

Destruction and Sale of Firearms



Law enforcement agencies collect firearms through a variety of means including recovery of lost/abandoned property, confiscation as being stolen, or collection as evidence in a crime. Once a firearm is taken into an agency's custody, officials must ensure proper procedures are taken for their storage, release, or destruction. In the event the firearm is linked to some criminal proceedings, the weapon is to be returned to rightful owner ¹ after the proceedings are complete. If the rightful owner is not identified, State law requires all other unclaimed firearms must be handled in one of two ways².

Firearms certified as being unsafe because of wear, damage, age or modifications, OR Federal and/or State law prohibit their sell and distribution, the weapon may be transferred to a City/County or GBI Forensic Laboratory for training or experimental purpose or it must be destroyed.

All other unclaimed firearms must be sold through a bid process to persons holding a federal firearm license (FFL)³

It is important to note Federal law prohibits the sale of firearms with defaced serial numbers or that have been illegally modified (sawed off). This includes sales to a FFL holder⁴. These weapons must be destroyed. Agencies use a variety of techniques to ensure firearms are no longer serviceable. One of the regular vendors at the GACP conferences, Gunbusters Inc., offers firearm destruction services at NO COST to law enforcement agencies.⁵ This is a cost effective method for ensuring the destruction of firearms.

Finally, agencies must maintain specific records on each weapon taken into their custody that include:

- How the firearm came into the agency's custody;
- Description of the firearm;
- All efforts to contact the owner;
- Any case or docket number;
- Dates of publication in any newspaper notices;
- Date the property was sold or destroyed; and
- Records of the proceeds from the sales in to the general fund.

This information must be maintained in accordance with the State of Georgia Records Retention Schedule.

¹ OCGA 40-5-52 Disposition of Weapons Used in Commission of Crime or Delinquent Act Involving Procession; Civil Forfeiture.

² OCGA 17-5-54 Definitions; Dispositions of Personal Property in Custody of Law Enforcement Agency.

³ 18 U.S.C. 921 Definitions (Firearms)

⁴ 18 USC 922(k)

⁵ Gunbusters, <http://www.thegunbusters.com/> (855) 486-2878.