

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

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HOUSE BILL 11*
Committee Substitute Favorable 2/9/94

Short Title: No Gun if Acquitted for Insanity.

(Public)

Sponsors:

Referred to:

February 8, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN
3 CRIMINAL OFFENSES BY REASON OF INSANITY FROM POSSESSING A
4 FIREARM OR A WEAPON OF DEATH AND MASS DESTRUCTION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 54A of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 14-415.3. Possession of a firearm or weapon of mass destruction by persons**
9 **acquitted of certain crimes by reason of insanity prohibited.**

10 (a) Except as provided in subsection (b) of this section, it is unlawful for a person
11 who has been acquitted by reason of insanity of any crime set out in G.S. 14-415.1(b) or
12 any violation of G.S. 14-33(b)(1), 14-33(b)(8), or 14-34, to purchase, own, possess, or
13 have in the person's custody, care, or control, any firearm or any weapon of mass death
14 and destruction as defined by G.S. 14-288.8(c).

15 (b) A person acquitted of a crime by reason of insanity may, upon discharge from
16 the custody of the court or upon release from any hospital or treatment facility, petition
17 the superior court in the jurisdiction in which the person resides for a permit to possess a
18 firearm, other than a handgun or a weapon of mass death and destruction. The court
19 may, upon a finding that public safety would not be jeopardized, grant the petition and
20 issue a permit.

21 (c) A violation of this section is a Class H felony. Any firearm or weapon of
22 mass death and destruction lawfully seized for a violation of this section shall be
23 forfeited to the State and disposed of as provided in G.S. 15-11.1."

1 Sec. 2. This act becomes effective May 1, 1994. The criminal violation
2 created by this act applies to offenses committed on or after the effective date of this
3 act.