

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1097\*

Short Title: Safe Storage of Firearms.

(Public)

Sponsors: Senator Miller.

Referred to: Judiciary II.

April 5, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING THE STORAGE OF FIREARMS  
3 TO PROTECT MINORS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-315.1 reads as rewritten:

6 "§ 14-315.1. Storage of firearms to protect minors.

7 (a) Any person who ~~resides in the same premises as a minor, owns or possesses a~~  
8 ~~firearm, and stores or leaves the a firearm (i) in a condition that the firearm can be~~  
9 ~~discharged and (ii) in a manner that in which~~ the person knew or should have known  
10 that ~~an unsupervised a~~ minor would be able to gain access to the ~~firearm, firearm~~ is  
11 guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the  
12 lawful permission of the minor's parents or a person having charge of the minor and the  
13 minor:

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

19 (a1) Any person who stores or leaves a firearm in a manner in which the person  
20 knew or should have known that a minor would be able to gain access to the firearm is  
21 guilty of a Class A1 misdemeanor if a minor gains access to the firearm without the  
22 lawful permission of the minor's parents or a person having charge of the minor and the  
23 minor:

- 24 (1) Uses the firearm to cause personal injury or death, not in self-defense;  
25 or  
26 (2) Uses the firearm in the commission of a crime.

27 (a2) Subsections (a) and (a1) of this section shall not apply if:

1           (1) The firearm is kept unloaded in a locked box or container, with the  
2           ammunition stored separately; or

3           (2) The firearm is kept unloaded and equipped with a tamper-resistant  
4           mechanical lock or other safety device properly engaged so as to  
5           render the weapon inoperable by any person other than the owner or  
6           other lawfully authorized user.

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

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

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

14                 **SECTION 2.** This act becomes effective December 1, 2001, and applies to  
15          offenses committed on or after that date.