

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

_____ County

Name Of Plaintiff

**ORDER UPON MOTION FOR DISPOSAL OF
WEAPONS SURRENDERED UNDER
DOMESTIC VIOLENCE PROTECTIVE ORDER**

VERSUS

Name Of Defendant

G.S. 50B-3.1(h)

A hearing was held before the district court judge named below, pursuant to a motion filed by the Sheriff of _____ County. The defendant and third-party owner _____ was served with notice of the hearing.

FINDINGS

The Court finds

- 1. The following firearms, ammunition, and gun permits were surrendered pursuant to a domestic violence protective order entered on (date) _____. (Describe firearms, ammunition, and gun permits surrendered.)
- 2. The domestic violence protective order in this case expired on (date) _____, and has not been renewed.
- 3. There was no evidence presented that the defendant has pending criminal charges in state or federal court alleged to have been committed against the person protected by the current protective order.
- 4. More than 90 days have elapsed since the domestic violence protective order expired, the final disposition of criminal charges against the defendant committed against the person who is protected by the domestic violence protective order, and the defendant has not filed a motion for the return of the property.
- 5. More than 30 days have elapsed since an order granting return of the property to the defendant third-party owner was entered on (date on which order to return weapons was entered) _____ and the defendant third-party owner has not paid the storage fees for the property.
- 6. An order was entered by the Court on (date) _____, concluding that the defendant is prohibited from regaining possession of the surrendered property, which order did not conclude that the return of the property was denied solely because the defendant has pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protective order.
- 7. The Sheriff Chief of Police of _____ head of (name other law enforcement agency in the county) _____ has filed a written request to use the firearms listed below for official use.
- 8. The weapon is a firearm, and it does not have a legible, unique identification number.
- 9. The weapon is a firearm, and it is unsafe for use because of wear, damage, age, or modification.
- 10. Other:

CONCLUSIONS

- 1. The sheriff is entitled to dispose of the items surrendered.
- 2. The sheriff is not entitled to dispose of the items surrendered.

(Over)

ORDER

It is ORDERED that

- 1. The sheriff destroy the following firearms, ammunition, and gun permits and maintain a record of the destruction thereof.
(NOTE: The Court cannot order that a firearm be destroyed unless the Court finds either Finding 8 or Finding 9 in this Order.)
 - All of the firearms, ammunition, and gun permits described in Finding No. 1 of this Order.
 - (Describe the firearms, ammunition, and gun permits to be destroyed if Order does not include all the property listed in Finding No. 1.)

- 2. The sheriff keep the following firearms and ammunition for its official use and maintain a record and inventory of the items.
(List items to be kept.)

- 3. The sheriff turn over the firearms and ammunition listed below to the following agency for official use by that agency. The agency shall maintain a record and inventory of the items received.
 - (Name law enforcement agency in county where domestic violence protective order entered.) _____
 - North Carolina State Bureau of Investigation.
 - North Carolina Justice Academy.(Describe firearms and ammunition to be turned over to agency.)

- 4. The sheriff turn over the firearms and ammunition listed below to _____ (name of law enforcement agency in county of trial) for the sale, trade, or exchange by the agency to a federally licensed firearms dealer in accordance with all applicable State and federal firearm laws.
(Describe firearms and ammunition to be turned over to agency.)

- 5. Other

- 6. The motion is denied.

| | | |
|------|-------------------------------|--------------------|
| Date | Name Of Judge (type or print) | Signature Of Judge |
|------|-------------------------------|--------------------|