

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 149

Short Title: No Plastic Knuckles. (Public)

Sponsors: Senators Kinnaird; McKissick, Preston, and Robinson.

Referred to: Rules and Operations of the Senate.

March 1, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED
3 PLASTIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT
4 UNLAWFUL TO CARRY PLASTIC KNUCKLES, WHETHER OPENLY OR
5 CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO
6 SELL OR OTHERWISE TRANSFER PLASTIC KNUCKLES TO A MINOR.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-269(a) reads as rewritten:

9 "(a) It shall be unlawful for any person willfully and intentionally to carry concealed
10 about his person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles,
11 plastic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind, except when
12 the person is on the person's own premises."

13 **SECTION 2.** G.S. 14-269.2 reads as rewritten:

14 **"§ 14-269.2. Weapons on campus or other educational property.**

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

16 (1) Educational property. – Any school building or bus, school campus,
17 grounds, recreational area, athletic field, or other property owned, used, or
18 operated by any board of education or school board of trustees, or directors
19 for the administration of any school.

20 (1a) Employee. – A person employed by a local board of education or school
21 whether the person is an adult or a minor.

22 (1b) School. – A public or private school, community college, college, or
23 university.

24 (2) Student. – A person enrolled in a school or a person who has been suspended
25 or expelled within the last five years from a school, whether the person is an
26 adult or a minor.

27 (3) Switchblade knife. – A knife containing a blade that opens automatically by
28 the release of a spring or a similar contrivance.

29 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this
30 section.

31 (b) It shall be a Class I felony for any person to possess or carry, whether openly or
32 concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a
33 curricular or extracurricular activity sponsored by a school. Unless the conduct is covered
34 under some other provision of law providing greater punishment, any person who willfully
35 discharges a firearm of any kind on educational property is guilty of a Class F felony. However,
36 this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.



1 (b1) It shall be a Class G felony for any person to possess or carry, whether openly or
2 concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in
3 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored
4 by a school. This subsection shall not apply to fireworks.

5 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is
6 less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or
7 other firearm of any kind on educational property. However, this subsection does not apply to a
8 BB gun, stun gun, air rifle, or air pistol.

9 (c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who
10 is less than 18 years old to possess or carry, whether openly or concealed, any dynamite
11 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on
12 educational property. This subsection shall not apply to fireworks.

13 (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly
14 or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot,
15 leaded cane, switchblade knife, blackjack, metallic knuckles, plastic knuckles, razors and razor
16 blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument
17 except instructional supplies, unaltered nail files and clips and tools used solely for preparation
18 of food, instruction, and maintenance, on educational property.

19 (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor
20 who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun,
21 stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade
22 knife, blackjack, metallic knuckles, plastic knuckles, razors and razor blades (except solely for
23 personal shaving), firework, or any sharp-pointed or edged instrument except instructional
24 supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction,
25 and maintenance, on educational property.

26 (f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor
27 rather than a Class I felony for any person to possess or carry, whether openly or concealed,
28 any gun, rifle, pistol, or other firearm of any kind, on educational property or to a curricular or
29 extracurricular activity sponsored by a school if:

30 (1) The person is not a student attending school on the educational property or
31 an employee employed by the school working on the educational property;
32 and

33 (1a) The person is not a student attending a curricular or extracurricular activity
34 sponsored by the school at which the student is enrolled or an employee
35 attending a curricular or extracurricular activity sponsored by the school at
36 which the employee is employed; and

37 (2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
38 applicable to offenses committed on or after that date.

39 (3) The firearm is not loaded, is in a motor vehicle, and is in a locked container
40 or a locked firearm rack.

41 (4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
42 applicable to offenses committed on or after that date.

43 (g) This section shall not apply to any of the following:

44 (1) A weapon used solely for educational or school-sanctioned ceremonial
45 purposes, or used in a school-approved program conducted under the
46 supervision of an adult whose supervision has been approved by the school
47 authority.

48 (1a) A person exempted by the provisions of G.S. 14-269(b).

49 (2) Firefighters, emergency service personnel, and North Carolina Forest
50 Service personnel, and any private police employed by a school, when acting
51 in the discharge of their official duties.

- 1 (3) Home schools as defined in G.S. 115C-563(a).
2 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
3 property in Johnston County owned by Johnston Community College when
4 used with the written permission of Johnston Community College or for
5 hunting purposes on other educational property when used with the written
6 permission of the governing body of the school that controls the educational
7 property.
8 (5) A person registered under Chapter 74C of the General Statutes as an armed
9 armored car service guard or an armed courier service guard when acting in
10 the discharge of the guard's duties and with the permission of the college or
11 university.
12 (6) A person registered under Chapter 74C of the General Statutes as an armed
13 security guard while on the premises of a hospital or health care facility
14 located on educational property when acting in the discharge of the guard's
15 duties with the permission of the college or university.
16 (h) No person shall be guilty of a criminal violation of this section with regard to the
17 possession or carrying of a weapon so long as both of the following apply:
18 (1) The person comes into possession of a weapon by taking or receiving the
19 weapon from another person or by finding the weapon.
20 (2) The person delivers the weapon, directly or indirectly, as soon as practical to
21 law enforcement authorities."

22 **SECTION 3.** G.S. 14-315(a) reads as rewritten:

23 "(a) Sale of Weapons Other Than Handguns. – If a person sells, offers for sale, gives, or
24 in any way transfers to a minor any pistol cartridge, brass knucks, plastic knuckles, bowie
25 knife, dirk, shurikin, leaded cane, or slungshot, the person is guilty of a Class 1 misdemeanor
26 and, in addition, shall forfeit the proceeds of any sale made in violation of this section."

27 **SECTION 4.** This act becomes effective December 1, 2011, and applies to
28 offenses committed on or after that date.