

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

H

3

HOUSE BILL 11\*  
Committee Substitute Favorable 2/9/94  
Third Edition Engrossed 2/9/94

Short Title: No Gun if Acquitted for Insanity.

(Public)

Sponsors:

Referred to:

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON WHO WAS ACQUITTED OF CERTAIN  
CRIMINAL OFFENSES BY REASON OF INSANITY FROM POSSESSING A  
FIREARM OR A WEAPON OF DEATH AND MASS DESTRUCTION.

The General Assembly of North Carolina enacts:

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

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

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

(b) A person acquitted of a crime by reason of insanity may, upon discharge from  
the custody of the court or upon release from any hospital or treatment facility, petition  
the superior court in the jurisdiction in which the person resides for a permit to possess a  
firearm, other than a handgun or a weapon of mass death and destruction. The court  
shall notify any victims of crimes committed by said individual and they may be  
allowed to testify in those proceedings. The court may, upon a finding that public  
safety would not be jeopardized, grant the petition and issue a permit.

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

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