

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS15182-ML-35

Short Title: Destruction of Certain Firearms/Local Option. (Public)

Sponsors: Senators McKissick and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A COUNTY OR CITY TO ADOPT AN ORDINANCE
3 ALLOWING FOR THE DESTRUCTION OF FIREARMS FOUND, RECEIVED,
4 CONFISCATED, OR SEIZED IN ACCORDANCE WITH APPLICABLE LAW.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 153A-129 is amended by adding a new subsection to read:

7 "(b1) A county may by ordinance allow the destruction of a firearm turned over to a law
8 enforcement agency pursuant to G.S. 15-11.1(b)(4), 15-11.2(d)(1), or 14-269.1(4b)."

9 **SECTION 2.** G.S. 160A-189 reads as rewritten:

10 "**§ 160A-189. Firearms.**

11 (a) A city may by ordinance regulate, restrict, or prohibit the discharge of firearms at any
12 time or place within the city except when used in defense of person or property or pursuant to
13 lawful directions of law-enforcement officers, and may regulate the display of firearms on the
14 streets, sidewalks, alleys, or other public property.

15 (b) A city may by ordinance allow the destruction of a firearm turned over to a law
16 enforcement agency pursuant to G.S. 15-11.1(b)(4), 15-11.2(d)(1), or 14-269.1(4b).

17 (c) Nothing in this section shall be construed to limit a city's authority to take action under
18 Article 1A of Chapter 166A of the General Statutes."

19 **SECTION 3.** G.S. 15-11.1(b)(4) reads as rewritten:

20 "(4) By ordering the firearm turned over to a law enforcement agency in the county
21 of trial for (i) the official use of the ~~agency or agency~~, (ii) sale, trade, or
22 exchange by the agency to a federally licensed firearm dealer in accordance
23 with all applicable State and federal firearm ~~laws~~-laws, or (iii) destruction if
24 the possessing law enforcement agency is located in a city that has adopted an
25 ordinance pursuant to G.S. 160A-189 or is located in a county that has adopted
26 an ordinance pursuant to G.S. 153A-129. The court may order a disposition
27 of the firearm pursuant to this subdivision only if the firearm has a legible,
28 unique identification number. If the law enforcement agency sells the firearm,
29 then the proceeds of the sale shall be remitted to the appropriate county
30 finance officer as provided by G.S. 115C-452 to be used to maintain free
31 public schools. The receiving law enforcement agency shall maintain a record
32 and inventory of all firearms received pursuant to this ~~subdivision~~-subdivision
33 and shall specify which firearms have been destroyed."

34 **SECTION 4.** G.S. 15-11.2(d)(1) reads as rewritten:

35 "(1) ~~By~~If the firearm will not be disposed of pursuant to subdivision (3) of this
36 subsection, by having the firearm destroyed if (i) the firearm does not have a



1 legible, unique identification ~~number or number~~, (ii) the firearm is unsafe for
2 use because of wear, damage, age, or ~~modification and will not be disposed of~~
3 ~~pursuant to subdivision (3) of this subsection.~~ ~~modification~~, or (iii) the
4 possessing law enforcement agency is located in a city that has adopted an
5 ordinance pursuant to G.S. 160A-189 or is located in a county that has adopted
6 an ordinance pursuant to G.S. 153A-129. The head or chief of the law
7 enforcement agency shall maintain a record of the destruction of the firearm."

8 **SECTION 5.** G.S. 14-269.1(4b) reads as rewritten:

9 "(4b) By ordering the weapon turned over to a law enforcement agency in the county
10 of trial for (i) the official use of the ~~agency or agency~~, (ii) sale, trade, or
11 exchange by the agency to a federally licensed firearm dealer in accordance
12 with all applicable State and federal firearm ~~laws.~~ laws, or (iii) destruction if
13 the weapon is a firearm and the possessing law enforcement agency is located
14 in a city that has adopted an ordinance pursuant to G.S. 160A-189 or is located
15 in a county that has adopted an ordinance pursuant to G.S. 153A-129. The
16 court may order a disposition of the firearm pursuant to this subdivision only
17 upon the written request of the head or chief of the law enforcement agency
18 or a designee of the head or chief of the law enforcement agency and only if
19 the firearm has a legible, unique identification number. If the law enforcement
20 agency sells the firearm, then the proceeds of the sale shall be remitted to the
21 appropriate county finance officer as provided by G.S. 115C-452 to be used
22 to maintain free public schools. The receiving law enforcement agency shall
23 maintain a record and inventory of all firearms received pursuant to this
24 ~~subdivision.~~ subdivision and shall specify which firearms have been
25 destroyed."

26 **SECTION 6.** This act becomes effective December 1, 2019, and applies to firearms
27 seized, confiscated, received, or found on or after that date.