

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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BILL DRAFT 2017-SA~~z~~-24 [v.2]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: Inc Penalties Threat/Firearm at School.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE VARIOUS CRIMINAL PENALTIES REGARDING FIREARMS
3 ON EDUCATIONAL PROPERTY, COMMUNICATING A THREAT OF MASS
4 VIOLENCE ON EDUCATIONAL PROPERTY, POSSESSION OF HANDGUNS BY
5 MINORS, AND STORAGE OF FIREARMS.

6 The General Assembly of North Carolina enacts:

7 SECTION. 1. G.S. 14-269.2 reads as rewritten:

8 "§ 14-269.2. Weapons on campus or other educational property.

9 (a) The following definitions apply to this section:

10 (1) Educational property. – Any school building or bus, school campus, grounds,
11 recreational area, athletic field, or other property owned, used, or operated by
12 any board of education or school board of trustees, or directors for the
13 administration of any school.

14 (1a) Employee. – A person employed by a local board of education or school
15 whether the person is an adult or a minor.

16 (1b) School. – A public or private school, community college, college, or
17 university.

18 (2) Student. – A person enrolled in a school or a person who has been suspended
19 or expelled within the last five years from a school, whether the person is an
20 adult or a minor.

21 (3) Switchblade knife. – A knife containing a blade that opens automatically by
22 the release of a spring or a similar contrivance.

23 (3a) Volunteer school safety resource officer. – A person who volunteers as a
24 school safety resource officer as provided by G.S. 162-26 or G.S. 160A-288.4.

25 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this
26 section.

27 (b) It shall be ~~a Class I felony~~ unlawful for any person knowingly to possess or carry,
28 whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational
29 property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct
30 is covered under some other provision of law providing greater punishment, violation of this
31 subsection shall be punished as follows:

32 (1) Any person who possesses or carries a weapon prohibited by this subsection
33 within a vehicle or a container affixed to a vehicle is guilty of a Class I felony.



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1 (2) Any person who removes a weapon prohibited by this subsection from a
2 vehicle or container affixed to a vehicle, or otherwise possesses or carries a
3 weapon prohibited by this subsection in any manner other than within a
4 vehicle or container affixed to a vehicle, is guilty of a Class F felony.

5 (3) ~~Any~~any person who willfully discharges a firearm of any kind on educational
6 property is guilty of a ~~Class F~~Class E felony.

7 However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

8 (b1) It shall be a ~~Class G~~Class F felony for any person to possess or carry, whether openly
9 or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in
10 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by
11 a school. This subsection shall not apply to fireworks.

12 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is
13 less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or
14 other firearm of any kind on educational property. However, this subsection does not apply to a
15 BB gun, stun gun, air rifle, or air pistol.

16 (c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is
17 less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge,
18 bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property.
19 This subsection shall not apply to fireworks.

20 (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly
21 or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot,
22 leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except
23 solely for personal shaving), firework, or any sharp-pointed or edged instrument except
24 instructional supplies, unaltered nail files and clips and tools used solely for preparation of food,
25 instruction, and maintenance, on educational property.

26 (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor
27 who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun
28 gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife,
29 blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving),
30 firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail
31 files and clips and tools used solely for preparation of food, instruction, and maintenance, on
32 educational property.

33 (f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather
34 than a Class I felony for any person to possess or carry, whether openly or concealed, any gun,
35 rifle, pistol, or other firearm of any kind, on educational property or to a curricular or
36 extracurricular activity sponsored by a school if:

37 (1) The person is not a student attending school on the educational property or an
38 employee employed by the school working on the educational property; and

39 (1a) The person is not a student attending a curricular or extracurricular activity
40 sponsored by the school at which the student is enrolled or an employee
41 attending a curricular or extracurricular activity sponsored by the school at
42 which the employee is employed; and

43 (2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
44 applicable to offenses committed on or after that date.

45 (3) The firearm is not loaded, is in a motor vehicle, and is in a locked container
46 or a locked firearm rack.

47 (4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
48 applicable to offenses committed on or after that date.

49 (g) This section shall not apply to any of the following:

50 (1) A weapon used solely for educational or school-sanctioned ceremonial
51 purposes, or used in a school-approved program conducted under the

