

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 429

Short Title: Safe Schools.

(Public)

Sponsors: Senators Allran, Hartsell; Forrester, Gunter, Carpenter, Codington, and Blackmon.

Referred to: Judiciary I.

March 1, 1993

1 A BILL TO BE ENTITLED
2 AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO
3 PROHIBIT PARENTS AND OTHERS FROM PERMITTING A MINOR TO
4 POSSESS ANY FIREARM ON SCHOOL PROPERTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 39 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 14-316.2. Allowing minor to possess firearms on school property.**

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

10 (1) Firearm. – Any weapon which is designed to or may readily be
11 converted to expel any projectile by the action of an explosive, or the
12 frame or receiver of such a weapon.

13 (2) Minor. – Any person under 18 years of age, unless emancipated.

14 (3) Pistol. – Any loaded or unloaded handgun of any kind or variety.

15 (b) It is unlawful for any parent, guardian, or person standing in loco parentis,
16 knowingly to permit his minor child to possess any firearm on any public or private
17 school property.

18 (c) It is unlawful for any person to keep any firearm within any premises that are
19 under his custody or control if he knows or reasonably should know that a minor has a
20 reasonable possibility to gain access to the firearm, and the minor obtains access to the
21 firearm and possesses or allows another minor to possess the firearm on any public or
22 private school property.

1 (d) It is an affirmative defense to a prosecution under subsection (c) of this
2 section that:

3 (1) The minor obtained the firearm as a result of his illegal entry of any
4 premises.

5 (2) The firearm is kept in a locked container or in a location which a
6 reasonable person would believe to be secure.

7 (3) The person is a law enforcement officer as defined in G.S. 14-288.20,
8 and the minor obtained the firearm while it was carried on the person
9 or within such close proximity to the person, that the person could
10 readily retrieve and use the firearm as if carried on the person.

11 (e) A person violating the provisions of this section shall be guilty of a
12 misdemeanor and upon conviction shall be punished in the discretion of the court."

13 Sec. 2. This act becomes effective October 1, 1993, and applies to offenses
14 occurring on or after that date.