

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 206

Short Title: Mod. Gun Retrieval - DVOs/Juvenile 911 Calls. (Public)

Sponsors: Representatives Carson Smith, Cairns, Ward, and Miller (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

February 26, 2025

A BILL TO BE ENTITLED
AN ACT TO MODIFY AND CLARIFY PROVISIONS RELATED TO THE RETRIEVAL OF
FIREARMS, AMMUNITION, AND PERMITS SURRENDERED PURSUANT TO AN EX
PARTE, EMERGENCY, OR PERMANENT DOMESTIC VIOLENCE PROTECTIVE
ORDER AND TO PROTECT MINOR VICTIMS OF AND WITNESSES TO CRIME.

The General Assembly of North Carolina enacts:

**RETRIEVAL OF FIREARMS, AMMUNITION, AND PERMITS SURRENDERED
PURSUANT TO AN EX PARTE, EMERGENCY, OR PERMANENT DOMESTIC
VIOLENCE PROTECTIVE ORDER**

SECTION 1.(a) G.S. 50B-3.1 reads as rewritten:

"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.

(a) Required Surrender of Firearms. – Upon issuance of an emergency or ex parte order pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant if the court finds any of the following factors:

- (1) The use or threatened use of a deadly weapon by the defendant or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons.
- (2) Threats to seriously injure or kill the aggrieved party or minor child by the defendant.
- (3) Threats to commit suicide by the defendant.
- (4) Serious injuries inflicted upon the aggrieved party or minor child by the defendant.

(b) Ex Parte or Emergency Hearing. – The court shall inquire of the plaintiff, at the ex parte or emergency hearing, the presence of, ownership of, or otherwise access to firearms by the defendant, as well as ammunition, permits to purchase firearms, and permits to carry concealed firearms, and include, whenever possible, identifying information regarding the description, number, and location of firearms, ammunition, and permits in the order.

(c) Ten-Day Hearing. – The court, at the 10-day hearing, shall inquire of the defendant the presence of, ownership of, or otherwise access to firearms by the defendant, as well as ammunition, permits to purchase firearms, and permits to carry concealed firearms, and include, whenever possible, identifying information regarding the description, number, and location of firearms, ammunition, and permits in the order.



(d) Surrender. – Upon service of the order, the defendant shall immediately surrender to the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant. In the event that weapons cannot be surrendered at the time the order is served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms or contract with a licensed firearms dealer to provide storage.

(1) If the court orders the defendant to surrender firearms, ammunition, and permits, the court shall inform the plaintiff and the defendant of the terms of the protective order and include these terms on the face of the order, including that the defendant is prohibited from possessing, purchasing, or receiving or attempting to possess, purchase, or receive a firearm for so long as the protective order or any successive protective order is in effect. The terms of the order shall include instructions as to how the defendant may request retrieval of any firearms, ammunition, and permits surrendered to the sheriff when the protective order is no longer in effect. The terms shall also include notice of the penalty for violation of G.S. 14-269.8.

(2) The sheriff may charge the defendant a reasonable fee for the storage of any firearms and ammunition taken pursuant to a protective order. The fees are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be used by the sheriff to pay the costs of administering this section and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or permits without a court order granting the ~~release~~. release, unless release without a court order is authorized pursuant to subsection (e) of this section. The defendant must remit all fees owed prior to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or deterioration due to storage or transportation of any firearms or ammunition held pursuant to this section.

(e) Retrieval. – ~~If the court does not enter a protective order when the ex parte or emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff unless~~ Unless the court finds that the defendant is precluded from owning or possessing a firearm pursuant to State or federal law or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order, the defendant may retrieve any weapons surrendered to the sheriff without additional order of the court upon the occurrence of one of the following conditions:

(1) The court does not enter a protective order when the ex parte or emergency order expires.

(2) The protective order is denied by the court following a hearing.

Prior to release of any firearms to the defendant pursuant to this subsection, the sheriff shall verify through a criminal history check conducted through the National Instant Criminal Background Check System (NICS) that the defendant is not prohibited by law from possessing a firearm.

(f) Motion for ~~Return~~. Return by Defendant. – The defendant may request the return of any firearms, ammunition, or permits surrendered by filing a motion with the court at the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order and not later than 90 days after the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order. Upon receipt of the motion, the court shall schedule a hearing and provide written notice to the plaintiff who shall

1 have the right to appear and be heard and to the sheriff who has control of the firearms,
2 ammunition, or permits. The court shall determine whether the defendant is subject to any State
3 or federal law or court order that precludes the defendant from owning or possessing a firearm.
4 The inquiry shall include:

- 5 (1) Whether the protective order has been renewed.
- 6 (2) Whether the defendant is subject to any other protective orders.
- 7 (3) Whether the defendant is disqualified from owning or possessing a firearm
8 pursuant to 18 U.S.C. § 922 or any State law.
- 9 (4) Whether the defendant has any pending criminal charges, in either State or
10 federal court, committed against the person that is the subject of the current
11 protective order.

