

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

5

HOUSE BILL 1008

Committee Substitute Favorable 5/7/93

Third Edition Engrossed 5/12/93

Senate Education/Higher Education Committee Substitute Adopted 7/7/93

Senate Judiciary II Committee Substitute Adopted 7/15/93

Short Title: Up Penalties/Weapons in School.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS I FELONY TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR TO CAUSE, ENCOURAGE, OR AID A MINOR TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO CAUSE, ENCOURAGE, OR AID A MINOR TO TAKE OR POSSESS OTHER TYPES OF WEAPONS ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO FAIL TO STORE FIREARMS IN A REASONABLE MANNER FOR THE PROTECTION OF MINORS AND TO FAIL TO WARN A PERSON OF THIS LAW UPON THE SALE OR TRANSFER OF A FIREARM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269.2 reads as rewritten:

"§ 14-269.2. Weapons on campus or other educational property.

~~It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds,~~

1 recreation area, athletic field, or other property owned, used or operated by any board of
2 education, school, college, or university board of trustees or directors for the
3 administration of any public or private educational institution. For the purpose of this
4 section a self-opening or switch-blade knife is defined as a knife containing a blade or
5 blades which open automatically by the release of a spring or a similar contrivance, and
6 the above phrase 'weapon of like kind' includes razors and razor blades (except solely
7 for personal shaving) and any sharp pointed or edged instrument except unaltered nail
8 files and clips and tools used solely for preparation of food, instruction and
9 maintenance. This section shall not apply to the following persons: Officers and
10 enlisted personnel of the armed forces of the United States when in discharge of their
11 official duties as such and acting under orders requiring them to carry arms or weapons,
12 civil officers of the United States while in the discharge of their official duties, officers
13 and soldiers of the militia and the national guard when called into actual service,
14 officers of the State, or of any county, city, or town, charged with the execution of the
15 laws of the State, when acting in the discharge of their official duties, any pupils who
16 are members of the Reserve Officer Training Corps and who are required to carry arms
17 or weapons in the discharge of their official class duties, and any private police
18 employed by the administration or board of trustees of any public or private institution
19 of higher education when acting in the discharge of their duties.

20 Any person violating the provisions of this section shall be guilty of a misdemeanor
21 and upon conviction shall be punished in the discretion of the court.

22 (a) The following definitions apply to this section:

- 23 (1) Educational property. – Any public or private school building or bus,
24 public or private school campus, grounds, recreational area, athletic
25 field, or other property owned, used, or operated by any board of
26 education, school, college, or university board of trustees, or directors
27 for the administration of any public or private educational institution.
28 (2) Student. – A person enrolled in a public or private school, college or
29 university, or a person who has been suspended or expelled within the
30 last five years from a public or private school, college or university,
31 whether the person is an adult or a minor.
32 (3) Switchblade knife. – A knife containing a blade or blades which open
33 automatically by the release of a spring or a similar contrivance.
34 (4) Weapon. – Any device enumerated in subsection (b) or (d) of this
35 section.

36 (b) It shall be a Class I felony for any person to possess or carry, whether openly
37 or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite
38 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on
39 educational property. However, this subsection does not apply to a BB gun, air rifle, or
40 air pistol.

41 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor
42 who is less than 18 years old to possess or carry, whether openly or concealed, any gun,
43 rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade,

1 mine, or powerful explosive as defined in G.S. 14-284.1, on educational property.
2 However, this subsection does not apply to a BB gun, air rifle, or air pistol.

3 (d) It shall be a misdemeanor for any person to possess or carry, whether openly
4 or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot,
5 leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades
6 (except solely for personal shaving), and any sharp-pointed or edged instrument except
7 instructional supplies, unaltered nail files and clips and tools used solely for preparation
8 of food, instruction, and maintenance, on educational property.

9 (e) It shall be a misdemeanor for any person to cause, encourage, or aid a minor
10 who is less than 18 years old to possess or carry, whether openly or concealed, any BB
11 gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade
12 knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal
13 shaving), and any sharp-pointed or edged instrument except instructional supplies,
14 unaltered nail files and clips and tools used solely for preparation of food, instruction,
15 and maintenance, on educational property.

16 (f) Notwithstanding subsection (b) of this section it shall be a misdemeanor
17 rather than a Class I felony for any person to possess or carry, whether openly or
18 concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property if:

19 (1) The person is not a student attending school on the educational
20 property;

21 (2) The firearm is not concealed within the meaning of G.S. 14-269;

22 (3) The firearm is not loaded and is in a locked container, a locked
23 vehicle, or a locked firearm rack which is on a motor vehicle; and

24 (4) The person does not brandish, exhibit, or display the firearm in any
25 careless, angry, or threatening manner.

26 (g) This section shall not apply to:

27 (1) A weapon used solely for educational or school-sanctioned ceremonial
28 purposes, or used in a school-approved program conducted under the
29 supervision of an adult whose supervision has been approved by the
30 school authority;

31 (2) Armed forces personnel, officers and soldiers of the militia and
32 national guard, law enforcement personnel, and any private police
33 employed by an educational institution, when acting in the discharge
34 of their official duties; or

35 (3) Home schools as defined in G.S. 115C-563(a)."

36 Sec. 2. Chapter 14 of the General Statutes is amended by adding the
37 following new sections:

38 **"§ 14-315.1. Storage of firearms to protect minors.**

39 (a) Any person who resides in the same premises as a minor, owns or possesses a
40 firearm, and stores or leaves the firearm (i) in a condition that the firearm can be
41 discharged and (ii) in a manner that the person knew or should have known that an
42 unsupervised minor would be able to gain access to the firearm, is guilty of a
43 misdemeanor if a minor gains access to the firearm without the lawful permission of the
44 minor's parents or a person having charge of the minor and the minor:

- 1 (1) Possesses it in violation of G.S. 14-269.2(b);
2 (2) Exhibits it in a public place in a careless, angry, or threatening manner;
3 (3) Causes personal injury or death with it; or
4 (4) Uses it in the commission of a crime.

5 (b) Nothing in this section shall prohibit a person from carrying a firearm on his
6 or her body, or placed in such close proximity that it can be used as easily and quickly
7 as if carried on the body.

8 (c) This section shall not apply if the minor obtained the firearm as a result of an
9 unlawful entry by any person.

10 (d) 'Minor' as used in this section means a person under 18 years of age who is
11 not emancipated.

12 **"§ 14-315.2. Warning upon sale or transfer of firearm to protect minor.**

13 (a) Upon the retail commercial sale or transfer of any firearm, the seller or
14 transferor shall deliver a written copy of G.S. 14-315.1 to the purchaser or transferee.

15 (b) Any retail or wholesale store, shop, or sales outlet that sells firearms shall
16 conspicuously post at each purchase counter the following warning in block letters not
17 less than one inch in height the phrase: 'IT IS UNLAWFUL TO STORE OR LEAVE A
18 FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A
19 REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR.'

20 (c) A violation of subsection (a) or (b) of this section is a misdemeanor."

21 Sec. 3. This act becomes effective December 1, 1993, and applies to offenses
22 committed on or after that date.