

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30266-ML-87A

Short Title: Law Enforcement/Destroy Certain Firearms. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE LAW ENFORCEMENT AGENCIES TO DESTROY
3 UNCLAIMED FIREARMS, FIREARMS CONFISCATED AFTER CONVICTION OF
4 CERTAIN OFFENSES, AND FIREARMS PURCHASED BY OR VOLUNTARILY
5 SURRENDERED TO THE LAW ENFORCEMENT AGENCY.

6 Whereas, State law passed in 2013 prohibits law enforcement from destroying
7 firearms when they obtain guns in the course of a criminal investigation; and

8 Whereas, a 2023 report found that police departments have seized and store more than
9 74,000 firearms in warehouses; and

10 Whereas, some individual police stations store, track, and maintain more than 10,000
11 firearms that were used in crimes; and

12 Whereas, the cost to store and maintain these weapons is placed on the police
13 departments; and

14 Whereas, many police departments in North Carolina do not want to sell firearms
15 back into circulation because they will see them again used in other crimes; and

16 Whereas, stockpiling firearms and not allowing for destruction creates the risk of
17 accidental discharge, potential injury, and gun theft from storage units; Now, therefore,
18 The General Assembly of North Carolina enacts:

19 **SECTION 1.** G.S. 15-11.1(b1) reads as rewritten:

20 "(b1) Notwithstanding subsections (a) and (b) of this section or any other provision of law,
21 if the property seized is a firearm and the district attorney determines the firearm is no longer
22 necessary or useful as evidence in a criminal trial, the firearm shall be returned to the defendant
23 if the district attorney knows or believes the defendant is the sole party with an ownership or
24 possessory interest in the firearm and the defendant is not otherwise ineligible to possess the
25 firearm. If the district attorney determines the firearm is no longer necessary or useful as evidence
26 in a criminal trial and knows or believes there are multiple parties who may have an ownership
27 or possessory interest in the firearm, the district attorney, after notice to all parties known or
28 believed by the district attorney to have an ownership or a possessory interest in the firearm,
29 including the defendant, shall apply to the court for an order of disposition of the firearm. The
30 judge, after hearing, may order the disposition of the firearm in one of the following ways:

31 (1) By ordering the firearm returned to its rightful owner, when the rightful owner
32 is someone other than the defendant and upon findings by the court (i) that the
33 person, firm, or corporation determined by the court to be the rightful owner
34 is entitled to possession of the firearm and (ii) that the person, firm, or
35 corporation determined by the court to be the rightful owner of the firearm



1 was unlawfully deprived of the same or had no knowledge or reasonable belief
2 of the defendant's intention to use the firearm unlawfully.

3 (2) By ordering the firearm returned to the defendant, but only if the defendant is
4 not convicted of any criminal offense in connection with the possession or use
5 of the firearm, the defendant is the rightful owner of the firearm, and the
6 defendant is not otherwise ineligible to possess such firearm.

7 (3) By ordering the firearm turned over to be destroyed by ~~the sheriff of the county~~
8 ~~in which the firearm was seized or by his duly authorized agent if the firearm~~
9 ~~does not have a legible, unique identification number or is unsafe for use~~
10 ~~because of wear, damage, age, or modification. The sheriff any law~~
11 ~~enforcement agency in the county of trial. The receiving law enforcement~~
12 ~~agency shall maintain a record of the destruction of the firearm.~~

13 (4) By ordering the firearm turned over to a law enforcement agency in the county
14 of trial for (i) the official use of the agency or (ii) ~~sale, trade, or exchange by~~
15 ~~the agency to a federally licensed firearm dealer in accordance with all~~
16 ~~applicable State and federal firearm laws. The court may order a disposition~~
17 ~~of the firearm pursuant to this subdivision only if the firearm has a legible,~~
18 ~~unique identification number. If the law enforcement agency sells the firearm,~~
19 ~~then the proceeds of the sale shall be remitted to the appropriate county~~
20 ~~finance officer as provided by G.S. 115C 452 to be used to maintain free~~
21 ~~public schools agency. The receiving law enforcement agency shall maintain~~
22 a record and inventory of all firearms received pursuant to this subdivision.

23 This subsection (b1) is not applicable to seizures pursuant to G.S. 113-137 of firearms used
24 only in connection with a violation of Article 22 of Chapter 113 of the General Statutes or any
25 local wildlife hunting ordinance."

26 **SECTION 2.** G.S. 15-11.2 reads as rewritten:

27 **"§ 15-11.2. Disposition of unclaimed firearms not confiscated or seized as trial evidence.**

28 ...

29 (b) Published Notice of Unclaimed Firearm. – When a law enforcement agency finds or
30 receives a firearm and the firearm remains unclaimed for a period of 180 days, the agency shall
31 publish at least one notice in a newspaper published in the county in which the agency is located.
32 The notice shall include all of the following:

- 33 (1) A statement that the firearm is unclaimed and is in the custody of the law
34 enforcement agency.
35 (2) A statement that the firearm may be sold or otherwise disposed of unless the
36 firearm is claimed within 30 days of the date of the publication of the notice.
37 (3) A brief description of the firearm and any other information that the chief or
38 head of the law enforcement agency may consider necessary or advisable to
39 reasonably inform the public about the firearm.

40 ...

