

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 234
Committee Substitute Favorable 5/12/21

Short Title: Assault LEO/Require Destruction of Firearm.

(Public)

Sponsors:

Referred to:

March 9, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DESTRUCTION OF SEIZED FIREARMS USED IN
3 COMMITTING AN ASSAULT AGAINST A LAW ENFORCEMENT OFFICER OR ANY
4 OTHER OFFENSE THAT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO
5 THE VICTIM IF THE FIREARM BELONGS TO THE DEFENDANT OR CERTAIN
6 OTHER PERSONS AND THE DISTRICT ATTORNEY REQUESTS DESTRUCTION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 15-11.1(b1) reads as rewritten:

9 "(b1) Notwithstanding subsections (a) and (b) of this section or any other provision of law,
10 if the property seized is a firearm and the district attorney determines the firearm is no longer
11 necessary or useful as evidence in a criminal trial, the district attorney, after notice to all parties
12 known or believed by the district attorney to have an ownership or a possessory interest in the
13 firearm, including the defendant, shall apply to the court for an order of disposition of the firearm.
14 The judge, after hearing, may order the disposition of the firearm in one of the following ways:

15 ...

16 (3) By ordering the firearm turned over to be destroyed by the sheriff of the county
17 in which the firearm was seized or by his duly authorized agent if one of the
18 following conditions is met:

19 a. ~~the~~ The firearm does not have a legible, unique identification ~~number~~
20 ~~or is number.~~

21 b. The firearm is unsafe for use because of wear, damage, age, or
22 modification.

23 c. All of the following criteria are met:

24 1. The firearm was used in committing an assault against a law
25 enforcement officer or in committing any other offense that
26 resulted in serious bodily injury or death to the victim.

27 2. The rightful owner of the firearm is the defendant, a member
28 of the defendant's immediate family, or a member of the
29 defendant's current household.

30 3. The district attorney has requested that the firearm be
31 destroyed.

32 The sheriff shall maintain a record of the destruction of the firearm.

33 ...

34 This subsection ~~(b1)~~ is not applicable to seizures pursuant to G.S. 113-137 of firearms used
35 only in connection with a violation of Article 22 of Chapter 113 of the General Statutes or any
36 local wildlife hunting ordinance."



1 **SECTION 2.** This act becomes effective July 1, 2021, and applies to firearms seized
2 on or after that date.