

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1309*
Judiciary I/Constitution Committee Substitute Adopted 6/11/96

Short Title: Increase Punish. Certain Crimes.

(Public)

Sponsors:

Referred to: Appropriations.

May 27, 1996

A BILL TO BE ENTITLED

1 AN ACT TO CREATE A NEW FELONY OFFENSE OF ASSAULT INFLECTING
2 SERIOUS BODILY INJURY AS RECOMMENDED BY THE NORTH CAROLINA
3 SENTENCING AND POLICY ADVISORY COMMISSION, TO INCREASE THE
4 PUNISHMENT FOR SALE OF HANDGUNS TO MINORS TO A CLASS H
5 FELONY, AND TO INCREASE THE PUNISHMENT FOR SALE OF
6 CONTROLLED SUBSTANCES TO PERSONS UNDER AGE SIXTEEN OR
7 PREGNANT FEMALES TO A CLASS D FELONY.
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9 The General Assembly of North Carolina enacts:

10 Section 1. Chapter 14 of the General Statutes is amended by adding a new
11 section to read:

12 "**§ 14-32.4. Assault inflicting serious bodily injury.**

13 Unless the conduct is covered under some other provision of law providing greater
14 punishment, any person who assaults another person and inflicts serious bodily injury is
15 guilty of a Class F felony. 'Serious bodily injury' is defined as bodily injury that creates a
16 substantial risk of death, or that causes serious permanent disfigurement, coma, a
17 permanent or protracted condition that causes extreme pain, or permanent or protracted
18 loss or impairment of the function of any bodily member or organ, or that results in
19 prolonged hospitalization."

1 Sec. 2. G.S. 14-315(a1) reads as rewritten:

2 "(a1) Sale of Handguns. – If a person sells, offers for sale, gives, or in any way
3 transfers to a minor any handgun as defined in G.S. 14-269.7, the person is guilty of a
4 ~~Class I~~Class H felony and, in addition, shall forfeit the proceeds of any sale made in
5 violation of this section. This section does not apply in any of the following
6 circumstances:

7 (1) The handgun is lent to a minor for temporary use if the minor's
8 possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-
9 316 and is not otherwise unlawful.

10 (2) The handgun is transferred to an adult custodian pursuant to Chapter
11 33A of the General Statutes, and the minor does not take possession of
12 the handgun except that the adult custodian may allow the minor
13 temporary possession of the handgun in circumstances in which the
14 minor's possession of the handgun is lawful under G.S. 14-269.7 and
15 G.S. 14-316 and is not otherwise unlawful.

16 (3) The handgun is a devise or legacy and is distributed to a parent or
17 guardian under G.S. 28A-22-7, and the minor does not take possession
18 of the handgun except that the parent or guardian may allow the minor
19 temporary possession of the handgun in circumstances in which the
20 minor's possession of the handgun is lawful under G.S. 14-269.7 and
21 G.S. 14-316 and is not otherwise unlawful."

22 Sec. 3. G.S. 90-95(e)(5) reads as rewritten:

23 "(5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by
24 selling or delivering a controlled substance to a person under 16 years of
25 age or a pregnant female shall be punished as a ~~Class E~~Class D felon.
26 Mistake of age is not a defense to a prosecution under this section. It
27 shall not be a defense that the defendant did not know that the recipient
28 was pregnant;"

29 Sec. 4. This act becomes effective December 1, 1996, and applies to offenses
30 committed on or after that date.