

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 523
Committee Substitute Favorable 4/23/97

Short Title: Confiscated Gun/Law Officer Use.

(Public)

Sponsors:

Referred to:

March 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR
DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

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

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

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

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

- (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.

- 1 (4) By ordering such weapon turned over to the sheriff of the county in
2 which the trial is held or his duly authorized agent to be destroyed. The
3 sheriff shall maintain a record of the destruction thereof.
- 4 (4a) By ordering the weapon turned over to a law enforcement agency in the
5 county of trial for the use of such agency or to be transferred by the
6 agency to a licensed firearm dealer in exchange for other law
7 enforcement supplies, but only upon the written request by the head or
8 chief of such agency. The receiving law enforcement agency shall
9 maintain a record and inventory of all such weapons received.
- 10 (4b) By ordering the weapon turned over to the sheriff of the county in which
11 the trial is held to be sold as herein provided. Under the direction of the
12 sheriff, the weapon shall be sold at public auction after one
13 advertisement in a newspaper having general circulation in the county,
14 which advertisement shall be at least seven days prior to sale. The
15 proceeds of such sale shall go to the general fund of the county in which
16 such weapons are sold. The sheriff shall maintain a record and
17 inventory of all such weapons received and sold by him. Sales of such
18 weapons by the sheriff shall be held at least once each year.
- 19 (5) By ordering such weapon turned over to the North Carolina State
20 Bureau of Investigation's Crime Laboratory Weapons Reference Library
21 for official use by that agency. The State Bureau of Investigation shall
22 maintain a record and inventory of all such weapons received.
- 23 (6) By ordering such weapons turned over to the North Carolina Justice
24 Academy for official use by that agency. The North Carolina Justice
25 Academy shall maintain a record and inventory of all such weapons
26 received."
- 27 Section 2. This act is effective when it becomes law.