

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 1091
Committee Substitute Favorable 4/30/03**

Short Title: Penalty for Illegal Indoor Pyrotechnics. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE PENALTY FOR INDOOR EXHIBITIONS OF
ILLEGAL PYROTECHNICS.

Whereas, the recent tragedy in Rhode Island where indoor pyrotechnics were apparently used in a crowded indoor club without the permit required by state law has prompted many to see if a similar tragedy could occur in this State; and

Whereas, that tragedy was compounded by the use of combustible materials for soundproofing; and

Whereas, North Carolina like Rhode Island has a law requiring permits for the use of pyrotechnics, which are especially dangerous in crowded indoor situations, but the General Assembly has little knowledge about the extent of compliance with this law; and

Whereas, the same band that played at the Rhode Island nightclub date had played at a nightclub in Winston-Salem just a week earlier and, according to press reports, had used some form of pyrotechnics; and

Whereas, there are many local acts relating to pyrotechnic displays, some delegating from the county commission to county staff the authority to grant such permits, some delegating to municipalities the power to issue such permits, and one in Charlotte requiring an additional permit from the fire department; and

Whereas, current North Carolina law has only minor penalties for violation of the pyrotechnic laws and other related laws; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-415 reads as rewritten:

"§ 14-415. Violation made misdemeanor.

Any person violating any of the provisions of this Article, except as otherwise specified in said Article, shall be guilty of a Class 2 ~~misdemeanor~~ misdemeanor, except that it is a Class 1 misdemeanor if the exhibition is indoors."

SECTION 2. The State Fire Marshal shall report to the Joint Legislative Commission on Governmental Operations no later than January 15, 2005, on the

1 compliance with this act and its effectiveness in reducing the risk of disasters and on the
2 compliance with the law requiring permits for pyrotechnic displays, as well as the
3 current local legislation on the subject. The State Fire Marshal may include in that
4 report any recommendations for additional legislation.

5 **SECTION 3.** This act becomes effective with respect to offenses committed
6 on or after December 1, 2003.