



HOUSE BILL 206: Mod. Gun Retrieval - DVOs/Juvenile 911 Calls.

2025-2026 General Assembly

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| Committee: | House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | March 25, 2025 |
| Introduced by: | Reps. Carson Smith, Cairns, Ward, Miller | Prepared by: | Hannah Kendrick |
| Analysis of: | PCS to First Edition H206-CSCV-11 | | Staff Attorney |

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 206 would modify and clarify provisions related to the retrieval of firearms surrendered pursuant to a DV protective order and would prohibit 911 calls by minors from becoming public record.*

CURRENT LAW:

G.S. 50B-3.1 authorizes a court to require a defendant to surrender all firearms when issuing an emergency or ex parte domestic violence protective order if certain factors are found. The firearms are currently stored by the sheriff, who may charge a reasonable fee for the storage.

G.S. 132-1.4 provides that records of criminal investigations conducted by law enforcement agencies are generally not public record, but provides some exceptions for portions of those records. Current law provides that the contents of "911" calls are public record, except for content that may reveal information that may identify the caller, victim, or witness, and authorizes a written transcript or altered voice reproduction to be released in order to protect the identity of the complaining witness.

BILL ANALYSIS:

Section 1 of House Bill 206 would amend G.S. 50B-3.1 as follows:

- Authorizes the sheriff to release surrendered firearms to the defendant without a court order if the defendant is not otherwise prohibited from having a firearm and one of the following occurs:
 - The court does not enter a protective order when the ex parte or emergency order expires.
 - The protective order is denied by the court following a hearing.

Prior to releasing the firearms, the sheriff must conduct a criminal history check through the National Instant Criminal Background Check System (NICS) and verify that the defendant is not prohibited from possessing or receiving a firearm pursuant to federal law and that the defendant does not have any pending criminal charges committed against the person that is the subject of the current protective order or pending charges that, if convicted, would prohibit the defendant from possessing a firearm.

- Allows third-party owners to file a motion requesting return of seized firearms at any time following seizure and prior to their disposal. Currently, third-party owners only have 30 days after seizure to file a motion.
- Authorizes a sheriff to file a motion to dispose of seized firearms 90 days after the expiration of an order or final disposition of any pending criminal charges if no motion has been filed by the

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defendant or a third-party owner requesting return, the court has determined that the third-party owner is precluded from regaining possession, or the defendant or third-party owner fails to remit all fees within 30 days of a request to retrieve the firearm.

Section 2 would amend G.S. 132-1.4 to provide that the contents of any "911" or other emergency telephone call where the caller is less than 18 years of age is not public record.

EFFECTIVE DATE: Section 1 would become effective December 1, 2025, and apply (i) to firearms, ammunition, and permits surrendered on or after that date and (ii) beginning February 1, 2026, to firearms, ammunition, and permits surrendered before December 1, 2025. The remainder of this act would be effective when it becomes law.