

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1010

Short Title: Govt. Use/Seized Gun Parts.

(Public)

Sponsors: Representatives Warner; Aldridge, Alexander, Arnold, Baker, Barbee, Berry, Black, Bonner, Boyd-McIntyre, Cansler, Capps, Carpenter, Church, Clary, Cole, Creech, Culp, Decker, Dedmon, Dickson, Eddins, Fox, Goodwin, Gulley, Hackney, Hardaway, Hardy, Hiatt, Hill, Howard, Hurley, Insko, Jarrell, Kinney, Kiser, Luebke, McAllister, McCombs, McCrary, Michaux, Miller, Mitchell, Moore, Morris, Nesbitt, Nichols, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Wainwright, Warwick, Watson, Weatherly, Wilkins, G. Wilson, Wright, and Yongue.

Referred to: Judiciary I.

April 21, 1997

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE THAT PARTS MAY BE REMOVED FROM CONFISCATED
3 WEAPONS PRIOR TO THE DESTRUCTION OF THE WEAPONS TO REPAIR
4 EXISTING LAW ENFORCEMENT WEAPONS.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 14-269.1. Confiscation and disposition of deadly weapons.**

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

- 1 (1) By ordering the weapon returned to its rightful owner, but only when
2 such owner is a person other than the defendant and has filed a petition
3 for the recovery of such weapon with the presiding judge at the time of
4 the defendant's conviction, and upon a finding by the presiding judge
5 that petitioner is entitled to possession of same and that he was
6 unlawfully deprived of the same without his consent.
- 7 (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.
- 8 (4) By ordering such weapon turned over to the sheriff of the county in
9 which the trial is held or his duly authorized agent to be destroyed.
10 Prior to the destruction of the weapon, the sheriff may remove any parts
11 from the weapon for the repair of local law enforcement weapons that
12 are property of the local government. The sheriff shall maintain a record
13 of the destruction ~~thereof.~~ of the weapon.
- 14 (5) By ordering such weapon turned over to the North Carolina State
15 Bureau of Investigation's Crime Laboratory Weapons Reference Library
16 for official use by that agency. The State Bureau of Investigation shall
17 maintain a record and inventory of all such weapons received.
- 18 (6) By ordering such weapons turned over to the North Carolina Justice
19 Academy for official use by that agency. The North Carolina Justice
20 Academy shall maintain a record and inventory of all such weapons
21 received."
- 22 Section 2. This act is effective when it becomes law.