

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 793
Second Edition Engrossed 5/11/93
House Committee Substitute Favorable 6/23/93

Short Title: No Handguns Unless 18.

(Public)

Sponsors:

Referred to:

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.

(3) To an emancipated minor who possesses such handgun inside his or her residence.

(4) To a minor who possesses a handgun while hunting or trapping outside the limits of an incorporated municipality if he has on his person

1 written permission from a parent, guardian, or other person standing in
2 loco parentis.

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

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

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

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

8 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

9 Upon conviction of any person for violation of G.S. ~~14-269~~14-269, G.S. 14-269.7,
10 or any other offense involving the use of a deadly weapon of a type referred to in G.S.
11 14-269, the deadly weapon with reference to which the defendant shall have been
12 convicted shall be ordered confiscated and disposed of by the presiding judge at the trial
13 in one of the following ways in the discretion of the presiding judge.

14 (1) By ordering the weapon returned to its rightful owner, but only when
15 such owner is a person other than the defendant and has filed a petition
16 for the recovery of such weapon with the presiding judge at the time of
17 the defendant's conviction, and upon a finding by the presiding judge
18 that petitioner is entitled to possession of same and that he was
19 unlawfully deprived of the same without his consent.

20 (2) By ordering the weapon turned over to a law-enforcement agency in
21 the county of trial for the official use of such agency, but only upon the
22 written request by the head or chief of such agency. The clerk of the
23 superior court of such county shall maintain a record of such weapons
24 and the law-enforcement agency receiving them.

25 (3) By ordering the weapon turned over to the sheriff of the county in
26 which the trial is held to be sold as herein provided. Under the
27 direction of the sheriff, the weapon shall be sold at public auction after
28 one advertisement in a newspaper having general circulation in the
29 county which advertisement shall be at least seven days prior to sale.
30 The proceeds of such sale shall go to the general fund of the county in
31 which such weapons are sold. The sheriff shall maintain a record and
32 inventory of all such weapons received and sold by him. Sales of such
33 weapons by the sheriff shall be held at least once each year.

34 (4) By ordering such weapon turned over to the sheriff of the county in
35 which the trial is held or his duly authorized agent to be destroyed. The
36 sheriff shall maintain a record of the destruction thereof.

37 (5) By ordering such weapon turned over to the North Carolina State
38 Bureau of Investigation's Crime Laboratory Weapons Reference
39 Library for official use by that agency. The State Bureau of
40 Investigation shall maintain a record and inventory of all such
41 weapons received.

42 (6) By ordering such weapons turned over to the North Carolina Justice
43 Academy for official use by that agency. The North Carolina Justice

1 Academy shall maintain a record and inventory of all such weapons
2 received."

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

4 **"§ 14-315. Selling or giving weapons to minors.**

5 (a) Offense. – If any person shall ~~knowingly~~ sell, offer for sale, give or in any way
6 dispose of to a minor any handgun as defined in G.S. 14-269.7, pistol, pistol or pistol
7 cartridge, brass knucks, bowie knife, dirk, shurikin, ~~loaded~~—loaded cane or
8 slingshot, slungshot, he shall be guilty of a ~~misdemeanor~~—misdemeanor and shall forfeit
9 the proceeds of any sale made in violation of this section.

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

12 (1) Shows that the minor produced a drivers license, a special
13 identification card issued under G.S. 20-37.7, a military identification
14 card, or a passport, showing his age to be at least the required age for
15 purchase and bearing a physical description of the person named on
16 the card reasonably describing the minor; or

17 (2) Produces evidence of other facts that reasonably indicated at the time
18 of sale that the minor was at least the required age."

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