

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE DRH80132-LH-111A* (03/08)

Short Title: Rachel's Law.

(Public)

Sponsors: Representatives Hilton, Setzer, and Hollo (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-34.1 reads as rewritten:

"§ 14-34.1. **Discharging certain barreled weapons or a firearm into occupied property.**

(a) Any person who willfully or wantonly discharges or attempts to discharge:

(1) Any barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second; or

(2) A firearm into any building, structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure while it is occupied is guilty of a ~~Class E felony~~ felony punishable as provided by subsections (b), (c), and (d) of this section.

(b) A person who violates subsection (a) of this section is guilty of a Class E felony unless subsection (c) or subsection (d) of this section provide for greater punishment.

(c) A person who violates subsection (a) of this section by discharging a weapon described in subsection (a) of this section into a dwelling or any vehicle, aircraft, watercraft, or other conveyance that is traveling upon the public streets or highways of this State or in a public vehicular area, or is traveling upon any waterway or in any airspace within this State, is guilty of a Class C felony.

(d) If a person violates subsection (c) of this section and the violation results in serious injury to any person, the person is guilty of a Class B2 felony."

SECTION 2. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.