- 1 supervision of an adult whose supervision has been approved by the school
2 authority.
- 3 (1a) A person exempted by the provisions of G.S. 14-269(b).
- 4 (2) Firefighters, emergency service personnel, North Carolina Forest Service
5 personnel, detention officers employed by and authorized by the sheriff to
6 carry firearms, and any private police employed by a school, when acting in
7 the discharge of their official duties.
- 8 (3) Home schools as defined in G.S. 115C-563(a).
- 9 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
10 property in Johnston County owned by Johnston Community College when
11 used with the written permission of Johnston Community College or for
12 hunting purposes on other educational property when used with the written
13 permission of the governing body of the school that controls the educational
14 property.
- 15 (5) A person registered under Chapter 74C of the General Statutes as an armed
16 armored car service guard or an armed courier service guard when acting in
17 the discharge of the guard's duties and with the permission of the college or
18 university.
- 19 (6) A person registered under Chapter 74C of the General Statutes as an armed
20 security guard while on the premises of a hospital or health care facility
21 located on educational property when acting in the discharge of the guard's
22 duties with the permission of the college or university.
- 23 (7) A volunteer school safety resource officer providing security at a school
24 pursuant to an agreement as provided in G.S. 115C-47(61) and either G.S.
25 162-26 or G.S. 160A-288.4, provided that the volunteer school safety resource
26 officer is acting in the discharge of the person's official duties and is on the
27 educational property of the school that the officer was assigned to by the head
28 of the appropriate local law enforcement agency.
- 29 (h) No person shall be guilty of a criminal violation of this section with regard to the
30 possession or carrying of a weapon so long as both of the following apply:
- 31 (1) The person comes into possession of a weapon by taking or receiving the
32 weapon from another person or by finding the weapon.
- 33 (2) The person delivers the weapon, directly or indirectly, as soon as practical to
34 law enforcement authorities.
- 35 (i) The provisions of this section shall not apply to an employee of an institution of higher
36 education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational institution who
37 resides on the campus of the institution at which the person is employed when all of the following
38 criteria are met:
- 39 (1) The employee's residence is a detached, single-family dwelling in which only
40 the employee and the employee's immediate family reside.
- 41 (2) The institution is either:
- 42 a. An institution of higher education as defined by G.S. 116-143.1.
- 43 b. A nonpublic post-secondary educational institution that has not
44 specifically prohibited the possession of a handgun pursuant to this
45 subsection.
- 46 (3) The weapon is a handgun.
- 47 (4) The handgun is possessed in one of the following manners as appropriate:
- 48 a. If the employee has a concealed handgun permit that is valid under
49 Article 54B of this Chapter, or who is exempt from obtaining a permit
50 pursuant to that Article, the handgun may be on the premises of the
51 employee's residence or in a closed compartment or container within

1 the employee's locked vehicle that is located in a parking area of the
2 educational property of the institution at which the person is employed
3 and resides. Except for direct transfer between the residence and the
4 vehicle, the handgun must remain at all times either on the premises
5 of the employee's residence or in the closed compartment of the
6 employee's locked vehicle. The employee may unlock the vehicle to
7 enter or exit, but must lock the vehicle immediately following the
8 entrance or exit if the handgun is in the vehicle.

9 b. If the employee is not authorized to carry a concealed handgun
10 pursuant to Article 54B of this Chapter, the handgun may be on the
11 premises of the employee's residence, and may only be in the
12 employee's vehicle when the vehicle is occupied by the employee and
13 the employee is immediately leaving the campus or is driving directly
14 to their residence from off campus. The employee may possess the
15 handgun on the employee's person outside the premises of the
16 employee's residence when making a direct transfer of the handgun
17 from the residence to the employee's vehicle when the employee is
18 immediately leaving the campus or from the employee's vehicle to the
19 residence when the employee is arriving at the residence from off
20 campus.

21 (j) The provisions of this section shall not apply to an employee of a public or nonpublic
22 school who resides on the campus of the school at which the person is employed when all of the
23 following criteria are met:

24 (1) The employee's residence is a detached, single-family dwelling in which only
25 the employee and the employee's immediate family reside.

26 (2) The school is either:

27 a. A public school which provides residential housing for enrolled
28 students.

29 b. A nonpublic school which provides residential housing for enrolled
30 students and has not specifically prohibited the possession of a
31 handgun pursuant to this subsection.

32 (3) The weapon is a handgun.

33 (4) The handgun is possessed in one of the following manners as appropriate:

34 a. If the employee has a concealed handgun permit that is valid under
35 Article 54B of this Chapter, or who is exempt from obtaining a permit
36 pursuant to that Article, the handgun may be on the premises of the
37 employee's residence or in a closed compartment or container within
38 the employee's locked vehicle that is located in a parking area of the
39 educational property of the school at which the person is employed
40 and resides. Except for direct transfer between the residence and the
41 vehicle, the handgun must remain at all times either on the premises
42 of the employee's residence or in the closed compartment of the
43 employee's locked vehicle. The employee may unlock the vehicle to
44 enter or exit, but must lock the vehicle immediately following the
45 entrance or exit if the handgun is in the vehicle.

46 b. If the employee is not authorized to carry a concealed handgun
47 pursuant to Article 54B of this Chapter, the handgun may be on the
48 premises of the employee's residence, and may only be in the
49 employee's vehicle when the vehicle is occupied by the employee and
50 the employee is immediately leaving the campus or is driving directly
51 to their residence from off campus. The employee may possess the

1 handgun on the employee's person outside the premises of the
2 employee's residence when making a direct transfer of the handgun
3 from the residence to the employee's vehicle when the employee is
4 immediately leaving the campus or from the employee's vehicle to the
5 residence when the employee is arriving at the residence from off
6 campus.

