

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

446B0542

SENATE BILL NO. 206

Introduced by: Senators Kleven, Albers, Drake, Flowers, Hunhoff, Johnson (William), Rounds, and Vitter and Representatives Pummel, Apa, Duenwald, Duniphan, Hagg, Jaspers, McNenny, Pederson (Gordon), and Wetz

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the disposition of
2 seized controlled weapons and firearms.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-37-13 be amended to read as follows:

5 23A-37-13. Any controlled weapon or firearm used in violation of chapter 22-14 shall be
6 disposed of as follows:

7 (1) If it is stolen, it shall be returned to the lawful owner upon proof of ownership; or

8 (2) If it is illegal, it shall be destroyed pursuant to law; or

9 (3) If it is neither stolen nor illegal, it shall be delivered to the ~~sheriff in the county in~~
10 ~~which it was seized~~ arresting agency for lawful use or disposal.

11 In the case of a disposition pursuant to subdivision (3), the ~~sheriff shall provide for its sale~~
12 ~~at public auction within one year of delivery and shall deposit the proceeds in the county general~~
13 ~~fund. Such forfeiture shall be conducted in accord with the rules of civil procedure~~ arresting
14 agency may use, trade-in, or destroy the controlled weapon or firearm upon compliance with the
15 standard forfeiture proceedings.