

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 11*

Short Title: No Gun if Acquitted for Insanity.

(Public)

Sponsors: Senators Odom; Plexico, Plyler, Johnson, Conder, Walker, Marshall, Harris, Perdue, Martin of Guilford, Cooper, Daniel, Speed, Gunter, Warren, Lee, Sands, Seymour, Ward, Parnell, and Lucas.

Referred to: Corrections/Punishment.

February 9, 1994

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN
CRIMINAL OFFENSES BY REASON OF INSANITY 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 prohibited.

(a) Except as provided in subsection (b) of this section, it is unlawful for a person who has been acquitted by reason of insanity of any crime set out in G.S. 14-415.1(b) 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).

(b) A person acquitted of a crime by reason of insanity may, upon discharge from the custody of the court or upon release from any hospital or treatment facility, petition the superior court in the jurisdiction in which the person resides for a permit to possess a firearm, other than a handgun or a weapon of mass death and destruction. The court may, in its discretion and for good cause shown, grant the petition and issue a permit.

(c) 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."

1 Sec. 2. This act is effective upon ratification. The criminal violation created
2 by this act applies to offenses committed on or after the effective date of this act.