

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 486*
Judiciary II Committee Substitute Adopted 4/13/05

Short Title: Rachel's Law.

(Public)

Sponsors:

Referred to:

March 15, 2005

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 discharge any firearm or~~ 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~~

~~second~~ 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, unless a greater penalty applies.

(b) A person who willfully or wantonly discharges a weapon described in subsection (a) of this section into an occupied dwelling or into any occupied vehicle, aircraft, watercraft, or other conveyance that is being operated upon a public road, highway, public vehicular area, railroad track or waterway, or in any airspace is guilty of a Class C felony.

(c) If a person violates subsection (a) 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.