

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 234
Mar 8, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30131-ML-78

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

Sponsors: Representative Torbett.

Referred to:

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.

6 The General Assembly of North Carolina enacts:

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

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

14 ...

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

22 ...

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

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

