



# HOUSE BILL 712: Disposition of Unclaimed or Seized Firearms.

2019-2020 General Assembly

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<b>Committee:</b>	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 26, 2019
<b>Introduced by:</b>	Reps. Faircloth, McNeill, Ross, R. Turner	<b>Prepared by:</b>	Shawn Middlebrooks
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 712 would authorize law enforcement agencies to destroy certain firearms when it is determined by a federally licensed firearm dealer that the firearm has a negligible trade-in value.*

**CURRENT LAW:** Every law enforcement agency shall keep a record of all personal property seized or confiscated, including appropriate entries showing the manner, date and to whom the property was disposed of or delivered. G.S. 15-11. If the property seized is firearm and the district attorney determines that the firearm is no longer necessary or useful as evidence, a judge may order the disposition of the firearm by ordering the firearm be (i) returned to the rightful owner, (ii) returned to the defendant, (iii) *destroyed by the sheriff of the county where the firearm was seized*, or (iv) *turned over to the law enforcement agency in the county of trial for official use by the agency, or sale, trade or exchange to a federally licensed firearm dealer.* G.S. 15-11.1(b1).

*Unclaimed firearms* may be (i) destroyed, (ii) sold, traded or exchanged to a federally licensed dealer, or (iii) maintained for training or experimental purposes, or transferred to a museum or historical society. G.S. 15-11.2(d).

An *antique firearm* means any firearm manufactured on or before 1898, including a nonfunctional replica, or any muzzle loading rifle, shotgun or pistol that uses a black powder substitute and no fixed ammunition. G.S. 14-409.11.

## BILL ANALYSIS:

**Section 1 of House Bill 712** would authorize the *sheriff of a county* or the *law enforcement agency in the county of trial* to destroy a firearm if the firearm is determined by a federally licensed firearm dealer to have a negligible trade-in value, and require law enforcement to keep a record specifying firearms that have been destroyed under G.S. 15-11.1(b1)(4).

**Section 2 of House Bill 712** would authorize the head or chief law enforcement officer to destroy an *unclaimed firearm* if the firearm is determined by a federally licensed firearm dealer have a negligible trade in value.

The authority to destroy firearms under Section 1 and 2 of this act would not apply to an "antique firearm" as defined in G.S. 14-409.11.

**EFFECTIVE DATE:** This bill is effective July 1, 2019, and applies to any firearm seized, found, or otherwise received by a law enforcement agency on or after that date.

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