

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016-59

3 INTRODUCED BY:

4
5 Councilor Joseph M. Maestas

6 Councilor Renee D. Villarreal

7 Councilor Peter N. Ives

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10 A RESOLUTION

11 REQUESTING THE SANTA FE POLICE DEPARTMENT IMPLEMENT A POLICY OF
12 DESTRUCTION OF ALL FIREARMS IN POSSESSION OF THE POLICE
13 DEPARTMENT THAT ARE NO LONGER NECESSARY FOR USE IN OBTAINING A
14 CONVICTION, OR ARE NOT NEEDED FOR ANY OTHER PUBLIC PURPOSE.

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16 WHEREAS, the City of Santa Fe collected 174 firearms in 2015; and

17 WHEREAS, current Santa Fe Police Department policy allows for the “destruction or
18 disposal of...firearms in accordance with applicable laws”; and

19 WHEREAS, Chapter 29-1-14(H) NMSA 1978 states that “[o]nce it is determined by the
20 law enforcement agency that any property enumerated in this subsection is no longer necessary
21 for use in obtaining a conviction or is not needed for any other public purpose, the law
22 enforcement agency may apply to the district court...for an order authorizing destruction or other
23 disposition of the property...”; and

24 WHEREAS, it is the current policy of the Santa Fe Police Department to destroy all
25 unclaimed and seized weapons in the possession of the Police Department; and

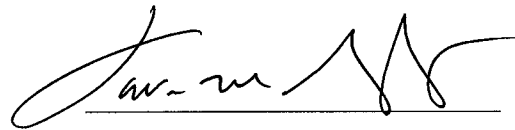
1 **WHEREAS**, the Santa Fe Police Department sponsored a gun buyback program in 2013
2 that brought in over 400 firearms, all of which were subsequently destroyed, taking many
3 weapons off of our streets; and

4 **WHEREAS**, it is the desire of the Governing Body to ensure that the Santa Fe Police
5 Department destroys all firearms in its possession, when legally permissible, to ensure they do not
6 return to our streets.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that the Santa Fe Police Department is requested to implement a policy
9 that all firearms in the possession of the Santa Fe Police Department which are no longer
10 necessary for use in obtaining a conviction, or are not needed for any other public purpose, shall
11 be destroyed as permitted by state law.

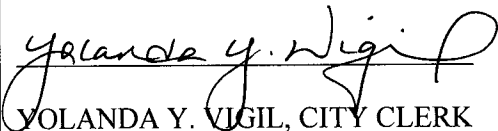
12 **BE IT FURTHER RESOLVED** that this request shall in no way conflict or contradict
13 the provisions of the Second Amendment to the United States Constitution regarding the right to
14 bear arms, or any other national, state or local law regulating that right.

15 PASSED, APPROVED AND ADOPTED this 10th day of August, 2016.


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18 JAVIER M. GONZALES, MAYOR

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20 ATTEST:

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23 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2016/2016-59 Firearm Destruction*