

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 11*

Committee Substitute Favorable 2/9/94

Third Edition Engrossed 2/9/94

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

Short Title: No Gun if Acquitted for Insanity.

(Public)

Sponsors:

Referred to:

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN
CRIMINAL OFFENSES BY REASON OF INSANITY OR A PERSON
DETERMINED TO BE INCAPABLE TO PROCEED FROM POSSESSING A
FIREARM OR A WEAPON OF DEATH AND MASS DESTRUCTION.

The General Assembly of North Carolina enacts:

Section 1. Article 54A of Chapter 14 of the General Statutes is amended by
adding a new section to read:

**"§ 14-415.3. Possession of a firearm or weapon of mass destruction by persons
acquitted of certain crimes by reason of insanity or persons determined
to be incapable to proceed prohibited.**

(a) Except as provided in subsection (b) of this section, it is unlawful for the
following persons to purchase, own, possess, or have in the person's custody, care, or
control, any firearm or any weapon of mass death and destruction as defined by G.S. 14-
288.8(c):

- (1) A person who has been acquitted by reason of insanity of any crime set
out in G.S. 14-415.1(b) or any violation of G.S. 14-33(b)(1), 14-
33(b)(8), or 14-34.

1 (2) A person who has been determined to lack capacity to proceed as
2 provided in G.S. 15A-1002 for any crime set out in G.S. 14-415.1(b)
3 or any violation of G.S. 14-33(b)(1), 14-33(b)(8), or 14-34.

4 (b) A person acquitted of a crime by reason of insanity or a person determined to
5 lack capacity to proceed may, upon discharge from the custody of the court or upon
6 release from any hospital or treatment facility, petition the superior court in the
7 jurisdiction in which the person resides for a permit to possess a firearm, other than a
8 handgun or a weapon of mass death and destruction. The court shall notify any victims
9 of crimes committed by said individual and they may be allowed to testify in those
10 proceedings. The court may, upon a finding that public safety would not be
11 jeopardized, grant the petition and issue a permit.

12 (c) A violation of this section is a Class H felony. Any firearm or weapon of
13 mass death and destruction lawfully seized for a violation of this section shall be
14 forfeited to the State and disposed of as provided in G.S. 15-11.1."

15 Sec. 2. This act becomes effective May 1, 1994. The criminal violation
16 created by this act applies to offenses committed on or after the effective date of this
17 act.