

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1096
Second Edition Engrossed 4/28/99
House Committee Substitute Favorable 5/24/99

Short Title: No Guns at School Law/School Employees.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A FELONY FOR A SCHOOL EMPLOYEE TO POSSESS A
3 FIREARM ON EDUCATIONAL PROPERTY AND TO MAKE IT A FELONY
4 FOR A STUDENT OR SCHOOL EMPLOYEE TO HAVE A FIREARM AT A
5 CURRICULAR OR EXTRACURRICULAR ACTIVITY SPONSORED BY THE
6 SCHOOL.

7 The General Assembly of North Carolina enacts:

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

9 "**§ 14-269.2. Weapons on campus or other educational property.**

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

11 (1) Educational property. – Any public or private school building or bus,
12 public or private school campus, grounds, recreational area, athletic
13 field, or other property owned, used, or operated by any board of
14 education, school, community college, college, or university board of
15 trustees, or directors for the administration of any public or private
16 educational institution.

- 1 (1a) Employee. – A person employed by a local board of education, public
2 or private school, community college, college, or university, whether
3 the person is an adult or a minor.
- 4 (2) Student. – A person enrolled in a public or private school, ~~college~~
5 college, community college, or university, or a person who has been
6 suspended or expelled within the last five years from a public or private
7 school, ~~college~~ community college, college, or university, whether the
8 person is an adult or a minor.
- 9 (3) Switchblade knife. – A knife containing a blade that opens
10 automatically by the release of a spring or a similar contrivance.
- 11 (4) Weapon. – Any device enumerated in subsection (b) or (d) of this
12 section.

13 (b) It shall be a Class I felony for any person knowingly to possess or carry,
14 whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any
15 dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-
16 284.1, on educational ~~property.~~ property or to a curricular or extracurricular activity
17 sponsored by a school. However, this subsection does not apply to a BB gun, stun gun,
18 air rifle, or air pistol.

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

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

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

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

- 1 (1) The person is not a student attending school on the educational ~~property;~~
2 property or an employee employed by the school working on the
3 educational property; and
- 4 (1a) The person is not a student attending a curricular or extracurricular
5 activity sponsored by the school at which the student is enrolled or an
6 employee attending a curricular or extracurricular activity sponsored by
7 the school at which the employee is employed; and
- 8 ~~(2) The firearm is not concealed within the meaning of G.S. 14-269;~~
- 9 (3) The firearm is not ~~loaded and is in a locked container, a locked vehicle,~~
10 ~~or a locked firearm rack which is on a motor vehicle; and loaded, is in a~~
11 ~~motor vehicle, and is in a locked container or a locked firearm rack.~~
- 12 ~~(4) The person does not brandish, exhibit, or display the firearm in any~~
13 ~~careless, angry, or threatening manner.~~
- 14 (g) This section shall not apply to:
- 15 (1) A weapon used solely for educational or school-sanctioned ceremonial
16 purposes, or used in a school-approved program conducted under the
17 supervision of an adult whose supervision has been approved by the
18 school authority;
- 19 (1a) A person exempted by the provisions of G.S. 14-269(b);
- 20 (2) Firefighters, emergency service personnel, North Carolina Forest
21 Service personnel, and any private police employed by an educational
22 institution, when acting in the discharge of their official duties; or
- 23 (3) Home schools as defined in G.S. 115C-563(a)."
- 24 Section 2. This act becomes effective December 1, 1999, and applies to
25 offenses committed on or after that date.