

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 486\*

Short Title: Rachel's Law. (Public)

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Sponsors: Senators Allran, Snow; Apodaca, Atwater, Berger of Franklin, Bingham, Cowell, Graham, Holloman, Jacumin, Nesbitt, Presnell, Rand, and Webster.

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Referred to: Judiciary II.

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March 15, 2005

A BILL TO BE ENTITLED

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

3 The General Assembly of North Carolina enacts:

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

5 **"§ 14-34.1. Discharging certain barreled weapons or a firearm into occupied**  
6 **property.**

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

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

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

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

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

22 (d) If a person violates subsection (c) of this section and the violation results in  
23 serious injury to any person, the person is guilty of a Class B2 felony."  
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25 **SECTION 2.** This act becomes effective December 1, 2005, and applies to  
26 offenses committed on or after that date.