12 The court shall deny the return of firearms, ammunition, or permits if the court finds that the
13 defendant is precluded from owning or possessing a firearm pursuant to State or federal law or
14 if the defendant has any pending criminal charges, in either State or federal court, committed
15 against the person that is the subject of the current protective order until the final disposition of
16 those charges.

17 (g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,
18 ammunition, or permits who is otherwise eligible to possess such items may file a motion
19 requesting the return to said third party of any such items in the possession of the sheriff seized
20 as a result of the entry of a domestic violence protective order. The motion ~~must~~ may be filed ~~not~~
21 ~~later than 30 days after the~~ at any time following the seizure of the items by the sheriff, sheriff
22 prior to their disposal pursuant to subsection (h) of this section. Upon receipt of the third party's
23 motion, the court shall schedule a hearing and provide written notice to all parties and the sheriff.
24 The court shall order return of the items to the third party unless the court determines that the
25 third party is disqualified from owning or possessing said items pursuant to State or federal law.
26 If the court denies the return of said items to the third party, the items shall be disposed of by the
27 sheriff as provided in subsection (h) of this section.

28 (h) Disposal of Firearms. – After notice to the defendant and any known third-party
29 owner, the sheriff who has control of the firearms, ammunition, or permits may apply to the court
30 for an order of disposition of the firearms, ammunition, or permits under any of the following
31 circumstances:

- 32 (1) Both of the following criteria are met:
 - 33 a. If the ~~The defendant does not file or third-party owner has not filed a~~
34 motion requesting the return of any firearms, ammunition, or permits
35 surrendered within the time period prescribed by this section, if the
36 court determines 90 days after the expiration of the current order or
37 final disposition of any pending criminal charges committed against
38 the person that is the subject of the current protective order.
 - 39 b. The defendant has not retrieved the firearms pursuant to subsection (e)
40 of this section within 90 days after the expiration of the current order
41 or final disposition of any pending criminal charges committed against
42 the person that is the subject of the current protective order.
- 43 (2) The court has determined that the defendant or third-party owner is precluded
44 from regaining possession of any firearms, ammunition, or permits
45 surrendered, or if the surrendered.
- 46 (3) The defendant or third-party owner fails to remit all fees owed for the storage
47 of the firearms or ammunition within 30 days of either (i) the entry of the order
48 granting the return of the firearms, ammunition, or permits, the sheriff who
49 has control of the firearms, ammunition, or permits shall give notice to the
50 defendant, and the sheriff shall apply to the court for an order of disposition

~~of the firearms, ammunition, or permits.~~ or (ii) a request to retrieve the
firearms, ammunition, or permits pursuant to subsection (e) of this section.

The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after deducting any costs associated with the sale, and in accordance with all applicable State and federal law, shall be provided to the ~~defendant, defendant or any known third-party owner~~ if requested by the defendant or any known third-party owner by motion made before the hearing or at the hearing and if ordered by the judge.

(i) It is unlawful for any person subject to a protective order prohibiting the possession or purchase of firearms to:

- (1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms to the sheriff as ordered by the court;
- (2) Fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms as requested by the court; or
- (3) Provide false information to the court pertaining to any of these items.

(j) Violations. – In accordance with G.S. 14-269.8, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to this Chapter is in effect. Any defendant violating the provisions of this section shall be guilty of a Class H felony.

(k) Official Use Exemption. – This section shall not prohibit law enforcement officers and members of any branch of the Armed Forces of the United States, not otherwise prohibited under federal law, from possessing or using firearms for official use only.

(l) Nothing in this section is intended to limit the discretion of the court in granting additional relief as provided in other sections of this Chapter."

SECTION 1.(b) This section becomes effective December 1, 2025, and applies (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.

PROTECT MINOR VICTIMS OF AND WITNESSES TO CRIME

SECTION 2. G.S. 132-1.4(c) reads as rewritten:

"(c) Notwithstanding the provisions of this section, and unless otherwise prohibited by law, the following information shall be public records within the meaning of ~~G.S. 132-1.~~ G.S. 132-1:

...

- (4) The contents of "911" and other emergency telephone calls received by or on behalf of public law enforcement agencies, except for ~~such contents~~ any of the following:

- a. Contents of a "911" or other emergency telephone call that reveal reveals the natural voice, name, address, telephone number, or other information that may identify the caller, victim, or witness. In order to protect the identity of the complaining witness, the contents of "911" and other emergency telephone calls may be released pursuant to this section in the form of a written transcript or altered voice reproduction; provided that the original shall be provided under process to be used as evidence in any relevant civil or criminal proceeding.
- b. Contents of any "911" or other emergency telephone call where the caller is less than 18 years of age.

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EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.