



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

HOUSE BILL 234: Assault LEO/Require Destruction of Firearm.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 11, 2021
Introduced by:	Rep. Torbett	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H234-CSSA-27		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 234 would require the destruction of seized firearms used in committing an assault against a law enforcement officer or any other offense that resulted in serious bodily injury or death to the victim if the firearm belongs to the defendant or certain other persons and the district attorney requests destruction.*

CURRENT LAW: G.S. 15-11.1(b1) provides that a seized firearm that is no longer necessary or useful as evidence in a criminal trial be disposed of in one of the following ways:

- By return to its rightful owner, if the rightful owner is someone other than the defendant.
- By return to the defendant, only if the defendant is not convicted of any criminal offense in connection with the firearm, is the rightful owner, and is not otherwise ineligible to possess a firearm.
- By ordering the firearm destroyed, if there is no legible identification number or it is unsafe.
- By ordering the firearm be turned over to a law enforcement agency for official use or for sale, trade or exchange to a federally licensed firearms dealer.

BILL ANALYSIS:

The PCS for House Bill 234 would amend G.S. 15-11.1(b1) to provide that a seized firearm be ordered destroyed if all of the following conditions are met:

- The firearm was used in committing an assault against a law enforcement officer or in committing any other offense that resulted in serious bodily injury or death to the victim.
- The rightful owner is the defendant, a member of the defendant's immediate family, or a member of the defendant's current household.
- The district attorney has requested that the firearm be destroyed.

EFFECTIVE DATE: This act would become effective July 1, 2021, and apply to firearms seized on or after that date.

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