

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 10*

Short Title: Confiscate and Forfeit Guns.

(Public)

Sponsors: Representatives G. Miller; Alphin, Arnold, Baddour, Black, Bowman, Burton, Church, Cole, Colton, Crawford, Cromer, Cummings, Diamont, Dickson, Easterling, Fitch, Gardner, Gottovi, Griffin, Hackney, Hall, Hill, Holt, Hunt, H. Hunter, R. Hunter, Ives, Jarrell, Jeffus, Kuczmariski, Mavretic, McAllister, McCrary, Mercer, Nichols, C. Preston, Ramsey, Redwine, Robinson, Spears, Stewart, Wainwright, Warner, Wilkins, Wilmoth, and Wood.

Referred to: Judiciary I.

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGARDING THE CONFISCATION,
FORFEITURE, AND DISPOSITION OF FIREARMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-11.1 is amended by adding a new subsection to read:

"(b1) Notwithstanding subsections (a) and (b) of this section or any other provision of law, if the property seized is a firearm and the district attorney determines the firearm is no longer necessary or useful as evidence in a criminal trial, the district attorney shall apply to the court for an order of disposition of the firearm. The court, after notice to all parties known or believed by the district attorney to have an ownership or a possessory interest in the firearm, including the defendant, and after hearing, may order disposition of the firearm in one of the following ways:

(1) By ordering the firearm returned to its rightful owner, but only when the rightful owner is someone other than the defendant and upon findings by the court (i) that the person, firm, or corporation determined by the court to be the rightful owner is entitled to possession of the firearm and (ii) that the person, firm, or corporation determined by the court to be the rightful owner of the firearm was unlawfully deprived of the same without his consent.

1 (2) By ordering the firearm turned over to be destroyed by the sheriff of
2 the county in which the firearm was seized or by his duly authorized
3 agent. The sheriff shall maintain a record of the destruction of the
4 firearm."

5 Sec. 2. G.S. 14-269.1(2) and (3) are repealed.

6 Sec. 3. This act becomes effective March 1, 1994.