

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1770  
Committee Substitute Favorable 6/1/94

Short Title: Felony/Sell Handguns to Minors.

(Public)

Sponsors:

Referred to:

May 26, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE IT A FELONY FOR ANY PERSON TO TRANSFER A  
3 HANDGUN TO A MINOR AS RECOMMENDED BY THE CHILD FATALITY  
4 TASK FORCE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 14-269.7(c) reads as rewritten:

7 "(c) The following definitions apply in this section:

8 (1) Handgun. ~~Any dangerous~~ A firearm including a pistol or revolver that  
9 has a short stock and is designed to be fired by the use of a single hand-  
10 hand, or any combination of parts from which such a firearm can be  
11 assembled.

12 (2) Minor. – Any person under ~~the age of~~ 18 years of age."

13 Sec. 2. G.S. 14-315 reads as rewritten:

14 **"§ 14-315. Selling or giving weapons to minors.**

15 (a) ~~Offense.~~ Sale of Weapons Other Than Handguns. – If ~~any a~~ person shall sell,  
16 ~~offer sells, offers~~ for sale, give gives, or in any way ~~dispose~~ disposes of to a minor any  
17 ~~handgun as defined in G.S. 14-269.7, pistol, pistol cartridge, brass knucks, bowie knife,~~  
18 ~~dirk, shurikin, leaded cane cane,~~ or slungshot, ~~he shall be the person is~~ guilty of a Class 1  
19 misdemeanor and and, in addition, shall forfeit the proceeds of any sale made in  
20 violation of this section.

21 (a1) Sale of Handguns. – If a person sells, offers for sale, gives, or in any way  
22 disposes of to a minor any handgun as defined in G.S. 14-269.7, the person is guilty of a

1 Class I felony and, in addition, shall forfeit the proceeds of any sale made in violation of  
2 this section. This section does not apply in any of the following circumstances:

- 3       (1) The handgun is lent to a minor for temporary use if the minor's  
4 possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-  
5 316 and is not otherwise unlawful.
- 6       (2) The handgun is transferred to an adult custodian pursuant to Chapter  
7 33A of the General Statutes, and the minor does not take possession of  
8 the handgun except that the adult custodian may allow the minor  
9 temporary possession of the handgun in circumstances in which the  
10 minor's possession of the handgun is lawful under G.S. 14-269.7 and  
11 G.S. 14-316 and is not otherwise unlawful.
- 12       (3) The handgun is a devise or legacy and is distributed to a parent or  
13 guardian under G.S. 28A-22-7, and the minor does not take possession  
14 of the handgun except that the parent or guardian may allow the minor  
15 temporary possession of the handgun in circumstances in which the  
16 minor's possession of the handgun is lawful under G.S. 14-269.7 and  
17 G.S. 14-316 and is not otherwise unlawful.

18       (b) ~~Defense. It shall be a defense to a violation of subsection (a) of this section~~  
19 ~~if the person:~~

- 20       (1) ~~Shows that the minor produced a drivers license, a special~~  
21 ~~identification card issued under G.S. 20-37.7, a military identification~~  
22 ~~card, or a passport, showing his age to be at least the required age for~~  
23 ~~purchase and bearing a physical description of the person named on~~  
24 ~~the card reasonably describing the minor; or~~
- 25       (2) ~~Produces evidence of other facts that reasonably indicated at the time~~  
26 ~~of sale that the minor was at least the required age.~~

27       (b1) Defense. – It shall be a defense to a violation of this section if all of the  
28 following conditions are met:

- 29       (1) The person shows that the minor produced an apparently valid permit  
30 to receive the weapon, if such a permit would be required under G.S.  
31 14-402 or G.S. 14-409.1 for transfer of the weapon to an adult.
- 32       (2) The person reasonably believed that the minor was not a minor.
- 33       (3) The person either:
- 34           a. Shows that the minor produced a drivers license, a special  
35 identification card issued under G.S. 20-37.7, a military  
36 identification card, or a passport, showing the minor's age to be  
37 at least the required age for purchase and bearing a physical  
38 description of the person named on the card reasonably  
39 describing the minor; or
- 40           b. Produces evidence of other facts that reasonably indicated at the  
41 time of sale that the minor was at least the required age."

42       Sec. 3. This act becomes effective January 1, 1995, and applies to offenses  
43 committed on or after that date.