

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 308

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S308-ASA-57 [v.1]

Page 1 of 2

Amends Title [NO]
Third Edition

Date _____, 2023

Representative Carson Smith

1 moves to amend the bill on page 10, line 29, by rewriting that line to read:
2 "defendant, as well as ammunition, permits to purchase firearms, and permits to carry";

3
4 And on page 10, line 34, by rewriting that line to read:
5 "ammunition, permits to purchase firearms, and permits to carry concealed firearms,";

6
7 And on page 10, line 38, by rewriting that line to read:
8 "the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,";

9
10 And on page 12, lines 14-30, by rewriting those lines to read:

11 "(h) Disposal of Firearms. – After notice to the defendant and any known third-party
12 owner, the sheriff who has control of the firearms, ammunition, or permits, may apply to the
13 court for an order of disposition of the firearms, ammunition, or permits under any of the
14 following circumstances:

15 (1) Both of the following criteria are met:

16 a. If the~~The~~ defendant does not file or third-party owner has not filed a
17 motion requesting the return of any firearms, ammunition, or permits
18 surrendered within the time period prescribed by this section, 90 days
19 after the expiration of the current order or final disposition of any
20 pending criminal charges committed against the person that is the
21 subject of the current protective order.

22 b. The defendant has not retrieved the firearms pursuant to subsection (e)
23 of this section within 90 days after the expiration of the current order
24 or final disposition of any pending criminal charges committed against
25 the person that is the subject of the current protective order.

26 (2) The court has determined if the court determines that the defendant or
27 third-party owner is precluded from regaining possession of any firearms,
28 ammunition, or permits surrendered, surrendered.

29 (3) The or if the defendant or third-party owner fails to remit all fees owed for the
30 storage of the firearms or ammunition within 30 days of either (i) the entry of
31 the order granting the return of the firearms, ammunition, or permits, or (ii) a
32 request to retrieve the firearms, ammunition, or permits pursuant to subsection



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1 ~~(e) of this section, the sheriff who has control of the firearms, ammunition, or~~
2 ~~permits shall give notice to the defendant, and the sheriff shall apply to the~~
3 ~~court for an order of disposition of the firearms, ammunition, or permits.~~

4 The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits
5 in one or more of the ways authorized by law, including subdivision (4), (4b), (5), or (6) of
6 G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after deducting any
7 costs associated with the sale, and in accordance with all applicable State and federal law, shall
8 be provided to the ~~defendant, defendant or any known third-party owner~~ if requested by the
9 defendant or any known third-party owner by motion made before the hearing or at the hearing
10 and if ordered by the judge.";

11
12 And on page 12, line 33, by rewriting that line to read:

13 "(1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and";

14
15 And on page 12, line 36, by rewriting that line to read:

16 "ammunition, and permits to purchase and permits to carry concealed
17 firearms";

18
19 And on page 12, line 41, by rewriting that line to read:

20 "G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed
21 firearms";

22
23 And on page 12, line 50, through page 13, line 2, by rewriting those lines to read:

24 "**SECTION 4.2.** This Part becomes effective December 1, 2023, and applies (i) to
25 firearms, ammunition, and permits surrendered on or after that date and (ii) beginning February
26 1, 2024, to firearms, ammunition, and permits surrendered before December 1, 2023.".

27
28
29
SIGNED _____
Amendment Sponsor

SIGNED _____

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and vote information, is available in the
House Principal Clerk's Office**