

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS55112-LH-108 (02/11)

Short Title: Safe Storage of Firearms.

(Public)

Sponsors: Senator Graham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE STRICTER REQUIREMENTS FOR THE STORAGE OF
3 FIREARMS TO PROTECT MINORS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-315.1 reads as rewritten:

6 "§ 14-315.1. Storage of firearms to protect minors.

7 (a) Any person who ~~resides in the same premises as a minor, owns or possesses a~~
8 ~~firearm, and stores or leaves the a firearm (i) in a condition that the firearm can be discharged~~
9 ~~and (ii) in a manner that the person knew or should have known that an unsupervised minor~~
10 ~~would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains~~
11 ~~access to the firearm without the lawful permission of the minor's parents or a person having~~
12 ~~charge of the minor and the minor:~~

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

14 (2) Exhibits it in a public ~~place~~ place in a careless, angry, or threatening manner;

15 (3) ~~Causes personal injury or death with it not in self defense; or~~

16 (4) ~~Uses it in the commission of a crime.~~

17 (a1) Any person who stores or leaves a firearm in a manner in which the person knew or
18 should have known that a minor would be able to gain access to the firearm is guilty of a Class
19 A1 misdemeanor if a minor gains access to the firearm without the lawful permission of the
20 minor's parents or a person having charge of the minor and the minor:

21 (1) Uses the firearm to cause personal injury or death, not in self-defense; or

22 (2) Uses the firearm in the commission of a crime.

23 (a2) Subsections (a) and (a1) of this section shall not apply if:

24 (1) The firearm is kept unloaded in a locked box or container, with the
25 ammunition stored separately; or

26 (2) The firearm is kept unloaded and equipped with a tamper-resistant
27 mechanical lock or other safety device properly engaged so as to render the
28 weapon inoperable by any person other than the owner or other lawfully
29 authorized user.

30 (b) Nothing in this section shall prohibit a person from carrying a firearm on his or her
31 body, or placed in such close proximity that it can be used as easily and quickly as if carried on
32 the body.

33 (c) This section shall not apply if the minor obtained the firearm as a result of an
34 unlawful entry by any person.



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1 (d) "Minor" as used in this section means a person under 18 years of age who is not
2 emancipated."

3 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
4 offenses committed on or after that date.