

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 151
SENATE BILL 971

AN ACT TO INCREASE THE MAXIMUM LAWFUL CAPACITY OF TEAR GAS
CONTAINERS FOR USE BY INDIVIDUALS FOR SELF-DEFENSE PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-401.6(a) reads as rewritten:

"(a) It is unlawful for any person, firm, corporation or association to possess, use, store, sell, or transport within the State of North Carolina, any form of that type of gas generally known as 'tear gas,' or any container or device for holding or releasing that gas; except this section does not apply to the possession, use, storage, sale or transportation of that gas or any container or device for holding or releasing that gas:

- (1) By officers and enlisted personnel of the armed forces of the United States or this State while in the discharge of their official duties and acting under orders requiring them to carry arms or weapons;
- (2) By or for any governmental agency for official use of the agency;
- (3) By or for county, municipal or State law-enforcement officers in the discharge of their official duties;
- (4) By or for security guards registered under Chapter 74C of the General Statutes or company police officers commissioned under Chapter 74E of the General Statutes, provided they are on duty and have received training according to standards prescribed by the State Bureau of Investigation;
- (5) For bona fide scientific, educational, or industrial purposes;
- (6) In safes, vaults, and depositories, as a means or protection against robbery;
- (7) For use in the home for protection and elsewhere by individuals, who have not been convicted of a felony, for self-defense purposes only, as long as the capacity of ~~any tear any~~:
 - a. Tear gas cartridge, shell, device or container does not exceed 50 150 cubic centimeters,
 - b. Tear gas cartridge or shell does not exceed 50 cubic centimeters, and any tear
 - c. Tear gas device or container does not have the capability of discharging any cartridge, shell, or container larger than 50 cubic centimeters."

Sec. 2. This act becomes effective July 1, 1993.

In the General Assembly read three times and ratified this the 14th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives