

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 880
SENATE BILL 543

AN ACT REGARDING FIREARMS AND EXPLOSIVES AT CIVIL DISORDERS.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Article 36A of Chapter 14 of the General Statutes to read:

"§ 14-288.20. Certain weapons at civil disorders. — (a) The definitions in G.S. 14-288.1 do not apply to this section. As used in this section:

- (1) The term 'civil disorder' means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of damage or injury to the property or person of any other individual or results in damage or injury to the property or person of any other individual.
- (2) The term 'firearm' means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of such a weapon.
- (3) The term 'explosive or incendiary device' means (a) dynamite and all other forms of high explosives, (b) any explosive bomb, grenade, missile, or similar device, and (c) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting that flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.
- (4) The term 'law enforcement officer' means any officer of the United States, any state, any political subdivision of a state, or the District of Columbia charged with the execution of the laws thereof; civil officers of the United States; officers and soldiers of the organized militia and state guard of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; and members of the armed forces of the United States.

(b) A person is guilty of a felony punishable by a fine of not more than ten thousand dollars (\$10,000), imprisonment for not more than five years, or both, if he:

- (1) Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder; or
- (2) Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ unlawfully the training, practicing, instruction, or technique for use in, or in furtherance of, a civil disorder.

(c) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties."

Sec. 2. Chapter 1316 of the 1979 Session Laws is amended by adding a new section thereto to read:

"Sec. 17.1. G.S. 142-88.20(b) is amended by deleting the phrase 'felony punishable by a fine of not more than ten thousand dollars (\$10,000), imprisonment for not more than 5 years, or both' and substituting the phrase 'Class I felony'."

Sec. 3. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 8th day of July, 1981.