

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 246

Short Title: Govt. Use/Seized Gun Parts.

(Public)

Sponsors: Senators Rand; Albertson, Ballance, Carrington, Cooper, Dannelly, East, Garwood, Gulley, Hartsell, Hoyle, Jenkins, Kerr, Kincaid, Kinnaird, Lee, Martin of Guilford, Miller, Perdue, Phillips, Plyler, Reeves, Warren, and Wellons.

Referred to: Commerce.

February 26, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT PARTS MAY BE REMOVED FROM CONFISCATED
2 WEAPONS PRIOR TO THE DESTRUCTION OF THE WEAPONS TO REPAIR
3 EXISTING LAW ENFORCEMENT WEAPONS.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 14-269.1 reads as rewritten:

7 "**§ 14-269.1. Confiscation and disposition of deadly weapons.**

8 Upon conviction of any person for violation of G.S. 14-2.2, 14-269, 14-269.7, or any
9 other offense involving the use of a deadly weapon of a type referred to in G.S. 14-269,
10 the deadly weapon with reference to which the defendant shall have been convicted shall
11 be ordered confiscated and disposed of by the presiding judge at the trial in one of the
12 following ways in the discretion of the presiding judge.

- 13 (1) By ordering the weapon returned to its rightful owner, but only when
14 such owner is a person other than the defendant and has filed a petition
15 for the recovery of such weapon with the presiding judge at the time of
16 the defendant's conviction, and upon a finding by the presiding judge
17 that petitioner is entitled to possession of same and that he was
18 unlawfully deprived of the same without his consent.

- 1 (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.
2 (4) By ordering such weapon turned over to the sheriff of the county in
3 which the trial is held or his duly authorized agent to be destroyed.
4 Prior to the destruction of the weapon, the sheriff may remove any parts
5 from the weapon for the repair of local law enforcement weapons that
6 are property of the local government. The sheriff shall maintain a record
7 of the destruction ~~thereof.~~ of the weapon.
8 (5) By ordering such weapon turned over to the North Carolina State
9 Bureau of Investigation's Crime Laboratory Weapons Reference Library
10 for official use by that agency. The State Bureau of Investigation shall
11 maintain a record and inventory of all such weapons received.
12 (6) By ordering such weapons turned over to the North Carolina Justice
13 Academy for official use by that agency. The North Carolina Justice
14 Academy shall maintain a record and inventory of all such weapons
15 received."
16 Section 2. This act is effective when it becomes law.