



HOUSE BILL 481: Firearm Disposal/UNC Campus Police.

2021-2022 General Assembly

Committee:		Date:	February 15, 2022
Introduced by:		Prepared by:	Brian Gwyn*
Analysis of:	S.L. 2021-116		Staff Attorney

OVERVIEW: *S.L. 2021-116 allows all State entities operating under the three branches of government and the on-campus police departments of constituent institutions of The University of North Carolina to dispose of surplus weapons with a federally licensed firearm dealer.*

The restoration of firearms rights provision became effective December 1, 2021, and applied to petitions filed on or after that date. The remainder of the act became effective August 23, 2021.

SECTION 1.1: FIREARM DISPOSAL

CURRENT LAW: G.S. 143-63.1 requires that most surplus firearms possessed by State agencies be sold through the Department of Administration. Sales are limited to county or local governmental units or State law-enforcement agencies and may only be for law enforcement purposes. Surplus firearms are destroyed if not sold within one year.

There is an exception for certain State law enforcement agencies to this requirement, however, authorizing the sale or disposal of surplus firearms from those agencies to federally licensed firearms dealers in accordance with Department of Administration regulations. The exception applies to the State Highway Patrol, both the Division of Adult Correction and Juvenile Justice and the Alcohol Law Enforcement Division of the Department of Public Safety, and the State Bureau of Investigation.

Constituent institutions of The University of North Carolina may organize on-campus police under Chapter 74G (Campus Police Act) as a campus police agency or under G.S. 116-40.5 as a campus law enforcement agency.

BILL ANALYSIS: The act allows (i) all State entities operating under the three branches of government, and (ii) campus police forces and campus law enforcement agencies of constituent institutions of The University of North Carolina, to sell or dispose of surplus firearms to federally licensed firearm dealers.

SECTION 1.2: RESTORATION OF FIREARMS RIGHTS

CURRENT LAW: G.S. 14-415.4 authorizes a person who was convicted of a nonviolent felony in a jurisdiction other than North Carolina to petition the district court in the district where the person resides to restore the person's firearms rights if the person's civil rights, including the right to possess a firearm, have been restored, pursuant to the law of the jurisdiction where the conviction occurred, for a period of at least 20 years.

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BILL ANALYSIS: Effective December 1, 2021, and applying to petitions filed on or after that date, the act clarifies that a person who was convicted of a nonviolent felony outside of North Carolina may petition the district court where the person resides to restore the person's firearms rights if each of the following are met:

- A period of at least 20 years has passed since the unconditional discharge or unconditional pardon of the person by the agency having jurisdiction where the conviction occurred.
- The person's civil rights, including the right to possess a firearm, have been restored, pursuant to the law of the jurisdiction where the conviction occurred.

SECTION 1.3: TECHNICAL AND CLARIFYING CHANGES

CURRENT LAW: Upon a change of type of weapons, G.S. 20-187.2(b) authorizes active members of North Carolina State law enforcement agencies to purchase their weapons at a price equal to the average yield to the State from the sale of similar weapons during the preceding year.

BILL ANALYSIS: Similar to active members of State law enforcement agencies, the act authorizes, upon a change of type of weapons, active members of city and county law enforcement agencies to purchase their weapons. Additionally, the act makes various technical changes.

EFFECTIVE DATE: The section related to restoration of firearms rights became effective December 1, 2021, and applied to petitions filed on or after that date. The remainder of the act became effective August 23, 2021.

**Robert Ryan and Kara McCraw, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*