

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 858*
Committee Substitute Favorable 5/7/93

Short Title: No Handguns Unless 18.

(Public)

Sponsors:

Referred to:

April 12, 1993

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

§ 14-269.7. Prohibitions on handguns for minors.

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

(b) This section does not apply:

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

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

(c) The following definitions apply in this section:

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

1 (2) Minor. – Any person under the age of 18 years of age unless
2 emancipated."

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

4 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

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

10 (1) By ordering the weapon returned to its rightful owner, but only when
11 such owner is a person other than the defendant and has filed a petition
12 for the recovery of such weapon with the presiding judge at the time of
13 the defendant's conviction, and upon a finding by the presiding judge
14 that petitioner is entitled to possession of same and that he was
15 unlawfully deprived of the same without his consent.

16 (2) By ordering the weapon turned over to a law-enforcement agency in
17 the county of trial for the official use of such agency, but only upon the
18 written request by the head or chief of such agency. The clerk of the
19 superior court of such county shall maintain a record of such weapons
20 and the law-enforcement agency receiving them.

21 (3) By ordering the weapon turned over to the sheriff of the county in
22 which the trial is held to be sold as herein provided. Under the
23 direction of the sheriff, the weapon shall be sold at public auction after
24 one advertisement in a newspaper having general circulation in the
25 county which advertisement shall be at least seven days prior to sale.
26 The proceeds of such sale shall go to the general fund of the county in
27 which such weapons are sold. The sheriff shall maintain a record and
28 inventory of all such weapons received and sold by him. Sales of such
29 weapons by the sheriff shall be held at least once each year.

30 (4) By ordering such weapon turned over to the sheriff of the county in
31 which the trial is held or his duly authorized agent to be destroyed. The
32 sheriff shall maintain a record of the destruction thereof.

33 (5) By ordering such weapon turned over to the North Carolina State
34 Bureau of Investigation's Crime Laboratory Weapons Reference
35 Library for official use by that agency. The State Bureau of
36 Investigation shall maintain a record and inventory of all such
37 weapons received.

38 (6) By ordering such weapons turned over to the North Carolina Justice
39 Academy for official use by that agency. The North Carolina Justice
40 Academy shall maintain a record and inventory of all such weapons
41 received."

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

43 **"§ 14-315. Selling or giving weapons to minors.**

1 If any person shall knowingly sell, offer for sale, give or in any way dispose of to a
2 minor any handgun as defined in G.S. 14-269.7, pistol, ~~pistol or~~ pistol cartridge, brass
3 knucks, bowie knife, dirk, shurikin, ~~loaded~~ leaded cane or ~~slingshot, slungshot,~~ he shall
4 be guilty of a ~~misdemeanor~~ misdemeanor and shall forfeit the proceeds of any sale made
5 in violation of this section."

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