## 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

Short Title: Disposition of Firearms.

Sponsors:

Referred to:

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 shall
9	apply to the court for an order of disposition of the firearm. The court, after notice to all
10	parties known or believed by the district attorney to have an ownership or a possessory
11	interest in the firearm, including the defendant, and after hearing, may order 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
19	same or had no knowledge of the defendant's intention to use the
20	<u>firearm unlawfully.</u>

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## GENERAL ASSEMBLY OF NORTH CAROLINA

1	<u>(2)</u>	By ordering the firearm returned to the defendant, but only if the	
2		defendant is not convicted of any criminal offense in connection with	
3		the possession or use of the firearm, the defendant is the rightful owner	
4		of the firearm, and the defendant is not otherwise ineligible to possess	
5		such firearm.	
6	<u>(3)</u>	By ordering the firearm turned over to be destroyed by the sheriff of	
7		the county in which the firearm was seized or by his duly authorized	
8		agent. The sheriff shall maintain a record of the destruction of the	
9		firearm.	
10	This subsect	ion (b1) is not applicable to seizures of firearms used only in	
11	connection with a violation of Article 22 of Chapter 113 of the General Statutes."		
12	Sec. 2	2. G.S. 14-269.1(2) and (3) are repealed.	
13	Sec. 3	B. This act becomes effective March 1, 1994.	