## GENERAL ASSEMBLY OF NORTH CAROLINA

## **EXTRA SESSION 1994**

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## SENATE BILL 10\*

Short Title: Confiscate and Forfeit Guns.

(Public)

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

Referred to: Corrections/Punishment.

February 9, 1994

1		A BILL TO BE ENTITLED
2	AN ACT TO	AMEND THE LAWS REGARDING THE CONFISCATION,
3	FORFEITUI	RE, AND DISPOSITION OF FIREARMS.
4	The General As	sembly of North Carolina enacts:
5	Sectio	on 1. G.S. 15-11.1 is amended by adding a new subsection to read:
6	"( <u>b1)</u> Notw	ithstanding subsections (a) and (b) of this section or any other provision
7	of law, if the pro-	operty seized is a firearm and the district attorney determines the firearm
8	is no longer nec	essary or useful as evidence in a criminal trial, the district attorney shall
9	apply to the cou	rt for an order of disposition of the firearm. The court, after notice to all
10	parties known o	r believed by the district attorney to have an ownership or a possessory
11	interest in the fi	rearm, including the defendant, and after hearing, may order disposition
12	of the firearm in	one of the following ways:
13	<u>(1)</u>	By ordering the firearm returned to its rightful owner, but only when
14		the rightful owner is someone other than the defendant and upon
15		findings by the court (i) that the person, firm, or corporation
16		determined by the court to be the rightful owner is entitled to
17		possession of the firearm and (ii) that the person, firm, or corporation
18		determined by the court to be the rightful owner of the firearm was
19		unlawfully deprived of the same without his consent.
20	<u>(2)</u>	By ordering the firearm turned over to be destroyed by the sheriff of
21		the county in which the firearm was seized or by his duly authorized

1

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1	agent. The sheriff shall maintain a record of the destruction of the
2	firearm."
3	Sec. 2. G.S. 14-269 $1(2)$ and $(3)$ are repealed

4 Sec. 2. G.S. 14-269.1(2) and (3) are repealed. Sec. 3. This act becomes effective March 1, 1994.