**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 § IN THE JUSTICE COURT

IN THE MATTER OF §

 §

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § PRECINCT \_\_\_\_

 §

 §

 § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**ORDER TO RETURN OR DISPOSE OF SEIZED WEAPON THAT IS NOT ALLEGED TO BE STOLEN PROPERTY OR A PROHIBITED WEAPON**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_a weapon, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was seized

from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at the following location:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* The court **FINDS** that:
* There is no prosecution or conviction for an offense involving the weapon that was seized and that the person who was in possession of the seized weapon made a timely written request for the return of the weapon.
* The person who was in possession of the seized weapon was convicted by or received deferred disposition from this court for an offense under Penal Code Chapter 46, requested the return of the weapon, and is not disqualified from having the weapon returned under Code of Criminal Procedure Art. 18.19(d).

The court therefore **ORDERS** that the weapon be returned to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* The court **FINDS** that:
* There is no prosecution or conviction for an offense involving the weapon that was seized and the person who was in possession of the seized weapon was timely notified that they could have the weapon returned upon written request, but a timely written request was not made.
* The person who was in possession of the seized weapon was convicted by or received deferred disposition from this court for an offense under Penal Code Ch. 46 and requested the return of the weapon but is disqualified from having the weapon returned under Code of Criminal Procedure Art. 18.19(d).
* The person who was in possession of the seized weapon was convicted of an offense involving the use of the weapon *(other than an offense under Penal Code Chapter 46)*, the convicting court did not order the destruction, sale, or forfeiture of the weapon before the 61st day after conviction, and the law enforcement agency holding the weapon has requested an order.

The court therefore **ORDERS** that the weapon be:

* Destroyed.
* Sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Occupations Code Chapter 1802. The proceeds of the sale shall be transferred to the law enforcement agency holding the weapon after the deduction of auction costs.
* Forfeited to the state for use by:
* the law enforcement agency holding the weapon
* the following county forensic laboratory: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**ISSUED AND SIGNED** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_**.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS