

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 234

Short Title: Assault LEO/Require Destruction of Firearm. (Public)

Sponsors: Representative Torbett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 9, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DESTRUCTION OF SEIZED FIREARMS USED IN COMMITTING AN ASSAULT AGAINST A LAW ENFORCEMENT OFFICER OR ANY OTHER OFFENSE THAT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO THE VICTIM.

The General Assembly of North Carolina enacts:

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

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

...

(3) By ordering the firearm turned over to be destroyed by the sheriff of the county in which the firearm was seized or by his duly authorized agent if the firearm (i) does not have a legible, unique identification number or number, (ii) is unsafe for use because of wear, damage, age, or modification, or (iii) was used in committing an assault against a law enforcement officer or any other offense that resulted in serious bodily injury or death to the victim. The sheriff shall maintain a record of the destruction of the firearm.

...

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

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

