

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 10*

Committee Substitute Favorable 2/9/94

Third Edition Engrossed 2/10/94

Senate Select Committee on Corrections/Punishment Committee Substitute Adopted 2/17/94

Fifth Edition Engrossed 3/10/94

Short Title: Disposition of Firearms.

(Public)

Sponsors:

Referred to: Appropriations.

February 8, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS REGARDING THE CONFISCATION,
3 FORFEITURE, AND DISPOSITION OF FIREARMS.

4 The General Assembly of North Carolina enacts:

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

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

13 (1) By ordering the firearm returned to its rightful owner, when the
14 rightful owner is someone other than the defendant and upon findings
15 by the court (i) that the person, firm, or corporation determined by the
16 court to be the rightful owner is entitled to possession of the firearm
17 and (ii) that the person, firm, or corporation determined by the court to
18 be the rightful owner of the firearm was unlawfully deprived of the

1 same or had no knowledge or reasonable belief of the defendant's
2 intention to use the firearm unlawfully.

3 (2) By ordering the firearm returned to the defendant, but only if the
4 defendant is not convicted of any criminal offense in connection with
5 the possession or use of the firearm, the defendant is the rightful owner
6 of the firearm, and the defendant is not otherwise ineligible to possess
7 such firearm.

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

12 This subsection (b1) is not applicable to seizures pursuant to G.S. 113-137 of
13 firearms used only in connection with a violation of Article 22 of Chapter 113 of the
14 General Statutes or any local wildlife hunting ordinance."

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

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