

Return of Weapons - Sheriff Checklist:

N.C. Gen. Stat. § 50B-3.1(f)(g)

If the Defendant is seeking return of weapons:

1. Has the domestic violence protective order causing the removal of weapons been renewed? Yes No
2. Is the Defendant subject to any other protective orders in any state? Yes No
3. Does the Defendant have any criminal convictions, in state or federal court, that disqualify him or her from owning a firearm? *If so, please attach criminal record.* Yes No
4. Does the Defendant have any pending criminal charges, in state or federal court? Yes No
5. If so, are any of the pending criminal charges related to acts committed against the person who is the subject of the protective order? Yes No
6. Are you aware of any other reason why Defendant would be disqualified from owning a weapon? Yes No

If a Third Party Owner is seeking a return of weapons.

1. Is the Third Party Owner subject to any other protective orders in any state? Yes No
2. Does the Third Party Owned have any criminal convictions, in state or federal court, that disqualify him or her from owning a firearm? *If so, please attach criminal record* Yes No
3. Are you aware of any other reason why the Third Party Owner would be disqualified from owning a weapon? Yes No

This the ____ day of _____, 20__.

Deputy Sheriff

Return of Weapons - Judge Checklist:

N.C. Gen. Stat. § 50B-3.1(f)(g)

If Defendant is seeking return of weapons:

1. Has the Defendant filed a motion with the court within 90 days of the expiration of the DVPO or within 90 days of the final disposition of pending criminal charges committed against the person that is the subject of the current protective order? Yes No
2. Has Plaintiff received written notice of the hearing? Yes No
3. Has the Sheriff received written notice of the hearing? Yes No
4. Is the Defendant over 18 years old? *If not, the court shall deny the return of weapons.* Yes No
If so, is the Defendant over 21 years old? *If not, the court may only return shotguns or rifles, or ammunition for shotguns or rifles, and no other firearms.* Yes No
5. Is the Defendant a lawful United States Citizen? *If the Defendant is unlawfully in the United States, the court should deny the return of weapons.* Yes No
6. Has the Defendant ever renounced his or her citizenship? *If yes, the court shall deny the request for return of weapons.* Yes No
7. Has the protective order been renewed? *If yes, the court shall deny the request for return of weapons.* Yes No
8. Is the Defendant subject to any other protective orders that prohibit ownership of weapons? *If yes, the court shall deny the request for return of weapons.* Yes No
9. Has the Defendant ever been dishonorably discharged from the military? *If yes, the court shall deny the request for return of weapons.* Yes No
10. Is the Defendant an unlawful user of or addicted to any controlled substance? *If yes, the court shall deny the request for return of weapons.* Yes No
11. Has the Defendant ever been committed to a mental health institution or adjudicated mentally defective? *If yes, the court shall deny the request for return of weapons.* Yes No
12. Is the Defendant a fugitive from justice? *If yes, the court shall deny the request for return of weapons.* Yes No
13. Does the Defendant have any felony convictions? *If yes, the court shall deny the request for return of weapons.* Yes No
14. Does the Defendant have any other criminal convictions under state or federal law that would disqualify him or her from owning a firearm? *If yes, the court shall deny the request for return of weapons. (DV Convictions or crimes punishable by imprisonment exceeding one year – but see complex definition that excludes two year misdemeanors).* Yes No
15. Does the Defendant have any pending criminal charges against the person that is the subject of the protective order? *If yes, the court shall deny the request for return of weapons.* Yes No.
16. Are the weapons the Defendant is seeking to have returned prohibited? *Ex. machine guns, short barreled shot guns, and armor piercing ammunition.* Yes No

If Third-Party Owner is seeking return of weapons:

1. Was the motion for return of weapons filed within 30 days of the seizure by the Sheriff? Yes No
2. Was written notice provided to all parties? Yes No
3. Was written notice of the hearing provided to the Sheriff? Yes No

4. Is the Third Party Owner over 18 years old? *If not, the court shall deny the return of weapons.* Yes No
- If so, is the Third Party Owner over 21 years old? *If not, the court may only return shotguns or rifles, or ammunition for shotguns or rifles, and no other firearms.* Yes No
5. Is the Third Party Owner a lawful United States Citizen? *If the Defendant is unlawfully in the United States, the court should deny the return of weapons.* Yes No
6. Has the Third Party Owner ever renounced his or her citizenship? *If yes, the court shall deny the request for return of weapons.* Yes No
7. Is the Third Party Owner subject to any other protective orders that prohibit ownership of weapons? *If yes, the court shall deny the request for return of weapons.* Yes No
8. Has the Third Party Owner ever been dishonorably discharged from the military? *If yes, the court shall deny the request for return of weapons.* Yes No
9. Is the Third Party Owner an unlawful user of or addicted to any controlled substance? *If yes, the court shall deny the request for return of weapons.* Yes No
10. Is the Third Party Owner a fugitive from justice? *If yes, the court shall deny the request for return of weapons.* Yes No
11. Has the Third Party Owner ever been committed to a mental health institution or adjudicated mentally defective? *If yes, the court shall deny the request for return of weapons.* Yes No
12. Does the Third Party Owner have any felony convictions? *If yes, the court shall deny the request for return of weapons.* Yes No
12. Does the Third Party Owner have any other criminal convictions under state or federal law that would disqualify him or her from owning a firearm? *If yes, the court shall deny the request for return of weapons. (DV Convictions or crimes punishable by imprisonment exceeding one year – but see complex definition that excludes two year misdemeanors).* Yes No
13. Are the weapons the Third Party is seeking to have returned prohibited? *Ex. machine guns, short barreled shot guns, and armor piercing ammunition.* Yes No

This the ____ day of _____, 2015.

District Court Judge

