

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 650
PROPOSED COMMITTEE SUBSTITUTE S650-PCS35271-CE-17

Short Title: Gun Violence Prevention Act.

(Public)

Sponsors:

Referred to:

April 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF POSSESSING A FIREARM OR WEAPON OF
3 MASS DEATH AND DESTRUCTION BY A FELON DURING THE COMMISSION OR
4 ATTEMPTED COMMISSION OF A FELONY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 54A of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 14-415.1A. Possession of certain weapons by felon during the commission or attempted**
9 **commission of a felony.**

10 (a) Definitions. – The following definitions apply in this section:

11 (1) Brandish. – To display all or part of the firearm or weapon of mass death and
12 destruction or otherwise make the presence of the firearm or weapon of mass
13 death and destruction known to another person.

14 (2) Firearm. – As defined in G.S. 14-409.39.

15 (3) Weapon of mass death and destruction. – As defined in G.S. 14-288.8.

16 (b) Offense. – It is unlawful for any person who is prohibited pursuant to G.S. 14-415.1
17 from possessing a firearm or a weapon of mass death and destruction to possess a firearm or
18 weapon of mass death and destruction during the commission or attempted commission of a
19 felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes.

20 (c) Penalty. – Unless the conduct is covered under some other provision of law providing
21 greater punishment, a person who violates subsection (b) of this section is guilty of the following:

22 (1) A Class D felony, if the person discharges the firearm or weapon of mass death
23 and destruction during the commission or attempted commission of the felony.

24 (2) A Class F felony, if the person brandishes the firearm or weapon of mass death
25 and destruction during the commission or attempted commission of the felony.

26 (3) A Class G felony for any other violation of subsection (b) of this section.

27 (d) Separate Offense. – A violation of subsection (b) of this section is a separate offense
28 from the underlying felony offense, and G.S. 14-415.1, and shall not merge with any other
29 offense."

30 SECTION 2. G.S. 14-415.1(a) reads as rewritten:

31 "(a) It shall be unlawful for any person who has been convicted of a felony to purchase,
32 own, possess, or have in his custody, care, or control any firearm or any weapon of mass death
33 and destruction as defined in G.S. 14-288.8(c). For the purposes of this section, a firearm is (i)
34 any weapon, including a starter gun, which will or is designed to or may readily be converted to
35 expel a projectile by the action of an explosive, or its frame or receiver, or (ii) any firearm muffler



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1 or firearm silencer. This section does not apply to an antique firearm, as defined in
2 G.S. 14-409.11.

3 Every person violating the provisions of this section shall be punished as a Class G felon.
4 Violation of this section is not a lesser included offense of G.S. 14-415.1A."

5 **SECTION 3.** This act becomes effective December 1, 2023, and applies to offenses
6 committed on or after that date.