

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 597
HOUSE BILL 1770

AN ACT TO MAKE IT A FELONY FOR ANY PERSON TO TRANSFER A
HANDGUN TO A MINOR AS RECOMMENDED BY THE CHILD FATALITY
TASK FORCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269.7(c) reads as rewritten:

"(c) The following definitions apply in this section:

- (1) Handgun. — Any dangerous ~~A~~ firearm including a pistol or revolver that has a short stock and is designed to be fired by the use of a single hand. ~~hand, or any combination of parts from which such a firearm can be assembled.~~
- (2) Minor. — Any person under ~~the age of~~ 18 years of age."

Sec. 2. G.S. 14-315 reads as rewritten:

"§ 14-315. Selling or giving weapons to minors.

(a) ~~Offense.~~ Sale of Weapons Other Than Handguns. — ~~If any a person shall sell, offer-sells, offers for sale, give-gives, or in any way dispose-transfers of to a minor any handgun as defined in G.S. 14-269.7, pistol, pistol cartridge, brass knucks, bowie knife, dirk, shurikin, leaded cane-cane, or slungshot, he shall be the person is guilty of a Class 1 misdemeanor and-and, in addition,~~ shall forfeit the proceeds of any sale made in violation of this section.

(a1) Sale of Handguns. — If a person sells, offers for sale, gives, or in any way transfers to a minor any handgun as defined in G.S. 14-269.7, the person is guilty of a Class I felony and, in addition, shall forfeit the proceeds of any sale made in violation of this section. This section does not apply in any of the following circumstances:

- (1) The handgun is lent to a minor for temporary use if the minor's possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- (2) The handgun is transferred to an adult custodian pursuant to Chapter 33A of the General Statutes, and the minor does not take possession of the handgun except that the adult custodian may allow the minor temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- (3) The handgun is a devise or legacy and is distributed to a parent or guardian under G.S. 28A-22-7, and the minor does not take possession of the handgun except that the parent or guardian may allow the minor

temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.

(b) ~~Defense.— It shall be a defense to a violation of subsection (a) of this section if the person:~~

- ~~(1) Shows that the minor produced a drivers license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing a physical description of the person named on the card reasonably describing the minor; or~~
- ~~(2) Produces evidence of other facts that reasonably indicated at the time of sale that the minor was at least the required age.~~

(b1) Defense. – It shall be a defense to a violation of this section if all of the following conditions are met:

- (1) The person shows that the minor produced an apparently valid permit to receive the weapon, if such a permit would be required under G.S. 14-402 or G.S. 14-409.1 for transfer of the weapon to an adult.
- (2) The person reasonably believed that the minor was not a minor.
- (3) The person either:
 - a. Shows that the minor produced a drivers license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing the minor's age to be at least the required age for purchase and bearing a physical description of the person named on the card reasonably describing the minor; or
 - b. Produces evidence of other facts that reasonably indicated at the time of sale that the minor was at least the required age."

Sec. 3. This act becomes effective January 1, 1995, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 1st day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives