

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

July 26, 2019

Sidra P. Winter, Esq.
Attorney, Town of Ecu
Post Office Box 505
Pontotoc, Mississippi 38863-0505

Re: Sale of Firearms

Dear Ms. Winter:

Attorney General Jim Hood has received your request for an opinion and has assigned it to me for research and response.

Background and Issue Presented

Your request states:

The inquiry is whether or not the Town may use a site such as gunbroker.com to sell firearms which were embezzled from the town and have been returned to the town as the result of a criminal investigation/prosecution. The firearms have been released back to Ecu by order of Circuit Judge Paul Funderburk. The Town wishes to sell the guns to recoup a portion of the misappropriated funds. Such a website would charge a set commission for said sale.

Response

Your request concerns the sale of firearms returned to the municipality after a criminal case. You do not state whether the circuit court placed any condition on the disposal of the firearms. You do not explain the nature of the misappropriated funds. We are not sure what loss, if any, the town suffered. The appropriate method of disposal of the firearms will depend on any applicable order of the circuit court and/or the manner in which the firearms came into the possession of the municipality. Assuming the court order is silent, the manner in which the firearms are disposed of will depend on how the municipality obtained possession.

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For your information, we enclose a copy of our opinion addressed to Thomas Reynolds dated January 18, 2019, which addressed multiple methods for a municipality to dispose of firearms.

Pursuant to Section 17-25-25 of the Mississippi Code, the Office of the State Auditor has the authority to set the standards for auctioneers and auctioneer companies. In regard to gunbroker.com, according to an online search, the website appears to be a site that sells firearms in a bidding situation with the option to buy immediately. You should consult with the Office of the State Auditor to determine whether the referenced website qualifies as an auctioneer or a company that meets the standards established by that office.

If we may be of further assistance, please advise.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Emiko Hemleben
Special Assistant Attorney General

OFFICIAL OPINION

Enclosure