

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 714*

Short Title: Abandoned Firearms to State Control. (Public)

Sponsors: Representatives Schaffer and Faircloth (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee B.

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO TRANSFER ABANDONED FIREARMS FROM LOCAL LAW ENFORCEMENT AGENCIES TO THE STATE FOR DISPOSITION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15-11.2 reads as rewritten:

"§ 15-11.2. Disposition of unclaimed firearms not confiscated or seized as trial evidence.

(a) Definition. – For purposes of this section, the term "unclaimed firearm" means a firearm that is found or received by a law enforcement agency and that remains unclaimed by the person who may be entitled to it for a period of 30 days after the publication of the notice required by subsection (b) of this section. The term does not include a firearm that is seized and disposed of pursuant to G.S. 15-11.1 or a firearm that is confiscated and disposed of pursuant to G.S. 14-269.1.

(b) Published Notice of Unclaimed Firearm. – When a law enforcement agency finds or receives a firearm and the firearm remains unclaimed for a period of 180 days, the agency shall publish at least one notice in a newspaper published in the county in which the agency is located. The notice shall include all of the following:

(1) A statement that the firearm is unclaimed and is in the custody of the law enforcement agency.

(2) A statement that the firearm may be sold or otherwise disposed of unless the firearm is claimed within 30 days of the date of the publication of the notice.

(3) A brief description of the firearm and any other information that the chief or head of the law enforcement agency may consider necessary or advisable to reasonably inform the public about the firearm.

~~(e) If the firearm remains unclaimed for a period of 30 days after the publication of the notice, then the person who found the firearm and turned it over to the law enforcement agency may claim the firearm provided the person satisfies the custodial law enforcement agency holding the firearm that the person is qualified under State and federal law to possess the firearm and also presents a pistol permit issued in accordance with Article 52A of Chapter 14 of the General Statutes.~~

(d) If the firearm remains unclaimed for a period of 30 days after the publication of the notice and the person who found the firearm does not claim it as provided by subsection (e) of this section, notice, then the head or chief of the law enforcement agency shall transfer the firearm to the State Bureau of Investigation (SBI). ~~may apply to the appropriate district court for an order of disposition of the unclaimed firearm. The application shall be written.~~



1 (e) Disposition of Firearm. – ~~The SBI, in the discretion of the agency Director, judge,~~
2 ~~after hearing, may order the disposition~~ shall dispose of the firearm in one of the following
3 ways:

- 4 (1) ~~By ordering the firearm turned over to be having~~ the firearm destroyed if the
5 firearm does not have a legible, unique identification number, or is unsafe
6 for use because of wear, damage, age, or modification, and will not be
7 disposed of pursuant to subdivision (3) of this subsection. The SBI shall
8 ~~destroyed by the sheriff of the county in which the law enforcement agency~~
9 ~~applying for the order of disposition is located or by the sheriff's duly~~
10 ~~authorized agent. The sheriff shall maintain a record of the destruction of the~~
11 ~~firearm.~~
12 (2) ~~By ordering transferring the firearm turned over to the~~ to (i) a law
13 enforcement agency applying for the disposition of the firearm for ~~(i)~~ the
14 official use of the agency or (ii) ~~sale, trade, or exchange by the agency by~~
15 selling the firearm at a public auction to persons licensed as firearms
16 collectors, dealers, importers, or manufacturers to a federally licensed
17 ~~firearm dealer~~ in accordance with all applicable State and federal firearm
18 laws. ~~The court may order a disposition~~ SBI shall dispose of the firearm
19 pursuant to this ~~subsection~~ subdivision only if the firearm has a legible,
20 unique identification number.
21 (3) By maintaining the firearm for training or experimental purposes or
22 transferring the firearm to a museum or historical society.

23 (f) Disbursement of Proceeds of Sale. – ~~If the law enforcement agency SBI sells the~~
24 ~~firearm, firearm~~ pursuant to subdivision (2) of subsection (e) of this section, then the proceeds
25 of the sale shall be retained by the ~~law enforcement agency SBI~~ and used for law enforcement
26 purposes. ~~The receiving law enforcement agency SBI shall maintain a record and inventory of~~
27 ~~all firearms received from local law enforcement agencies pursuant to this section.~~ section, as
28 well as the disposition of the firearm, including any funds received from a sale of a firearm or
29 any firearms or other property received in exchange or trade of a firearm."

30 **SECTION 2.** This act becomes effective July 1, 2013, and applies to any firearm
31 found or received by a local law enforcement agency on or after that date.