

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

Fifth Edition Engrossed 3/9/94

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

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