

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

6

HOUSE BILL 1008
Committee Substitute Favorable 5/7/93
Third Edition Engrossed 5/12/93
Senate Education/Higher Education Committee Substitute Adopted 7/7/93
Senate Judiciary II Committee Substitute Adopted 7/15/93
Sixth Edition Engrossed 7/16/93

Short Title: Up Penalties/Weapons in School.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS I FELONY TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR TO CAUSE, ENCOURAGE, OR AID A MINOR TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO CAUSE, ENCOURAGE, OR AID A MINOR TO TAKE OR POSSESS OTHER TYPES OF WEAPONS ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO FAIL TO STORE FIREARMS IN A REASONABLE MANNER FOR THE PROTECTION OF MINORS AND TO FAIL TO WARN A PERSON OF THIS LAW UPON THE SALE OR TRANSFER OF A FIREARM, AND TO PROVIDE THAT ANY JUVENILE BRINGING A GUN OR DANGEROUS WEAPON TO SCHOOL SHALL BE INELIGIBLE FOR A NORTH CAROLINA DRIVERS LICENSE UNTIL THE JUVENILE IS EIGHTEEN YEARS OF AGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269.2 reads as rewritten:

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

~~It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as~~

1 ~~defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-~~
2 ~~blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used~~
3 ~~solely for instructional or school sanctioned ceremonial purposes, in any public or~~
4 ~~private school building or bus, on any public or private school campus, grounds,~~
5 ~~recreation area, athletic field, or other property owned, used or operated by any board of~~
6 ~~education, school, college, or university board of trustees or directors for the~~
7 ~~administration of any public or private educational institution. For the purpose of this~~
8 ~~section a self-opening or switch-blade knife is defined as a knife containing a blade or~~
9 ~~blades which open automatically by the release of a spring or a similar contrivance, and~~
10 ~~the above phrase 'weapon of like kind' includes razors and razor blades (except solely~~
11 ~~for personal shaving) and any sharp pointed or edged instrument except unaltered nail~~
12 ~~files and clips and tools used solely for preparation of food, instruction and~~
13 ~~maintenance. This section shall not apply to the following persons: Officers and~~
14 ~~enlisted personnel of the armed forces of the United States when in discharge of their~~
15 ~~official duties as such and acting under orders requiring them to carry arms or weapons,~~
16 ~~civil officers of the United States while in the discharge of their official duties, officers~~
17 ~~and soldiers of the militia and the national guard when called into actual service,~~
18 ~~officers of the State, or of any county, city, or town, charged with the execution of the~~
19 ~~laws of the State, when acting in the discharge of their official duties, any pupils who~~
20 ~~are members of the Reserve Officer Training Corps and who are required to carry arms~~
21 ~~or weapons in the discharge of their official class duties, and any private police~~
22 ~~employed by the administration or board of trustees of any public or private institution~~
23 ~~of higher education when acting in the discharge of their duties.~~

24 ~~Any person violating the provisions of this section shall be guilty of a misdemeanor~~
25 ~~and upon conviction shall be punished in the discretion of the court.~~

26 ~~(a) The following definitions apply to this section:~~

- 27 ~~(1) Educational property. – Any public or private school building or bus,~~
28 ~~public or private school campus, grounds, recreational area, athletic~~
29 ~~field, or other property owned, used, or operated by any board of~~
30 ~~education, school, college, or university board of trustees, or directors~~
31 ~~for the administration of any public or private educational institution.~~
- 32 ~~(2) Student. – A person enrolled in a public or private school, college or~~
33 ~~university, or a person who has been suspended or expelled within the~~
34 ~~last five years from a public or private school, college or university,~~
35 ~~whether the person is an adult or a minor.~~
- 36 ~~(3) Switchblade knife. – A knife containing a blade or blades which open~~
37 ~~automatically by the release of a spring or a similar contrivance.~~
- 38 ~~(4) Weapon. – Any device enumerated in subsection (b) or (d) of this~~
39 ~~section.~~

40 ~~(b) It shall be a Class I felony for any person to possess or carry, whether openly~~
41 ~~or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite~~
42 ~~cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on~~
43 ~~educational property. However, this subsection does not apply to a BB gun, air rifle, or~~
44 ~~air pistol.~~

1 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor
2 who is less than 18 years old to possess or carry, whether openly or concealed, any gun,
3 rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade,
4 mine, or powerful explosive as defined in G.S. 14-284.1, on educational property.
5 However, this subsection does not apply to a BB gun, air rifle, or air pistol.

6 (d) It shall be a misdemeanor for any person to possess or carry, whether openly
7 or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot,
8 leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades
9 (except solely for personal shaving), and any sharp-pointed or edged instrument except
10 instructional supplies, unaltered nail files and clips and tools used solely for preparation
11 of food, instruction, and maintenance, on educational property.

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

19 (f) Notwithstanding subsection (b) of this section it shall be a misdemeanor
20 rather than a Class I felony for any person to possess or carry, whether openly or
21 concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property if:

- 22 (1) The person is not a student attending school on the educational
23 property;
24 (2) The firearm is not concealed within the meaning of G.S. 14-269;
25 (3) The firearm is not loaded and is in a locked container, a locked
26 vehicle, or a locked firearm rack which is on a motor vehicle; and
27 (4) The person does not brandish, exhibit, or display the firearm in any
28 careless, angry, or threatening manner.

