

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 28
PROPOSED COMMITTEE SUBSTITUTE H28-PCS30176-TC-1

Short Title: Gun Violence Prevention Act.

(Public)

Sponsors:

Referred to:

February 3, 2025

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

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-415.1 reads as rewritten:

8 **"§ 14-415.1. Possession of firearms, etc., by felon prohibited.**

9 (a) It ~~shall be~~ is unlawful for any person who has been convicted of a felony to purchase,
10 own, possess, or have in ~~his~~ the person's custody, care, or control any firearm or any weapon of
11 mass death and destruction as defined in G.S. 14-288.8(c). For the purposes of this section, a
12 firearm is (i) any weapon, including a starter gun, which will or is designed to or may readily be
13 converted to expel a projectile by the action of an explosive, or its frame or receiver, or (ii) any
14 firearm muffler or firearm silencer. This section does not apply to an antique firearm, as defined
15 in G.S. 14-409.11.

16 Every person violating the provisions of this ~~section shall be punished as~~ subsection is guilty
17 of a Class G felon-felony.

18 (a1) A person who violates subsection (a) of this section during the commission or
19 attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the
20 General Statutes is guilty of a Class F felony.

21 (a2) A person who violates subsection (a) of this section and brandishes a firearm or a
22 weapon of mass death and destruction during the commission or attempted commission of a
23 felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a
24 Class D felony. For the purposes of this subsection, to brandish is to display all or part of the
25 firearm or weapon of mass death and destruction or otherwise make the presence of the firearm
26 or weapon of mass death and destruction known to another person.

27 (a3) A person who violates subsection (a) of this section and discharges a firearm or a
28 weapon of mass death and destruction during the commission or attempted commission of a
29 felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a
30 Class C felony.

31 (b) Prior convictions which cause disentitlement under this section shall only include:

- 32 (1) Felony convictions in North Carolina that occur before, on, or after December
33 1, 1995; and
34 (2) Repealed by Session Laws 1995, c. 487, s. 3, effective December 1, 1995.
35 (3) Violations of criminal laws of other states or of the United States that occur
36 before, on, or after December 1, 1995, and that are substantially similar to the



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1 crimes covered in subdivision (1) which are punishable where committed by
2 imprisonment for a term exceeding one year.

3 When a person is charged under this section, records of prior convictions of any offense, whether
4 in the courts of this State, or in the courts of any other state or of the United States, shall be
5 admissible in evidence for the purpose of proving a violation of this section. The term
6 "conviction" is defined as a final judgment in any case in which felony punishment, or
7 imprisonment for a term exceeding one year, as the case may be, is authorized, without regard to
8 the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a
9 plea of guilty by the defendant to such an offense certified to a superior court of this State from
10 the custodian of records of any state or federal court shall be prima facie evidence of the facts so
11 certified.

12 (c) The indictment charging the defendant under the terms of this section shall be separate
13 from any indictment charging him with other offenses related to or giving rise to a charge under
14 this section. An indictment which charges the person with violation of this section must set forth
15 the date that the prior offense was committed, the type of offense and the penalty therefor, and
16 the date that the defendant was convicted or plead guilty to such offense, the identity of the court
17 in which the conviction or plea of guilty took place and the verdict and judgment rendered
18 therein.

19 (d) This section does not apply to a person who, pursuant to the law of the jurisdiction in
20 which the conviction occurred, has been pardoned or has had his or her firearms rights restored
21 if such restoration of rights could also be granted under North Carolina law.

22 (e) This section does not apply and there is no disentitlement under this section if the
23 felony conviction is a violation under the laws of North Carolina, another state, or the United
24 States that pertains to antitrust violations, unfair trade practices, or restraints of trade."

25 **SECTION 2.** This act becomes effective December 1, 2025, and applies to offenses
26 committed on or after that date.