

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1192

Short Title: Tracing Crime Weapons.

(Public)

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Sponsors: Representatives Kinney; and Hardaway.

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Referred to: Judiciary III.

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April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE TRACING OF FIREARMS USED IN THE  
COMMISSION OF A CRIME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 114-10 reads as rewritten:

**"§ 114-10. Division of Criminal Statistics.**

The Attorney General shall set up in the Department of Justice a division to be designated as the Division of Criminal Statistics. There shall be assigned to this Division by the Attorney General duties as follows:

- (1) To collect and correlate information in criminal law administration, including crimes committed, arrests made, dispositions on preliminary hearings, prosecutions, convictions, acquittals, punishment, appeals, together with the age, race, and sex of the offender, information regarding all firearms seized, forfeited, found, or otherwise coming into the possession of any State or local law enforcement agency of the State that are believed to have been used in the commission of a crime, and such other information concerning crime and criminals as may appear significant or helpful. To correlate such information with the operations of agencies and institutions charged with the supervision of offenders on probation, in penal and correctional institutions, on parole and pardon,

1 so as to show the volume, variety and tendencies of crime and criminals  
2 and the workings of successive links in the machinery set up for the  
3 administration of the criminal law in connection with the arrests, trial,  
4 punishment, probation, prison parole and pardon of all criminals in  
5 North Carolina.

6 (2) To collect, correlate, and maintain access to information that will assist  
7 in the performance of duties required in the administration of criminal  
8 justice throughout the State. This information may include, but is not  
9 limited to, motor vehicle registration, drivers' licenses, wanted and  
10 missing persons, stolen property, warrants, stolen vehicles, firearms  
11 registration, sexual offender registration as provided under Article 27A  
12 of Chapter 14 of the General Statutes, drugs, drug users and parole and  
13 probation histories. In performing this function, the Division may  
14 arrange to use information available in other agencies and units of State,  
15 local and federal government, but shall provide security measures to  
16 insure that such information shall be made available only to those whose  
17 duties, relating to the administration of justice, require such information.

18 (3) To make scientific study, analysis and comparison from the information  
19 so collected and correlated with similar information gathered by federal  
20 agencies, and to provide the Governor and the General Assembly with  
21 the information so collected biennially, or more often if required by the  
22 Governor.

23 (4) To perform all the duties heretofore imposed by law upon the Attorney  
24 General with respect to criminal statistics.

25 (5) To perform such other duties as may be from time to time prescribed by  
26 the Attorney General.

27 (6) To promulgate rules and regulations for the administration of this  
28 Article. Specifically, the Attorney General shall adopt and promulgate  
29 rules prescribing the form for reporting the information regarding  
30 firearms that are believed to have been used in the commission of a  
31 crime and the time and manner of submission of the form. In addition  
32 to any other information that the Attorney General may require, the  
33 form shall include the following:

34 a. The serial number or other identifying information on the  
35 firearm, if available;

36 b. A brief description of the circumstances under which the firearm  
37 came into the possession of the law enforcement agency,  
38 including the crime that was or may have been committed with  
39 the firearm;

40 c. The name of or other identifying information on the person from  
41 whom the firearm was taken;

42 d. The original place of sale and the chain of possession of the  
43 firearm, if available; and

- 1                    e.     The disposition of the firearm."
- 2            Section 2. This act is effective when it becomes law.