

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1231

Short Title: Safe Storage of Firearms.

(Public)

Sponsors: Representative Kinney.

Referred to: Judiciary I.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE STORAGE OF FIREARMS TO PROTECT MINORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-315.1 reads as rewritten:

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

(a) Any person who ~~resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the a firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that in which~~ the person knew or should have known that ~~an unsupervised a~~ minor would be able to gain access to the ~~firearm, firearm~~ is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the ~~minor and the minor: minor.~~

- (1) ~~Possesses it in violation of G.S. 14-269.2(b);~~
- (2) ~~Exhibits it in a public place in a careless, angry, or threatening manner;~~
- (3) ~~Causes personal injury or death with it not in self defense; or~~
- (4) ~~Uses it in the commission of a crime.~~

(a1) Any person who stores or leaves a firearm in a manner in which the person knew or should have known that a minor would be able to gain access to the firearm is guilty of a Class I felony if a minor gains access to the firearm without the lawful

1 permission of the minor's parents or a person having charge of the minor and the minor
2 uses the firearm to cause personal injury or death, not in self-defense.

3 (a2) Subsections (a) and (a1) shall not apply if the firearm is kept in a locked box or
4 container or equipped with a tamper-resistant mechanical lock or other safety device,
5 properly engaged so as to render the weapon inoperable by any person other than the
6 owner or other lawfully authorized user.

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

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

12 (c1) If any minor is unintentionally shot by another family member, no arrest shall
13 be made pursuant to this section prior to seven days after the date of the shooting.

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

16 Section 2. This act becomes effective December 1, 1999, and applies to
17 offenses committed on or after that date.