

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 170

Judiciary II Committee Substitute Adopted 3/2/89

Third Edition Engrossed 3/28/89

Short Title: Machine Gun Defined.

(Public)

Sponsors:

Referred to:

February 15, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A DEFINITION OF MACHINE GUN AND SUBMACHINE GUN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-409 reads as rewritten:

"§ 14-409. Machine guns and other like weapons.

(a) As used in this section, 'machine gun' or 'submachine gun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like ~~weapons~~ weapons as defined by subsection (a) of this section. Provided, however, that ~~this section~~ subsection shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties, officers and soldiers of the militia and the State guard

1 when called into actual service, officers of the State, or of any county, city or town,  
2 charged with the execution of the laws of the State, when acting in the discharge of their  
3 official duties; the manufacture, use or possession of such weapons for scientific or  
4 experimental purposes when such manufacture, use or possession is lawful under  
5 federal laws and the weapon is registered with a federal agency, and when a permit to  
6 manufacture, use or possess the weapon is issued by the sheriff of the county in which  
7 the weapon is located. Provided, further, ~~that automatic shotguns and pistols or other~~  
8 ~~automatic weapons that shoot less than 31 shots shall not be construed to be or mean a machine~~  
9 ~~gun or submachine gun under this section; and that any bona fide resident of this State who~~  
10 now owns a machine gun used in former wars, as a relic or souvenir, may retain and  
11 keep same as his or her property without violating the provisions of this section upon  
12 his reporting said ~~ownership~~ ownership to the sheriff of the county in which said person  
13 lives.

14 (c) Any person violating any of the provisions of this section shall be guilty of a  
15 misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or  
16 imprisoned for not less than six months, or both, in the discretion of the court."

17 Sec. 2. G.S. 14-409.9 reads as rewritten:

18 "**§ 14-409.9. Machine guns and other like weapons.**

19 (a) As used in this section, 'machine gun' or 'submachine gun' means any  
20 weapon which shoots, is designed to shoot, or can be readily restored to shoot,  
21 automatically more than one shot, without manual reloading, by a single function of the  
22 trigger. The term shall also include the frame or receiver of any such weapon, any  
23 combination of parts designed and intended for use in converting a weapon into a  
24 machine gun, and any combination of parts from which a machine gun can be  
25 assembled if such parts are in the possession or under the control of a person.

26 (b) It shall be unlawful for any person, firm or corporation to manufacture, sell,  
27 give away, dispose of, use or possess machine guns, submachine guns, or other like  
28 ~~weapons; weapons as defined by subsection (a) of this section: Provided, however, that~~  
29 ~~this section-subsection shall not apply to the following:~~

30 Banks, merchants, and recognized business establishments for use in their respective  
31 places of business, who shall first apply to and receive from the clerk of the superior  
32 court of the county in which said business is located, a permit to possess the said  
33 weapons for the purpose of defending the said business; officers and soldiers of the  
34 United States Army, when in discharge of their official duties, officers and soldiers of  
35 the militia and the State guard when called into actual service, officers of the State, or of  
36 any county, city or town, charged with the execution of the laws of the State, when  
37 acting in the discharge of their official duties; the manufacture, use or possession of  
38 such weapons for scientific or experimental purposes when such manufacture, use or  
39 possession is lawful under federal laws and the weapon is registered with a federal  
40 agency, and when a permit to manufacture, use or possess the weapon is issued by the  
41 sheriff of the county in which the weapon is located. Provided, further, ~~that automatic~~  
42 ~~shotguns and pistols or other automatic weapons that shoot less than 31 shots shall not be~~  
43 ~~construed to be or mean a machine gun or submachine gun under this section; and that any~~  
44 bona fide resident of this State who now owns a machine gun used in former wars as a

1 relic or souvenir, may retain and keep same as his or her property without violating the  
2 provisions of this section upon his reporting said ownership to the clerk of the superior  
3 court of the county in which said person lives.

4 (c) Any person violating any of the provisions of this section shall be guilty of a  
5 misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or  
6 imprisoned for not less than six months, or both, in the discretion of the court."

7 Sec. 3. This act is effective upon ratification and applies as to offenses  
8 committed beginning 10 days after ratification.