

53-5c-202 Illegal firearms confiscated -- Disposition of unclaimed firearm.

- (1) If a law enforcement agency receives a firearm in accordance with Section 53-5c-201, and the firearm is an illegal firearm, the law enforcement agency shall:
 - (a) notify the owner cohabitant attempting to voluntarily commit the firearm that the firearm is an illegal firearm; and
 - (b) confiscate the firearm and dispose of it as the head of the law enforcement agency determines.
- (2)
 - (a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner cohabitant to return a firearm in accordance with Section 53-5c-201, the law enforcement agency may:
 - (i) appropriate the firearm to public interest use as provided in Subsection (3);
 - (ii) sell the firearm at public auction as provided by law and appropriate the proceeds of the sale to public interest use; or
 - (iii) destroy the firearm if unfit for sale.
 - (b) A law enforcement agency may take an action in accordance with Subsection (2)(a) no earlier than one year after the day on which the owner cohabitant initially voluntarily commits the firearm in accordance with Section 53-5c-201.
- (3) Before appropriating the firearm to public interest use, the law enforcement agency, having possession of the firearm, shall obtain from the legislative body of its jurisdiction:
 - (a) permission to appropriate the firearm to public interest use; and
 - (b) the designation and approval of the public interest use of the firearm.
- (4)
 - (a) If a person other than an owner cohabitant who voluntarily commits a firearm in accordance with Section 53-5c-201 claims ownership of the firearm, the person may:
 - (i) request that the law enforcement agency return the firearm in accordance with Subsection (4)(b); or
 - (ii) petition the court for the firearm's return in accordance with Subsection (4)(c).
 - (b) Except as provided in Section 53-5c-201, the law enforcement agency shall return a firearm to a person other than an owner cohabitant who claims ownership of the firearm if:
 - (i) the 60-day period described in Section 53-5c-201 has expired;
 - (ii) the person provides identification; and
 - (iii) the person signs a document attesting that the person has an ownership interest in the firearm.
 - (c) After sufficient notice is given to the prosecutor, the court may order that the firearm be:
 - (i) returned to the rightful owner as determined by the court;
 - (ii) converted to public interest use; or
 - (iii) destroyed.
 - (d) A law enforcement agency shall return a firearm ordered returned to the rightful owner as expeditiously as possible after a court determination.

Enacted by Chapter 188, 2013 General Session