

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1240

Short Title: Commit Crime with Automatic Gun.

(Public)

Sponsors: Representatives Brubaker; Bowman and Decker.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IT IS A CLASS D FELONY TO POSSESS, USE, OR THREATEN TO USE AN AUTOMATIC WEAPON OR ASSAULT RIFLE IN THE COMMISSION OF A CRIME.

The General Assembly of North Carolina enacts:

Section 1. Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-277.3. Committing a crime while possessing an automatic weapon or assault rifle.

(a) Any person who, having in possession or with the use or threatened use of any automatic firearm or assault rifle commits a felony or misdemeanor under the laws of this State shall be guilty of a Class D felony.

(b) Notwithstanding any other provision of law, with the exception of a person sentenced as a committed youthful offender, a person convicted under this section shall serve a term of not less than seven years in prison, excluding gain time granted under G.S. 148-13. A person convicted under this section shall receive a sentence of at least 14 years in the State's prison and shall be entitled to credit for good behavior under G.S. 15A-1340.7. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any sentence being served by the person for the crime committed while possessing, using, or threatening to use an automatic weapon or assault rifle."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to offenses occurring on or after that date.