5-09/180.05 - Possession, Confiscation, and Release of Firearms - Mentally Ill Persons

Firearms, either in the possession or under the control of any person detained or apprehended for examination of his mental condition, shall be confiscated. The Department shall retain custody of the weapon until released for one of the following reasons:

- Person released without commitment;
- Restoration of the mental capacity of the person pursuant to WIC;
- Appointment of a guardian - weapon released to guardian; or
- Any other disposition ordered by the concerned court.

On the face of the property release form, note that "Release was pursuant to requirements of 8103 WIC."

- Section 8103 WIC has the effect of requiring the release of firearms;
- Section 8103 WIC asserts that no person adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness, after October 1, 1955, shall have any firearms in his possession or under his custody or control unless he has been issued a certificate of competency; and
- Seventy-two hour observation patients are not subject to adjudication and are not required to possess a certificate.

The addition of station/unit detectives in a joint assignment with the station/unit mental health liaison lieutenant will expedite the investigation and disposition of such cases. Station/unit detectives will handle the interviews and obtain and release the weapon due to proximity of subject to concerned station/unit.