

**39-17-1317. Confiscation and disposition of confiscated weapons.**

**(a)** Any weapon, except those covered by subsection (g), that is possessed, used or sold in violation of the law shall be confiscated by a law enforcement officer and declared to be contraband by a court of record exercising criminal jurisdiction. The sheriff or chief of police for the jurisdiction where the weapon was confiscated may petition the court for permission to dispose of the weapon in accordance with this section. If the weapon was confiscated by a judicial district drug task force, the director of the task force where the weapon was confiscated may petition the court for disposal of the weapon in accordance with this section. If the weapon was confiscated by the department of safety, the commissioner of safety may petition the court for disposal of the weapon in accordance with this section. If the weapon was confiscated by the Tennessee bureau of investigation, the director may petition the court for disposal of the weapon in accordance with this section.

**(b)** Any weapon declared contraband shall be sold in a public sale or used for legitimate law enforcement purposes, at the discretion of the court, by written order.

**(c)** If the weapon was confiscated by a sheriff, other local law enforcement agency or a judicial district drug task force and the court orders the weapon to be sold:

**(1)** It shall be sold at a public auction not later than six (6) months from the date of the court order. The sale shall be conducted by the sheriff of the county or the chief of police of the municipality in which it was seized;

**(2)** The proceeds from the sale shall go into the county or municipal general fund and shall be allocated solely for law enforcement purposes;

**(3)** The sale shall be advertised in a daily or weekly newspaper circulated within the county. The advertisement shall run for not less than three (3) editions and not less than thirty (30) days prior to the sale; and

**(4)** If required by federal or state law, the sale can be conducted under contract with a licensed firearm dealer, whose commission shall not exceed twenty percent (20%) of the gross sales price. The dealer shall not hold an elective or appointed job with the federal, state, county or city government in this state during any stage of the sales contract.

**(d)** If the weapon was confiscated by the department of safety or the Tennessee bureau of investigation and the court orders it to be sold, it shall be turned over to the department of general services, which shall sell the weapon and dispose of the proceeds of the sale in the same manner as it currently does for other confiscated weapons.

**(e)** If the court orders the weapon to be retained and used for legitimate law enforcement purposes:

**(1)** Title to the weapon shall be placed in the law enforcement agency or judicial district drug task force retaining the weapon; and

**(2)** When the weapon is no longer needed for legitimate law enforcement purposes, it shall be sold in accordance with this part.

**(f)** If the weapon is sold, the commissioner of safety or the director of the Tennessee bureau of investigation, the sheriff, chief of police or director of the judicial district drug task

force shall file an affidavit, as follows, with the court issuing the sale order:

**(1)** The affidavit shall be filed within thirty (30) days after the sale;

**(2)** The affidavit shall identify the weapon, including any serial number, and shall state the time, date and circumstances of the sale; and

**(3)** If the weapon has been sold, the affidavit shall list the name and address of the purchaser and the price paid for the weapon.

**(g)** Notwithstanding any other provisions of this section, no weapon shall be sold or retained for law enforcement use in the following circumstances:

**(1)** A weapon that may be evidence in an official proceeding shall be retained or otherwise preserved in accordance with the rules or practices regulating the preservation of evidence. The weapon shall be sold or retained for legitimate law enforcement purposes not less than sixty (60) days nor more than one hundred eighty (180) days after the last legal proceeding involving the weapon; or

**(2)** Any weapon that has been stolen or borrowed from its owner, and the owner was not involved in the offense for which the weapon was confiscated, shall be returned to the owner if permitted by law.

**(h)** No weapon seized by law enforcement officials or judicial district drug task force members shall be used for any personal or law enforcement purposes or sold except in accordance with this section.

**(i)** Notwithstanding the provisions of this section, if the chief of police, sheriff, commissioner of safety, or director of the Tennessee bureau of investigation, depending upon who confiscated the weapon, certifies to the court that a weapon is inoperable or unsafe, the court shall order the weapon destroyed or recycled.

**(j)** A violation of this section is a Class B misdemeanor.

**(k)** Nothing in this section shall authorize the purchase of any weapon, the possession of which is otherwise prohibited by law.

**(l)** The commissioner of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, the executive head of any municipal or county law enforcement agency, or the director of a judicial district drug task force may petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange firearms that have previously been properly titled, as specified by this section, to the law enforcement agency or the drug task force for other firearms, ammunition or body armor suitable for use by the law enforcement agency or drug task force. This exchange of firearms for these specified items used for legitimate law enforcement purposes is permitted only between the department of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, a municipal or county law enforcement agency, a judicial district drug task force, and a licensed and qualified law enforcement firearms dealer.

**HISTORY:** Acts 1989, ch. 591, § 1; 1991, ch. 111, §§ 1-6; 1992, ch. 734, §§ 1-5; 2006, ch. 798, § 2; 2009, ch. 116, § 1; 2010, ch. 629, §§ 1-11; 2011, ch. 159, § 1.