



2025-2026 General Assembly

# SENATE BILL 429: 2025 Public Safety Act, Sec. 20: Retrieval of Firearms, Ammunition, and Permits Surrendered Pursuant to an Ex Parte, Emergency, or Permanent Domestic Violence Protective Order

**Analysis of:** S.L. 2025-70, Sec. 20

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**Prepared by:** Legislative Analysis  
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Section 20 of S.L. 2025-70 (Senate Bill 429) amends the laws regarding retrieval of firearms, ammunition, and permits surrendered pursuant to a domestic violence protective order (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. Previously, third-party owners only had 30 days after seizure to file a motion.
- Authorizes a sheriff to file a motion to dispose of seized firearms under any of the following circumstances:
  - 90 days after the expiration of an order or final disposition of any pending criminal charges if no motion has been filed by the defendant or a third-party owner requesting return.
  - The court has determined that the third-party owner is precluded from regaining possession.
  - The defendant or third-party owner fails to remit all fees within 30 days of a request to retrieve the firearm.

This section becomes effective December 1, 2025, and applies to firearms, ammunition, and permits surrendered on or after that date. Beginning February 1, 2026, this section also applies to firearms, ammunition, and permits surrendered before December 1, 2025.

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