

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1847
Committee Substitute Favorable 5/17/07

Short Title: Report Lost or Stolen Gun.

(Public)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE REPORTING OF LOST OR STOLEN GUNS AND TO
PROVIDE A SAFE HARBOR FOR CERTAIN PERSONS TO ENCOURAGE
REPORTING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 52A of Chapter 14 of the General Statutes is amended
by adding a new section to read:

"§ 14-406.1. Duty to report lost or stolen weapon.

(a) Any owner or other person in possession of a handgun, rifle, or shotgun, who suffers the loss or theft of the weapon shall report the facts and circumstances of the loss or theft to a police department or sheriff's office in the jurisdiction where the loss or theft is reasonably believed to have occurred not later than 48 hours after the person knew or reasonably should have known of the loss or theft. A separate report shall be made for each instance of loss or theft.

(b) Any person who fails to make a report required by subsection (a) of this section shall be guilty of an infraction for the first offense, of a Class 3 misdemeanor for the second offense, of a Class 2 misdemeanor for the third offense, and of a Class 1 misdemeanor for the fourth and subsequent offenses.

(c) Notwithstanding any other provision of law, a person who reports the loss or theft of a handgun obtained by the person in violation of G.S. 14-402(a) shall not be held criminally liable for that violation if both the following conditions are met:

(1) The person:

a. At the time the report was made, would not be prohibited from receiving a permit by the provisions of G.S. 14-404(c); or

b. At the time the handgun was obtained, would not have been prohibited from receiving a permit by the provisions of G.S. 14-404(c) and can present credible evidence concerning the date and manner of acquisition of the handgun.

(2) The person has not been previously convicted of violating this section.

1 (d) Subsection (a) of this section does not apply to a federally licensed firearms
2 dealer who reports a lost or stolen weapon as required by federal law.

3 (e) The law enforcement agency receiving the report required by subsection (a)
4 of this section shall promptly give written notice of the theft or loss to the Department
5 of Justice, along with all of the information received in connection with the report. The
6 Department shall make the reported information available to State and federal law
7 enforcement agencies."

8 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
9 losses or thefts discovered or occurring on or after that date.