

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-116
HOUSE BILL 481**

AN ACT TO ALLOW EACH DEPARTMENT, AGENCY, INSTITUTION, COMMISSION, AND BUREAU OF THE EXECUTIVE, JUDICIAL, OR LEGISLATIVE BRANCH OF NORTH CAROLINA AND CAMPUS POLICE AND LAW ENFORCEMENT AGENCIES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO SELL, TRADE, OR OTHERWISE DISPOSE OF ANY OR ALL SURPLUS WEAPONS IN THEIR POSSESSION TO ANY FEDERALLY LICENSED FIREARM DEALER AND TO PROVIDE THAT THE TWENTY-YEAR WAITING PERIOD TO PETITION THE COURT TO HAVE FIREARM RIGHTS RESTORED FOR AN OUT-OF-STATE CONVICTION IS CALCULATED JUST LIKE THE TWENTY-YEAR WAITING PERIOD FOR A NORTH CAROLINA CONVICTION AND TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS TO PURCHASE PRIOR WEAPON USED.

The General Assembly of North Carolina enacts:

SECTION 1.1. G.S. 143-63.1 reads as rewritten:

"§ 143-63.1. Sale, disposal and destruction of firearms.

(a) Except as hereinafter provided, it shall be unlawful for any employee, officer or official of the State in the exercise of his official duty to sell or otherwise dispose of any pistol, revolver, shotgun or rifle to any person, firm, corporation, county or local governmental unit, law-enforcement agency, or other legal entity.

(b) It shall be lawful for the Department of Administration, in the exercise of its official duty, to sell any weapon described in subsection (a) hereof, to any county or local governmental unit, law-enforcement agency in the State; provided, however, that such law-enforcement agency files a written statement, duly notarized, with the seller of said weapon certifying that such weapon is needed in law enforcement by such law-enforcement agency.

(c) All weapons described in subsection (a) hereof which are not sold as herein provided within one year of being declared surplus property shall be destroyed by the Department of Administration.

(d) Notwithstanding the provisions of this section, but subject to the provisions of G.S. 20-187.2, ~~the North Carolina State Highway Patrol, the North Carolina Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Alcohol Law Enforcement Division of the Department of Public Safety, and the North Carolina State Bureau of Investigation~~ (i) each department, agency, institution, commission, and bureau of the Executive, Judicial, or Legislative branch of North Carolina and (ii) campus law enforcement agencies and campus police agencies of the constituent institutions of The University of North Carolina may sell, trade, or otherwise dispose of any or all surplus weapons they possess to any federally licensed firearm dealers. The sale, trade, or disposal of these weapons shall be in a manner prescribed by the Department of Administration. Surplus weapons shall be offered for public sale to federally licensed firearm dealers. Public sale is through sealed competitive bids, electronic bids, negative bids, auction, and retail sales. Any money or property obtained from ~~the sale, trade, sale~~ or disposal shall go to the general fund."



SECTION 1.2.(a) G.S. 14-415.4 reads as rewritten:

"§ 14-415.4. Restoration of firearms rights.

...
(c) Petition for Restoration of Firearms Rights. – A person who was convicted of a nonviolent felony in North Carolina but whose civil rights have been restored pursuant to Chapter 13 of the General Statutes for a period of at least 20 years may petition the district court in the district where the person resides to restore the person's firearms rights pursuant to this section. A person who was convicted of a nonviolent felony in a jurisdiction other than North Carolina may petition the district court in the district where the person resides to restore the person's firearms rights pursuant to this section only if ~~the~~ (i) a period of at least 20 years has passed since the unconditional discharge or unconditional pardon of the person by the agency having jurisdiction where the conviction occurred, and (ii) the person's civil rights, including the right to possess a firearm, have been restored, pursuant to the law of the jurisdiction where the conviction ~~occurred, for a period of at least 20 years, occurred.~~ The court may restore a petitioner's firearms rights after a hearing in court if the court determines that the petitioner meets the criteria set out in this section and is not otherwise disqualified to have that right restored.

(d) Criteria. – The court may grant a petition to restore a person's firearms rights under this section if the petitioner satisfies all of the following criteria and is not otherwise disqualified to have that right restored:

- ...
(3) The petitioner's rights of citizenship have been restored pursuant to Chapter 13 of the General Statutes or, if the conviction was in a jurisdiction other than North Carolina, have been restored, pursuant to the laws of the jurisdiction where the conviction occurred, ~~for a period of at least 20 years and the petitioner satisfied the applicable 20-year requirement set forth in subsection (c) of this section,~~ before the date of the filing of the petition.

...."

SECTION 1.2.(b) This section becomes effective December 1, 2021, and applies to petitions filed on or after that date.

SECTION 1.3. G.S. 20-187.2 reads as rewritten:

"§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city, and county law enforcement law enforcement agencies; weapons of active members.

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city, city, and county ~~law enforcement law enforcement~~ law enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a ~~law enforcement law enforcement~~ law enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other ~~law enforcement law enforcement~~ law enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other ~~law enforcement law enforcement~~ law enforcement officers with countywide jurisdiction, the board of county commissioners; for all State ~~law enforcement law enforcement~~ law enforcement officers, the head of the department.

(b) Active members of North Carolina ~~State law enforcement~~ State, city, and county law enforcement agencies, upon change of type of weapons, may purchase the weapon worn or

carried by such member at a price which shall be the average yield to the ~~State~~ State, city, or county from the sale of similar weapons during the preceding year.

...."

SECTION 2. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of August, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:52 a.m. this 23rd day of August, 2021