29 (g) This section shall not apply to:

- 30 (1) A weapon used solely for educational or school-sanctioned ceremonial
31 purposes, or used in a school-approved program conducted under the
32 supervision of an adult whose supervision has been approved by the
33 school authority;
34 (2) Armed forces personnel, officers and soldiers of the militia and
35 national guard, law enforcement personnel, and any private police
36 employed by an educational institution, when acting in the discharge
37 of their official duties; or
38 (3) Home schools as defined in G.S. 115C-563(a)."

39 Sec. 2. Chapter 14 of the General Statutes is amended by adding the
40 following new sections:

41 **"§ 14-315.1. Storage of firearms to protect minors.**

42 (a) Any person who resides in the same premises as a minor, owns or possesses a
43 firearm, and stores or leaves the firearm (i) in a condition that the firearm can be
44 discharged and (ii) in a manner that the person knew or should have known that an

1 unsupervised minor would be able to gain access to the firearm, is guilty of a
2 misdemeanor if a minor gains access to the firearm without the lawful permission of the
3 minor's parents or a person having charge of the minor and the minor:

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

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

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

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

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

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

13 (d) 'Minor' as used in this section means a person under 18 years of age who is
14 not emancipated.

15 **"§ 14-315.2. Warning upon sale or transfer of firearm to protect minor.**

16 (a) Upon the retail commercial sale or transfer of any firearm, the seller or
17 transferor shall deliver a written copy of G.S. 14-315.1 to the purchaser or transferee.

18 (b) Any retail or wholesale store, shop, or sales outlet that sells firearms shall
19 conspicuously post at each purchase counter the following warning in block letters not
20 less than one inch in height the phrase: 'IT IS UNLAWFUL TO STORE OR LEAVE A
21 FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A
22 REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR.'

23 (c) A violation of subsection (a) or (b) of this section is a misdemeanor."

24 Sec. 3. G.S. 20-9 is amended by adding a new subsection to read:

25 "(a1) The Division shall not issue a drivers license to any person under 18 years of
26 age who was convicted of an offense under G.S. 14-269.2, or was adjudicated
27 delinquent for acts that would constitute a violation of G.S. 14-269.2 if committed by an
28 adult, if the offense or act occurred before the person reached the age of 16."

29 Sec. 4. Chapter 20 of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 20-17.5. Revocation of provisional license for gun on campus convictions.**

32 (a) The Division shall revoke the drivers license of a provisional licensee who is
33 convicted of an offense under G.S. 14-269.2 if the offense occurred when the person
34 was 16 years of age or older.

35 (b) A revocation under this section shall be until the person reaches 18 years of
36 age.

37 (c) Revocations under this section shall run concurrently with any other
38 revocations, but a limited driving privilege issued pursuant to law does not authorize a
39 provisional licensee to drive if his license is revoked under this section."

40 Sec. 5. G.S. 20-24(a) reads as rewritten:

41 "(a) Whenever any person is convicted of any offense for which this Article makes
42 mandatory the revocation of the driver's license of such person by the Division, the
43 court in which such conviction is had shall require the surrender to it of all drivers'

1 licenses then held by the person so convicted and the court shall thereupon forward the
2 same, together with a record of such conviction, to the Division within 30 days.

3 When any juvenile who has not reached his eighteenth birthday is convicted of any
4 offense under G.S. 14-269.2, or is adjudicated delinquent for acts that would constitute
5 a violation of G.S. 14-269.2 if committed by an adult, the court shall report the
6 conviction or adjudication of delinquency to the Division within 30 days. The Division
7 is an authorized agency pursuant to G.S. 7A-675 to maintain juvenile records.

8 The clerks of court, assistant clerks of court and deputy clerks of court in which any
9 person is convicted, and as a result thereof the revocation or suspension of the driver's
10 license of such person is required under the provisions of this Chapter, are hereby
11 designated as agents of the Division of Motor Vehicles for the purpose of receiving all
12 drivers' licenses required to be surrendered under this section, and are hereby authorized
13 to and shall give to such licensee a dated receipt for any such license surrendered, such
14 receipt to be upon such form as may be approved by the Commissioner of Motor
15 Vehicles. The original of such receipt shall be mailed forthwith to the Driver License
16 Section of the Division of Motor Vehicles together with the driver's license. Any
17 driver's license which has been surrendered and for which a receipt has been issued as
18 herein required shall be revoked or suspended as the case may be as of the date shown
19 upon the receipt issued to such person."

20 Sec. 6. G.S. 20-27(a) reads as rewritten:

21 "(a) All records of the Division pertaining to application and to drivers' licenses,
22 except the confidential medical report referred to in G.S. 20-7 and the records of acts of
23 delinquency that would constitute a violation of offenses under G.S. 14-269.2 required
24 to be reported by G.S. 20-24(a), of the current or previous five years shall be open to
25 public inspection at any reasonable time during office hours and copies shall be
26 provided pursuant to the provisions of G.S. 20-26."

27 Sec. 7. This act becomes effective December 1, 1993, and applies to all
28 offenses or acts of delinquency committed on or after that date.