

Committee on Criminal Justice

CS/SB 1286 — Return of Weapons and Arms Following an Arrest

by Criminal Justice Committee and Senator Collins

The bill amends s. 790.08, F.S., to require a law enforcement agency to return any weapons, electric weapons or devices, or firearms that are taken from a person following an arrest, but that are not seized as evidence or subject to forfeiture under the Florida Contraband Forfeiture Act, within 30 days after such request is made if he or she meets all of the following criteria:

- He or she has been released from detention;
- He or she provides a form of government-issued photographic identification; and
- If requesting the return of a firearm, a completed criminal history background check confirms that he or she is not prohibited from possessing a firearm under state or federal law, including not having any prohibition arising from an injunction, a risk protection order, or any other court order prohibiting the person from possessing a firearm.

The sheriff or chief of police may develop reasonable procedures to ensure the timely return of weapons, electric weapons or devices, or arms. The sheriff or chief of police may not require a court order to release such weapons, electric weapons or devices, or arms that are not seized as evidence in a criminal proceeding unless there are competing claims of ownership of such weapons, etc.

Additionally, the bill amends s. 933.14, F.S., to delete a provision requiring an order of a trial court judge to return a pistol or firearm to its owner if such pistol or firearm was taken by an officer upon a view by the officer of a breach of the peace.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 32-8; House 110-1