

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 523

Short Title: Confiscated Gun/Law Officer Use.

(Public)

Sponsors: Representatives Wilkins; Baddour, Carpenter, Clary, Cole, Dedmon, Gulley, Justus, Kiser, McCrary, Mercer, Owens, Rayfield, and Smith.

Referred to: Judiciary II.

March 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

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

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

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

- (1) By ordering the weapon returned to its rightful owner, but only when such owner is a person other than the defendant and has filed a petition for the recovery of such weapon with the presiding judge at the time of the defendant's conviction, and upon a finding by the presiding judge that petitioner is entitled to possession of same and that he was unlawfully deprived of the same without his consent.

- (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.

- 1 (4) By ordering ~~such~~ the weapon turned over to the sheriff of the county in
2 which the trial is held or his duly authorized agent to be ~~destroyed~~ either
3 destroyed or kept and issued for official departmental use. Weapons that
4 are not destroyed, but that are kept for official departmental use may be
5 issued to any of the following: a law enforcement officer in the sheriff's
6 department, a wildlife officer, or an animal control officer. The sheriff
7 shall maintain a record of the ~~destruction thereof~~ weapons destroyed or
8 kept and issued for departmental use in accordance with this
9 subdivision.
- 10 (5) By ordering such weapon turned over to the North Carolina State
11 Bureau of Investigation's Crime Laboratory Weapons Reference Library
12 for official use by that agency. The State Bureau of Investigation shall
13 maintain a record and inventory of all such weapons received.
- 14 (6) By ordering such weapons turned over to the North Carolina Justice
15 Academy for official use by that agency. The North Carolina Justice
16 Academy shall maintain a record and inventory of all such weapons
17 received."

18 Section 2. This act is effective when it becomes law.