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Drug Prosecutor

Bryant M. Hitchings

March 21, 2014

To: Darrell Cox, Coles County Sheriff
Jeff Branson, Mattoon Police Department
Bryan Baker, Charleston Police Department
Jack Sanders, Oakland Police Department
Adam Due, Eastern Illinois University Police Department

MEMORANDUM

Gentlemen:

720 ILCS 5/24-6 sets forth the protocol for the handling of confiscated weapons. Law Enforcement may with court permission destroy weapons, use the weapons for Departmental use, or tender the weapons to Illinois State Police. The court in *People v. Kleefman*, 90 Ill.App.3d 1,412 N.E.2d 1057, 45 Ill.Dec. 475 (1980), specifically held "sales of such weapons are unauthorized."

While prior sales might well have been for raising revenue to be reinvested into the Departments and under authority of a court order allowing disposition pursuant to Department authority, it exceeds the authority granted by state statute.

The sale of weapons by Departments, in my opinion, exceeds the authority granted by statutes.

To the extent that firearms are being sold by Departments it is my request and suggestion that it cease and that Departments discuss this issue with your corporate council.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Brian L. Bower".

BRIAN L. BOWER
COLES COUNTY STATE'S ATTORNEY