

SUBJECT: Forfeiture or destruction of weapons for certain offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Place, Talton, Greenberg, Nixon, Pickett, Pitts, Solis
0 nays
2 absent — Farrar, Hudson

SENATE VOTE: On final approval, May 3 — voice vote

WITNESSES: None

BACKGROUND: The Code of Criminal Procedure establishes how a weapon seized by a law enforcement agency will be treated. In some circumstances, a convicted person or a person receiving deferred adjudication is allowed to request and receive back a seized weapon. In other cases the court entering the judgment is required to destroy the weapon or rule the weapon as property of the state.

DIGEST: SB 272 would specify that a weapon must be destroyed or forfeited for state use if the convicted person or person who receives deferred adjudication committed an offense on the premises of a playground, school, video arcade facility or youth center.

The bill would take effect September 1, 1995, and would apply to a weapon involved in a criminal offense that is seized by a law enforcement agency on or after the effective date.

SUPPORTERS SAY: A person or student who brings a weapon to school may be punished for such behavior; however, the weapon that belongs to a parent in many cases is returned to the parent upon request.

A weapon should not be returned under a conviction for an offense committed on school property. Without such a penalty, a student could commit another offense using the same weapon in the future.

**OPPONENTS
SAY:**

A weapon seized on school property should be returned to the parent or other person who owns it. A parent should not be punished for a student's behavior, particularly if it was a first offense. In many cases, the student has taken a gun or weapon without the parent's permission or knowledge.