41 (d) Disposition of Unclaimed Firearm. – If the firearm remains unclaimed for a period of
42 30 days after the publication of the notice, then the head or chief of the law enforcement agency
43 shall order the disposition of the firearm in one of the following ways:

- 44 (1) By having the firearm destroyed if the firearm ~~does not have a legible, unique~~
45 ~~identification number or is unsafe for use because of wear, damage, age, or~~
46 ~~modification and will not be disposed of pursuant to subdivision (3) of this~~
47 ~~subsection. The head or chief of the law enforcement agency shall maintain a~~
48 ~~record of the destruction of the firearm.~~
49 (2) ~~By sale, trade, or exchange by the agency to a federally licensed firearm dealer~~
50 ~~in accordance with all applicable State and federal firearm laws or by sale of~~
51 ~~the firearm at a public auction to persons licensed as firearms collectors,~~

dealers, importers, or manufacturers. The head or chief of the law enforcement agency shall dispose of the firearm pursuant to this subdivision only if the firearm has a legible, unique identification number.

- (3) By maintaining the firearm for ~~training or experimental purposes~~ the official use of the agency or transferring the firearm to a museum or historical society.

...
(f) ~~Disbursement of Proceeds of Sale.—If the law enforcement agency sells the firearm pursuant to subdivision (2) of subsection (d) of this section, then the proceeds of the sale shall be retained by the law enforcement agency and used for law enforcement purposes. The receiving law enforcement agency shall maintain a record and inventory of all firearms received pursuant to this section, as well as the disposition of the firearm, including any funds received from a sale of a firearm or any firearms or other property received in exchange or trade of a firearm."~~

SECTION 3. G.S. 14-269.1 reads as rewritten:

"§ 14-269.1. Confiscation and disposition of deadly weapons.

Upon conviction of any person for violation of G.S. 14-269, G.S. 14-269.7, or any other offense involving the use of a deadly weapon of a type referred to in G.S. 14-269, the deadly weapon with reference to which the defendant shall have been convicted shall be ordered confiscated and disposed of by the presiding judge at the trial in one of the following ways in the discretion of the presiding judge.

- (1) By ordering the weapon returned to its rightful owner, but only when such owner is a person other than the defendant and has filed a petition for the recovery of such weapon with the presiding judge at the time of the defendant's conviction, and upon a finding by the presiding judge that petitioner is entitled to possession of same and that he was unlawfully deprived of the same without his consent.

- ...
(4) By ordering such weapon turned over to ~~the sheriff of a law enforcement agency in the county in which the trial is held or his a duly authorized agent of the agency to be destroyed if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification. The sheriff destroyed.~~ The receiving law enforcement agency shall maintain a record of the destruction thereof.

- ...
(4b) By ordering the weapon turned over to a law enforcement agency in the county of trial for ~~(i) the official use of the agency or (ii) sale, trade, or exchange by the agency to a federally licensed firearm dealer in accordance with all applicable State and federal firearm laws. The court may order a disposition of the firearm pursuant to this subdivision only upon the written request of the head or chief of the law enforcement agency or a designee of the head or chief of the law enforcement agency and only if the firearm has a legible, unique identification number. If the law enforcement agency sells the firearm, then the proceeds of the sale shall be remitted to the appropriate county finance officer as provided by G.S. 115C-452 to be used to maintain free public schools.~~ agency. The receiving law enforcement agency shall maintain a record and inventory of all firearms received pursuant to this subdivision.

- (5) By ordering such weapon turned over to the North Carolina State Crime Laboratory's weapons reference library for official use by that agency. The Laboratory shall maintain a record and inventory of all such weapons received.

- (6) By ordering such weapons turned over to the North Carolina Justice Academy for official use by that agency. The North Carolina Justice Academy shall maintain a record and inventory of all such weapons received."

SECTION 4. Article 2 of Chapter 15 of the General Statutes is amended by adding a new section to read:

"§ 15-11.3. Disposition of firearms received through firearm buy-back program.

(a) Definition. – For purposes of this section, the term "firearm buy-back program" means a program in which firearms, ammunition, or firearms and ammunition are purchased or voluntarily surrendered for the purpose of destruction.

(b) Requirements. – A law enforcement agency that participates in a firearm buy-back program shall comply with all of the following requirements:

- (1) The serial number of each firearm that is purchased or surrendered to the program is checked against any local, State, and federal records of stolen firearms and, if it is found that the firearm is a stolen firearm, that the firearm is not destroyed without the written permission of the lawful owner thereof and that if the lawful owner of the firearm does not give written permission for the firearm to be destroyed, that the firearm is returned to its lawful owner.

- (2) If it is determined that a firearm that is purchased by or surrendered to the firearm buy-back program is stolen, that the law enforcement agency makes an effort to arrest the thief or any person who possessed the firearm knowing it was stolen.

- (3) Prior to the destruction of any firearm that is purchased or surrendered, that a written determination is made as to whether the firearm may have been used in a crime, and that if it is determined that the firearm probably was used in a crime, that it is retained for evidence, and if it is determined that the firearm probably was not used in a crime, if the firearm is a rifled firearm, that a fired bullet and fired cartridge case is retained for possible use as evidence and that if the firearm is a smooth bore firearm, that a fired cartridge case is retained for possible use as evidence.

(c) Return to Lawful Owner. – Prior to returning a stolen firearm to a lawful owner, the law enforcement agency shall determine whether or not the lawful owner is eligible to possess a firearm under federal law. If the lawful owner of the firearm is ineligible to possess a firearm under federal law, the law enforcement agency may destroy the firearm after compliance with subdivision (3) of subsection (b) of this section."

SECTION 5. This act becomes effective July 1, 2025, and applies to any firearm seized, found, or otherwise received by a law enforcement agency on or after that date.