7 (k) The provisions of this section shall not apply to a person who has a concealed handgun
8 permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit
9 pursuant to that Article, if any of the following conditions are met:

10 (1) The person has a handgun in a closed compartment or container within the
11 person's locked vehicle or in a locked container securely affixed to the person's
12 vehicle and only unlocks the vehicle to enter or exit the vehicle while the
13 firearm remains in the closed compartment at all times and immediately locks
14 the vehicle following the entrance or exit.

15 (2) The person has a handgun concealed on the person and the person remains in
16 the locked vehicle and only unlocks the vehicle to allow the entrance or exit
17 of another person.

18 (3) The person is within a locked vehicle and removes the handgun from
19 concealment only for the amount of time reasonably necessary to do either of
20 the following:

21 a. Move the handgun from concealment on the person to a closed
22 compartment or container within the vehicle.

23 b. Move the handgun from within a closed compartment or container
24 within the vehicle to concealment on the person.

25 (l) It is an affirmative defense to a prosecution under subsection (b) or (f) of this section
26 that the person was authorized to have a concealed handgun in a locked vehicle pursuant to
27 subsection (k) of this section and removed the handgun from the vehicle only in response to a
28 threatening situation in which deadly force was justified pursuant to G.S. 14-51.3."

29 **SECTION 2.** G.S. 14-269.7 reads as rewritten:

30 **"§ 14-269.7. Prohibitions on handguns for minors.**

31 (a) Any minor who willfully and intentionally possesses or carries a handgun is guilty of
32 a ~~Class 1~~Class A1 misdemeanor.

33 (b) This section does not apply:

34 (1) To officers and enlisted personnel of the Armed Forces of the United States
35 when in discharge of their official duties or acting under orders requiring them
36 to carry handguns.

37 (2) To a minor who possesses a handgun for educational or recreational purposes
38 while the minor is supervised by an adult who is present.

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

41 (4) To a minor who possesses a handgun while hunting or trapping outside the
42 limits of an incorporated municipality if he has on his person written
43 permission from a parent, guardian, or other person standing in loco parentis.

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

45 (1) Handgun. – A firearm that has a short stock and is designed to be fired by the
46 use of a single hand, or any combination of parts from which such a firearm
47 can be assembled.

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

49 **SECTION 3.** G.S. 14-277.5 reads as rewritten:

50 **"§ 14-277.5. Making a false report concerning mass violence on educational property.**

51 (a) The following definitions apply in this section:

1 (1) Educational property. – As defined in G.S. 14-269.2.
2 (2) Mass violence. – Physical injury that a reasonable person would conclude
3 could lead to permanent injury (including mental or emotional injury) or death
4 to two or more people.

5 (3) School. – As defined in G.S. 14-269.2.
6 (b) A person who, by any means of communication to any person or groups of persons,
7 makes a report, knowing or having reason to know the report is false, that an act of mass violence
8 is going to occur on educational property or at a curricular or extracurricular activity sponsored
9 by a school, is guilty of a ~~Class H~~Class G felony.

10 (c) The court may order a person convicted under this section to pay restitution, including
11 costs and consequential damages resulting from the disruption of the normal activity that would
12 have otherwise occurred on the premises but for the false report, pursuant to Article 81C of
13 Chapter 15A of the General Statutes."

14 **SECTION 4.** Article 36 of Chapter 14 of the General Statutes is amended by adding
15 a new section to read:

16 "**§ 14-277.6. Communicating a threat of mass violence on educational property.**

17 (a) A person who, by any means of communication to any person or groups of persons,
18 threatens to commit an act of mass violence on educational property or at a curricular or
19 extracurricular activity sponsored by a school, is guilty of a Class F felony.

20 (b) The court may order a person convicted under this section to pay restitution, including
21 costs and consequential damages resulting from the disruption of the normal activity that would
22 have otherwise occurred on the premises but for the communicated threat, pursuant to Article
23 81C of Chapter 15A of the General Statutes.

24 (c) The definitions in G.S. 14-277.5 apply to this section."

25 **SECTION 5.** G.S. 14-315.1 reads as rewritten:

26 "**§ 14-315.1. Storage of firearms to protect minors.**

27 (a) Any person who resides in the same premises as a minor, owns or possesses a firearm,
28 and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a
29 manner that the person knew or should have known that an unsupervised minor would be able to
30 gain access to the firearm, is guilty of a ~~Class I~~Class A1 misdemeanor if a minor gains access to
31 the firearm without the lawful permission of the minor's parents or a person having charge of the
32 minor and the minor:

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

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

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

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

44 **SECTION 6.** This act becomes effective December 1, 2018, and applies to offenses
45 committed on or after that date.