



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 712: Disposition of Unclaimed or Seized Firearms.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 3, 2019
Introduced by:	Reps. Faircloth, McNeill, Ross, R. Turner	Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	PCS to First Edition H712-CSBQ-22		

OVERVIEW: *The Proposed Committee Substitute House Bill 712 would authorize a court to order the destruction of a firearm if the court determines it is in the best interest of public safety, or authorize a law enforcement agency to consign a seized or unclaimed firearm to a federally licensed firearm dealer for sale or to allow destruction of the firearm if it is unable to be sold.*

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 the PCS House Bill 712 would:

- Authorize the court to order a sheriff to destroy a firearm if the court determines it is in the best interest of public safety.
- Authorize a court to order that a firearm be sold by consignment, or destroyed if the firearm cannot be sold pursuant to consignment.

Section 2 of House Bill 712 would authorize the head or chief law enforcement officer to consign an *unclaimed firearm* for sale, or destroy the firearm if it cannot be sold by consignment.

The bill would also create exceptions prohibiting the destruction of *antique firearms*.

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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