

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

925C0042

## SENATE BILL NO. 80

Introduced by: Senators Albers, Benson, Ham, Kleven, Staggers, and Vitter and  
Representatives Hennies, Engbrecht, and Weber

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to the disposition of  
2 certain controlled weapons or firearms.

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

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

5 23A-37-9. Articles of contraband or property of an illegal nature shall be destroyed, except  
6 that any articles which are capable of lawful use may in the discretion of the court be sold and  
7 the proceeds disposed of as provided in § 23A-37-10. ~~If there is no claimant or if the right to~~  
8 ~~possession or ownership of seized controlled weapon or firearm cannot be determined after a~~  
9 ~~reasonable period of time, the controlled weapon or firearm shall be delivered to the state~~  
10 ~~forensic laboratory within the office of attorney general. The state forensic laboratory may retain~~  
11 ~~the controlled weapon or firearm for scientific examination purposes or destroy the firearm or~~  
12 ~~controlled weapon. However, the provisions of § 23A-37-13 apply to any controlled weapon or~~  
13 firearm.

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

15 23A-37-13. Any controlled weapon or firearm used in violation of chapter 22-14 shall be  
16 disposed of as follows:

- 1 (1) If it is stolen, it shall be returned to the lawful owner upon proof of ownership; or
- 2 (2) If it is illegal, it shall be destroyed pursuant to law; or
- 3 (3) If it is neither stolen nor illegal, it shall be delivered to the arresting agency or, at the
- 4 direction of the attorney general, to the Division of Criminal Investigation, for lawful
- 5 use or disposal.

6 In the case of a disposition pursuant to subdivision (3), the arresting agency may use,

7 trade-in, or destroy the controlled weapon or firearm.