

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 284
Mar 6, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10135-ML-95A

Short Title: Law Enforcement/Destroy Certain Firearms. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE LAW ENFORCEMENT AGENCIES TO DESTROY
3 UNCLAIMED FIREARMS, FIREARMS CONFISCATED AFTER CONVICTION OF
4 CERTAIN OFFENSES, AND FIREARMS PURCHASED BY OR VOLUNTARILY
5 SURRENDERED TO THE LAW ENFORCEMENT AGENCY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 15-11.1(b1)(3) reads as rewritten:

8 "(3) By ordering the firearm turned over to be destroyed by the sheriff of the county
9 in which the firearm was seized or by his duly authorized agent if the firearm
10 does not have a legible, unique identification number or is unsafe for use
11 because of wear, damage, age, or modification. agent. The sheriff shall
12 maintain a record of the destruction of the firearm."

13 **SECTION 2.** G.S. 15-11.2(d)(1) reads as rewritten:

14 "(1) By having the firearm destroyed if the firearm ~~does not have a legible, unique~~
15 ~~identification number or is unsafe for use because of wear, damage, age, or~~
16 ~~modification~~ and will not be disposed of pursuant to subdivision (3) of this
17 subsection. The head or chief of the law enforcement agency shall maintain a
18 record of the destruction of the firearm."

19 **SECTION 3.** G.S. 14-269.1(4) reads as rewritten:

20 "(4) By ordering such weapon turned over to the sheriff of the county in which the
21 trial is held or his duly authorized agent to be ~~destroyed if the firearm does not~~
22 ~~have a legible, unique identification number or is unsafe for use because of~~
23 ~~wear, damage, age, or modification.~~ destroyed. The sheriff shall maintain a
24 record of the destruction thereof."

25 **SECTION 4.** Article 2 of Chapter 15 of the General Statutes is amended by adding
26 a new section to read:

27 **§ 15-11.3. Disposition of firearms received through firearm buy-back program.**

28 (a) Definition. – For purposes of this section, the term "firearm buy-back program" means
29 a program in which firearms, ammunition, or firearms and ammunition are purchased or
30 voluntarily surrendered for the purpose of destruction.

31 (b) Requirements. – A law enforcement agency that participates in a firearm buy-back
32 program shall comply with all of the following requirements:

33 (1) The serial number of each firearm that is purchased or surrendered to the
34 program is checked against any local, State, and federal records of stolen
35 firearms and, if it is found that the firearm is a stolen firearm, that the firearm
36 is not destroyed without the written permission of the lawful owner thereof



* D R H 1 0 1 3 5 - M L - 9 5 A *

1 and that if the lawful owner of the firearm does not give written permission
2 for the firearm to be destroyed, that the firearm is returned to its lawful owner.
3 (2) If it is determined that a firearm that is purchased by or surrendered to the
4 firearm buy-back program is stolen, that the law enforcement agency makes
5 an effort to arrest the thief or any person who possessed the firearm knowing
6 it was stolen.
7 (3) Prior to the destruction of any firearm that is purchased or surrendered, that a
8 written determination is made as to whether the firearm may have been used
9 in a crime, and that if it is determined that the firearm probably was used in a
10 crime, that it is retained for evidence, and if it is determined that the firearm
11 probably was not used in a crime, if the firearm is a rifled firearm, that a fired
12 bullet and fired cartridge case is retained for possible use as evidence and that
13 if the firearm is a smooth bore firearm, that a fired cartridge case is retained
14 for possible use as evidence.
15 (c) Return to Lawful Owner. – Prior to returning a stolen firearm to a lawful owner, the
16 law enforcement agency shall determine whether or not the lawful owner is eligible to possess a
17 firearm under federal law. If the lawful owner of the firearm is ineligible to possess a firearm
18 under federal law, the law enforcement agency may destroy the firearm after compliance with
19 subdivision (3) of subsection (b) of this section."
20 **SECTION 5.** This act becomes effective July 1, 2023, and applies to any firearm
21 found or received by a law enforcement agency on or after that date.