

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 170

Judiciary II Committee Substitute Adopted 3/2/89

Short Title: Machine Gun Defined.

(Public)

Sponsors:

Referred to:

February 15, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A DEFINITION OF MACHINE GUN AND SUBMACHINE GUN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-409 reads as rewritten:

"§ 14-409. Machine guns and other like weapons.

"(a) As used in this section, 'machine gun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like ~~weapons;~~ weapons as defined by subsection (a) of this section: Provided, however, that ~~this section~~ subsection shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town,

1 charged with the execution of the laws of the State, when acting in the discharge of their
2 official duties; the manufacture, use or possession of such weapons for scientific or
3 experimental purposes when such manufacture, use or possession is lawful under
4 federal laws and the weapon is registered with a federal agency, and when a permit to
5 manufacture, use or possess the weapon is issued by the sheriff of the county in which
6 the weapon is located. Provided, further, ~~that automatic shotguns and pistols or other~~
7 ~~automatic weapons that shoot less than 31 shots shall not be construed to be or mean a machine~~
8 ~~gun or submachine gun under this section; and that any bona fide resident of this State who~~
9 now owns a machine gun used in former wars, as a relic or souvenir, may retain and
10 keep same as his or her property without violating the provisions of this section upon
11 his reporting said ~~ownership~~ ownership to the sheriff of the county in which said person
12 lives.

13 (c) Any person violating any of the provisions of this section shall be guilty of a
14 misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or
15 imprisoned for not less than six months, or both, in the discretion of the court."

16 Sec. 2. G.S. 14-409.9 reads as rewritten:

17 **"§ 14-409.9. Machine guns and other like weapons.**

18 "(a) As used in this section, 'machine gun' means any weapon which shoots, is
19 designed to shoot, or can be readily restored to shoot, automatically more than one shot,
20 without manual reloading, by a single function of the trigger. The term shall also
21 include the frame or receiver of any such weapon, any combination of parts designed
22 and intended for use in converting a weapon into a machine gun, and any combination
23 of parts from which a machine gun can be assembled if such parts are in the possession
24 or under the control of a person.

25 (b) It shall be unlawful for any person, firm or corporation to manufacture, sell,
26 give away, dispose of, use or possess machine guns, submachine guns, or other like
27 ~~weapons; weapons as defined by subsection (a) of this section:~~ Provided, however, that
28 ~~this section-subsection~~ shall not apply to the following:

29 Banks, merchants, and recognized business establishments for use in their respective
30 places of business, who shall first apply to and receive from the clerk of the superior
31 court of the county in which said business is located, a permit to possess the said
32 weapons for the purpose of defending the said business; officers and soldiers of the
33 United States Army, when in discharge of their official duties, officers and soldiers of
34 the militia and the State guard when called into actual service, officers of the State, or of
35 any county, city or town, charged with the execution of the laws of the State, when
36 acting in the discharge of their official duties; the manufacture, use or possession of
37 such weapons for scientific or experimental purposes when such manufacture, use or
38 possession is lawful under federal laws and the weapon is registered with a federal
39 agency, and when a permit to manufacture, use or possess the weapon is issued by the
40 sheriff of the county in which the weapon is located. Provided, further, ~~that automatic~~
41 ~~shotguns and pistols or other automatic weapons that shoot less than 31 shots shall not be~~
42 ~~construed to be or mean a machine gun or submachine gun under this section; and that any~~
43 bona fide resident of this State who now owns a machine gun used in former wars as a
44 relic or souvenir, may retain and keep same as his or her property without violating the

1 provisions of this section upon his reporting said ownership to the clerk of the superior
2 court of the county in which said person lives.

3 (c) Any person violating any of the provisions of this section shall be guilty of a
4 misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or
5 imprisoned for not less than six months, or both, in the discretion of the court."

6 Sec. 3. This act is effective upon ratification and applies as to offenses
7 committed beginning 10 days after ratification.