

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

CHAPTER 13
HOUSE BILL 11

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) 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.

(2) A person who has been determined to lack capacity to proceed as provided in G.S. 15A-1002 for 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.

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

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

In the General Assembly read three times and ratified this the 15th day of March, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives