

GENERAL ASSEMBLY OF NORTH CAROLINA

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HOUSE BILL 1008
Committee Substitute Favorable 5/7/93
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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 ON SCHOOL PROPERTY OR TO AID A MINOR TO POSSESS OR CARRY A WEAPON ON SCHOOL PROPERTY, TO REQUIRE THE REPORTING OF WEAPONS ON SCHOOL PROPERTY, TO REQUIRE SAFE STORAGE OF FIREARMS TO PROTECT MINORS, AND TO REQUIRE A WARNING ABOUT SAFE STORAGE UPON SALE OR TRANSFER OF A FIREARM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269.2 is rewritten to read:

"§ 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, recreation area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the administration of any public or private educational institution. For the purpose of this section a self-opening or switch blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and

1 the above phrase "weapon of like kind" includes razors and razor blades (except solely
2 for personal shaving) and any sharp pointed or edged instrument except unaltered nail
3 files and clips and tools used solely for preparation of food, instruction and
4 maintenance. This section shall not apply to the following persons: Officers and
5 enlisted personnel of the armed forces of the United States when in discharge of their
6 official duties as such and acting under orders requiring them to carry arms or weapons,
7 civil officers of the United States while in the discharge of their official duties, officers
8 and soldiers of the militia and the national guard when called into actual service,
9 officers of the State, or of any county, city, or town, charged with the execution of the
10 laws of the State, when acting in the discharge of their official duties, any pupils who
11 are members of the Reserve Officer Training Corps and who are required to carry arms
12 or weapons in the discharge of their official class duties, and any private police
13 employed by the administration or board of trustees of any public or private institution
14 of higher education when acting in the discharge of their duties.

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

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

- 18 (1) Educational property. – Any public or private school building or bus,
19 public or private school campus, grounds, recreational area, athletic
20 field, or other property owned, used or operated by any board of
21 education, school, college, or university board of trustees or directors
22 for the administration of any public or private educational institution.
23 (2) Student. – A person enrolled in a public or private school, college or
24 university, whether the person is an adult or a minor.
25 (3) Switchblade knife. – A knife containing a blade or blades which open
26 automatically by the release of a spring or a similar contrivance.
27 (4) Weapon. – Any device enumerated in subsection (b) or (c) of this
28 section.

29 (b) It shall be a Class I felony for any person to possess or carry, whether openly
30 or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite
31 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on
32 educational property.

33 (c) It shall be a misdemeanor for any person to possess or carry, whether openly
34 or concealed, any bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife,
35 blackjack, metallic knuckles, razors and razor blades (except solely for personal
36 shaving), and any sharp pointed or edged instrument except unaltered nail files and clips
37 and tools used solely for preparation of food, instruction and maintenance, on
38 educational property.

39 (d) This section shall not apply to:

- 40 (1) A weapon used solely for educational or school sanctioned ceremonial
41 purposes, or used in a school approved program conducted under adult
42 supervision;
43 (2) Armed forces personnel, officers and soldiers of the militia and
44 national guard, law enforcement personnel, and any private police

1 employed by an education institution, when acting in the discharge of
2 their official duties; or

3 (3) A person temporarily on educational property for a lawful purpose,
4 provided

5 a. The weapon is not concealed within the meaning of G.S. 14-
6 269;

7 b. If a firearm, the weapon is

8 1. Not loaded; and

9 2. In a locked container, or in a locked vehicle, or a locked
10 firearm rack which is on a motor vehicle;

11 c. The person does not brandish, exhibit or display the weapon in
12 any careless, angry, or threatening manner; and

13 d. The person is not a student in the public or private school,
14 college or university, or on suspension from the public or
15 private school, college or university.

16 (e) It shall be a Class I felony for any person to cause, encourage, or aid any
17 person to carry or possess a weapon on educational property in violation of subsection
18 (b) of this section.

19 (f) It shall be a misdemeanor for any person to cause, encourage, or aid any
20 person to carry or possess a weapon on educational property in violation of subsection
21 (c) of this section.

22 (g) Violation of this section by any student 14 years of age or older shall be a
23 basis for expulsion of the student under G.S. 115C-391(d), where the student's
24 continued presence in school constitutes a clear threat to the safety and health of other
25 students or employees, whether or not the violation of this section resulted in a
26 conviction of a felony."

27 Sec. 2. Chapter 14 of the General Statutes is amended by adding a new
28 section to read:

29 **"§ 14-269.7. Duty to report weapon at school.**

30 (a) Any person who has cause to suspect that any person possesses a weapon in
31 violation of G.S. 14-269.2 (b) or (c) shall report the information to the school principal
32 or to an appropriate law enforcement agency. The report may be made orally, by
33 telephone, or in writing. The report shall include information as is known to the person
34 including the name, address, age, and current location of the person with the weapon,
35 the location of the weapon, the nature of the weapon, and any other information that the
36 person reporting the weapon believes might be helpful. If the report is made orally or
37 by telephone, the person making the report shall give his or her name, address and
38 telephone number. Refusal of the person making the report to give his or her name shall
39 not preclude investigation of the report by appropriate authorities.

40 (b) Anyone who makes a report pursuant to this section, cooperates with the
41 appropriate authorities in any ensuing investigation, and testifies in any judicial
42 proceeding resulting from the report is immune from any civil or criminal liability that
43 might otherwise be incurred or imposed for making the report, provided that the person

1 was acting in good faith. In any proceeding involving civil or criminal liability, there
2 shall be a **prima facie** presumption of good faith.

3 (c) Failure to report the information required by this section shall constitute a
4 misdemeanor."

5 Sec. 3. Chapter 14 of the General Statutes is amended by adding a new
6 section to read:

7 "**§ 14-315.1. Safe storage of weapons to protect minors.**

8 (a) It shall constitute a misdemeanor for any person:

9 (1) To store or leave a firearm on any premises if the person knows or
10 reasonably should know that a minor would have or obtain access to
11 the firearm without the lawful permission of the minor's parents or a
12 person having charge of the minor; provided that:

13 a. The firearm is not:

14 1. Kept in a securely locked box, container, or in a location
15 that a reasonable person would believe to be secure;

16 2. Secured with a trigger lock; or

17 3. Carried by the person on the body, or placed in such
18 close proximity that it can be used as easily and quickly
19 as if carried on the body; and

20 b. A minor gains access to the firearm without the lawful
21 permission of the minor's parents or a person having charge of
22 the minor; and

23 1. Possesses it in violation of G.S. 14-269.2(b);

24 2. Exhibits it in a public place in a careless,
25 angry, or threatening manner; or

26 3. Intentionally or unintentionally causes personal injury or
27 death with it, or uses it in the commission of a crime.

28 (b) Subsection (a) of this section shall not apply if the minor obtained the firearm
29 as a result of an unlawful entry by any person.

30 (c) If a minor possesses a firearm in violation of G.S. 14-269.2(b) that is the
31 property of any adult living in the home with the minor, there shall be a **prima facie**
32 presumption of unsafe storage in violation of this section."

33 Sec. 4. Chapter 14 of the General Statutes is amended by adding a new
34 section to read:

35 "**§ 14-315.2. Warning upon sale or transfer of firearm to protect minor.**

36 (a) Upon the retail commercial sale or transfer of any firearm, the seller or
37 transferor shall deliver a written warning to the purchaser of transferee, which states in
38 block letters not less than one-half inch in height, the phrase 'IT IS UNLAWFUL, AND
39 PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY PERSON TO STORE
40 OR LEAVE A FIREARM IN ANY PLACE WITHIN THE EASY REACH OF A
41 MINOR.'

42 (b) Any retail or wholesale store, shop or sales outlet that sells firearms must
43 conspicuously post at each purchase counter the following warning in block letters not
44 less than one inch in height the phrase: 'IT IS UNLAWFUL TO STORE OR LEAVE

1 ANY FIREARM IN ANY PLACE WITHIN EASY REACH OR ACCESS OF A
2 MINOR'.

3 (c) Violation of subsection (a) or (b) of this section shall constitute a
4 misdemeanor."

5 Sec. 5. This act becomes effective December 1, 1993, and applies to offenses
6 committed on or after that date.