

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 858\*

Short Title: No Handguns Unless 18.

(Public)

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Sponsors: Representatives Alexander; Barnhill, Black, Bowman, Church, Cummings, Cunningham, Easterling, Fitch, Hill, H. Hunter, Ives, Lemmond, Luebke, McLaughlin, and C. Wilson.

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Referred to: Judiciary III.

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April 12, 1993

A BILL TO BE ENTITLED

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2 AN ACT TO MAKE IT A MISDEMEANOR FOR A PERSON UNDER EIGHTEEN  
3 YEARS OF AGE TO POSSESS OR CARRY A HANDGUN AND TO MAKE IT A  
4 MISDEMEANOR TO SELL OR TRANSFER ANY HANDGUN TO A PERSON  
5 WHO IS UNDER EIGHTEEN YEARS OF AGE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 35 of Chapter 14 of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 14-269.7. Prohibitions on handguns for minors.**

10 (a) Any minor who possesses or carries a handgun is guilty of a misdemeanor  
11 punishable by imprisonment for up to six months, a fine of up to five hundred dollars  
12 (\$500.00), or both.

13 (b) This section does not apply:

14 (1) To officers and enlisted personnel of the armed forces of the United  
15 States when in discharge of their official duties or acting under orders  
16 requiring them to carry handguns.

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

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

20 (1) Handgun. – Any firearm including a pistol or revolver designed to be  
21 fired by the use of a single hand.

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

1           Sec. 2. G.S. 14-269.1 reads as rewritten:

2   **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

3           Upon conviction of any person for violation of G.S. ~~14-269~~14-269, G.S. 14-269.7,  
4 or any other offense involving the use of a deadly weapon of a type referred to in G.S.  
5 14-269, the deadly weapon with reference to which the defendant shall have been  
6 convicted shall be ordered confiscated and disposed of by the presiding judge at the trial  
7 in one of the following ways in the discretion of the presiding judge.

- 8           (1) By ordering the weapon returned to its rightful owner, but only when  
9           such owner is a person other than the defendant and has filed a petition  
10           for the recovery of such weapon with the presiding judge at the time of  
11           the defendant's conviction, and upon a finding by the presiding judge  
12           that petitioner is entitled to possession of same and that he was  
13           unlawfully deprived of the same without his consent.
- 14           (2) By ordering the weapon turned over to a law-enforcement agency in  
15           the county of trial for the official use of such agency, but only upon the  
16           written request by the head or chief of such agency. The clerk of the  
17           superior court of such county shall maintain a record of such weapons  
18           and the law-enforcement agency receiving them.
- 19           (3) By ordering the weapon turned over to the sheriff of the county in  
20           which the trial is held to be sold as herein provided. Under the  
21           direction of the sheriff, the weapon shall be sold at public auction after  
22           one advertisement in a newspaper having general circulation in the  
23           county which advertisement shall be at least seven days prior to sale.  
24           The proceeds of such sale shall go to the general fund of the county in  
25           which such weapons are sold. The sheriff shall maintain a record and  
26           inventory of all such weapons received and sold by him. Sales of such  
27           weapons by the sheriff shall be held at least once each year.
- 28           (4) By ordering such weapon turned over to the sheriff of the county in  
29           which the trial is held or his duly authorized agent to be destroyed. The  
30           sheriff shall maintain a record of the destruction thereof.
- 31           (5) By ordering such weapon turned over to the North Carolina State  
32           Bureau of Investigation's Crime Laboratory Weapons Reference  
33           Library for official use by that agency. The State Bureau of  
34           Investigation shall maintain a record and inventory of all such  
35           weapons received.
- 36           (6) By ordering such weapons turned over to the North Carolina Justice  
37           Academy for official use by that agency. The North Carolina Justice  
38           Academy shall maintain a record and inventory of all such weapons  
39           received."

40           Sec. 3. G.S. 14-315 reads as rewritten:

41   **"§ 14-315. Selling or giving weapons to minors.**

42           If any person shall knowingly sell, offer for sale, give or in any way dispose of to a  
43           minor any handgun as defined in G.S. 14-269.7, pistol, ~~pistol~~ or pistol cartridge, brass  
44           knucks, bowie knife, dirk, shurikin, loaded cane or slingshot, he shall be guilty of a

1 ~~misdemeanor.~~ misdemeanor and shall forfeit the proceeds of any sale made in violation  
2 of this section."

3           Sec. 4. This act becomes effective September 1, 1993, and applies to  
4 offenses committed on or after that date.