

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 712

Short Title: Disposition of Unclaimed or Seized Firearms. (Public)

Sponsors: Representatives Faircloth, McNeill, Ross, and R. Turner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 15, 2019

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW THE DESTRUCTION BY A LAW ENFORCEMENT AGENCY OF A
3 SEIZED OR UNCLAIMED FIREARM IF THE FIREARM IS DETERMINED BY A
4 FEDERALLY LICENSED FIREARM DEALER TO HAVE NEGLIGIBLE VALUE AS A
5 TRADE-IN FOR A REPLACEMENT FIREARM FOR THE OFFICIAL USE OF THE
6 AGENCY.

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 Except as otherwise provided in this subdivision, by ordering the firearm~~
17 turned over to be destroyed by the sheriff of the county in which the firearm
18 was seized or by his duly authorized agent if the firearm (i) does not have a
19 legible, unique identification number or number, (ii) is unsafe for use because
20 of wear, damage, age, or ~~modification~~-modification, or (iii) is determined by
21 a federally licensed firearm dealer to have negligible value as a trade-in for a
22 replacement firearm for the official use of the law enforcement agency. The
23 sheriff shall maintain a record of the destruction of the firearm. The authority
24 to destroy a firearm set forth in this subdivision does not apply to an antique
25 firearm, as that term is defined in G.S. 14-409.11.
- 26 (4) By ordering the firearm turned over to a law enforcement agency in the county
27 of trial for (i) the official use of the ~~agency or agency~~, (ii) sale, trade, or
28 exchange by the agency to a federally licensed firearm dealer in accordance
29 with all applicable State and federal firearm laws-~~laws~~, or (iii) destruction of
30 the firearm if a federally licensed firearm dealer determines the firearm has
31 negligible value as a trade-in for a replacement firearm for the official use of
32 the law enforcement agency. The court may order a disposition of the firearm
33 pursuant to this subdivision only if the firearm has a legible, unique
34 identification number. If the law enforcement agency sells the firearm, then
35 the proceeds of the sale shall be remitted to the appropriate county finance



1 officer as provided by G.S. 115C-452 to be used to maintain free public
2 schools. The receiving law enforcement agency shall maintain a record and
3 inventory of all firearms received pursuant to this ~~subdivision~~subdivision,
4 and shall specify which firearms have been destroyed. The authority to destroy
5 a firearm set forth in this subdivision does not apply to an antique firearm, as
6 that term is defined in G.S. 14-409.11.

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

10 **SECTION 2.** G.S. 15-11.2(d) reads as rewritten:

11 "(d) Disposition of Unclaimed Firearm. – If the firearm remains unclaimed for a period of
12 30 days after the publication of the notice, then the head or chief of the law enforcement agency
13 shall order the disposition of the firearm in one of the following ways:

- 14 (1) ~~By~~Except as otherwise provided in this subdivision, by having the firearm
15 destroyed if the firearm (i) does not have a legible, unique identification
16 ~~number or number,~~ (ii) is unsafe for use because of wear, damage, age, or
17 modification and will not be disposed of pursuant to subdivision (3) of this
18 ~~subsection~~subsection, or (iii) is determined by a federally licensed firearm
19 dealer to have negligible value as a trade-in for a replacement firearm for the
20 official use of the law enforcement agency. The head or chief of the law
21 enforcement agency shall maintain a record of the destruction of the firearm.
22 The authority to destroy a firearm set forth in this subdivision does not apply
23 to an antique firearm, as that term is defined in G.S. 14-409.11.

24"

25 **SECTION 3.** This act becomes effective July 1, 2019, and applies to any firearm
26 seized, found, or otherwise received by a law enforcement agency on or after that date.