

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 793

Short Title: No Handguns Unless 18.

(Public)

Sponsors: Senators Winner of Mecklenburg, Richardson, Odom, Blackmon; Gulley, Conder, Marshall, Ballance, and Lee.

Referred to: Judiciary I.

April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A MISDEMEANOR FOR A PERSON UNDER EIGHTEEN YEARS OF AGE TO POSSESS OR CARRY A HANDGUN AND TO MAKE IT A MISDEMEANOR TO SELL OR TRANSFER ANY HANDGUN TO A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE.

The General Assembly of North Carolina enacts:

Section 1. Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-269.7. Prohibitions on handguns for minors.

(a) Any minor who possesses or carries a handgun is guilty of a misdemeanor punishable by imprisonment for up to six months, a fine of up to five hundred dollars (\$500.00), or both.

(b) This section does not apply:

(1) To officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties or acting under orders requiring them to carry handguns.

(2) To a minor who possesses a handgun for educational or recreational purposes while the minor is supervised by an adult who is present.

(c) The following definitions apply in this section:

(1) Handgun. – Any firearm including a pistol or revolver designed to be fired by the use of a single hand.

(2) Minor. – Any person under the age of 18 years of age."

Sec. 2. G.S. 14-269.1 reads as rewritten:

1 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

2 Upon conviction of any person for violation of G.S. ~~14-269-14-269~~, G.S. 14-269.7,
3 or any other offense involving the use of a deadly weapon of a type referred to in G.S.
4 14-269, the deadly weapon with reference to which the defendant shall have been
5 convicted shall be ordered confiscated and disposed of by the presiding judge at the trial
6 in one of the following ways in the discretion of the presiding judge.

- 7 (1) By ordering the weapon returned to its rightful owner, but only when
8 such owner is a person other than the defendant and has filed a petition
9 for the recovery of such weapon with the presiding judge at the time of
10 the defendant's conviction, and upon a finding by the presiding judge
11 that petitioner is entitled to possession of same and that he was
12 unlawfully deprived of the same without his consent.
- 13 (2) By ordering the weapon turned over to a law-enforcement agency in
14 the county of trial for the official use of such agency, but only upon the
15 written request by the head or chief of such agency. The clerk of the
16 superior court of such county shall maintain a record of such weapons
17 and the law-enforcement agency receiving them.
- 18 (3) By ordering the weapon turned over to the sheriff of the county in
19 which the trial is held to be sold as herein provided. Under the
20 direction of the sheriff, the weapon shall be sold at public auction after
21 one advertisement in a newspaper having general circulation in the
22 county which advertisement shall be at least seven days prior to sale.
23 The proceeds of such sale shall go to the general fund of the county in
24 which such weapons are sold. The sheriff shall maintain a record and
25 inventory of all such weapons received and sold by him. Sales of such
26 weapons by the sheriff shall be held at least once each year.
- 27 (4) By ordering such weapon turned over to the sheriff of the county in
28 which the trial is held or his duly authorized agent to be destroyed. The
29 sheriff shall maintain a record of the destruction thereof.
- 30 (5) By ordering such weapon turned over to the North Carolina State
31 Bureau of Investigation's Crime Laboratory Weapons Reference
32 Library for official use by that agency. The State Bureau of
33 Investigation shall maintain a record and inventory of all such
34 weapons received.
- 35 (6) By ordering such weapons turned over to the North Carolina Justice
36 Academy for official use by that agency. The North Carolina Justice
37 Academy shall maintain a record and inventory of all such weapons
38 received."

39 Sec. 3. G.S. 14-315 reads as rewritten:

40 **"§ 14-315. Selling or giving weapons to minors.**

41 If any person shall knowingly sell, offer for sale, give or in any way dispose of to a
42 minor any handgun as defined in G.S. 14-269.7, ~~pistol, pistol or pistol~~ cartridge, brass
43 knucks, bowie knife, dirk, shurikin, loaded cane or slingshot, he shall be guilty of a

1 ~~misdemeanor.~~ misdemeanor and shall forfeit the proceeds of any sale made in violation
2 of this section."

3 Sec. 4. This act becomes effective September 1, 1993, and applies to
4 offenses committed on or after that date.