

AN ACT

ENTITLED, An Act to clarify certain provisions relating to the disposition of certain controlled weapons or firearms.

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

Section 1. That § 23A-37-9 be amended to read as follows:

23A-37-9. Articles of contraband or property of an illegal nature shall be destroyed, except that any articles which are capable of lawful use may in the discretion of the court be sold and the proceeds disposed of as provided in § 23A-37-10. However, the provisions of § 23A-37-13 apply to any controlled weapon or firearm.

Section 2. That § 23A-37-13 be amended to read as follows:

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

- (1) If it is stolen, it shall be returned to the lawful owner upon proof of ownership; or
- (2) If it is illegal, it shall be destroyed pursuant to law; or
- (3) If it is neither stolen nor illegal, it shall be delivered to the arresting agency or, at the direction of the attorney general, to the South Dakota Forensic Laboratory for scientific examination purposes, for lawful use or disposal.

In the case of a disposition pursuant to subdivision (3), the arresting agency may use, trade-in, or destroy the controlled weapon or firearm.

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I certify that the attached Act originated in the

SENATE as Bill No. 80

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 80
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State