

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 611\***

Short Title: Rachel's Law. (Public)

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Sponsors: Representatives Hilton, Setzer, Hollo (Primary Sponsors); Almond, Barnhart, Culp, Eddins, Folwell, Frye, Grady, Gulley, Holloway, Howard, Jeffus, Johnson, Justice, Justus, LaRoque, Ray, Rhodes, Sauls, Starnes, Steen, Tolson, Vinson, West, and Wilson.

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Referred to: Judiciary II.

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March 14, 2005

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN  
2 WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.  
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4 The General Assembly of North Carolina enacts:

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

6 "**§ 14-34.1. Discharging certain barreled weapons or a firearm into occupied**  
7 **property.**

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

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

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

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

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

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

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