

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 320
Committee Substitute Favorable 4/23/01

Short Title: Safe Storage of Firearms.

(Public)

Sponsors:

Referred to:

February 28, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE STORAGE OF FIREARMS
3 TO PROTECT MINORS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-315.1 reads as rewritten:

6 "§ 14-315.1. Storage of firearms to protect minors.

7 (a) Any person who ~~resides in the same premises as a minor, owns or possesses a~~
8 ~~firearm, and stores or leaves the~~ a firearm (i) ~~in a condition that the firearm can be~~
9 ~~discharged and (ii) in a manner that~~ in which the person knew or should have known
10 that ~~an unsupervised~~ a minor would be able to gain access to the ~~firearm, firearm~~ is
11 guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the
12 lawful permission of the minor's parents or a person having charge of the minor and the
13 minor:

- 14 (1) Possesses it in violation of G.S. 14-269.2(b); or
15 (2) Exhibits it in a public ~~place in a careless, angry, or threatening manner;~~
16 place.
17 (3) ~~Causes personal injury or death with it not in self-defense; or~~
18 (4) ~~Uses it in the commission of a crime.~~

19 (a1) Any person who stores or leaves a firearm in a manner in which the person
20 knew or should have known that a minor would be able to gain access to the firearm is
21 guilty of a Class A1 misdemeanor if a minor gains access to the firearm without the
22 lawful permission of the minor's parents or a person having charge of the minor, and the
23 minor:

- 24 (1) Uses the firearm to cause personal injury or death, not in self-defense;
25 or
26 (2) Uses the firearm in the commission of a crime.

27 (a2) Subsections (a) and (a1) of this section shall not apply if:

- 28 (1) The firearm is kept in a locked box or locked container;

1 (2) The firearm is kept unloaded and equipped with a tamper-resistant
2 mechanical lock or other safety device properly engaged so as to
3 render the weapon inoperable by any person other than the owner or
4 other lawfully authorized user; or

5 (3) The firearm is kept unloaded and out of sight, with the ammunition
6 stored in a separate secure location.

7 (b) Nothing in this section shall prohibit a person from carrying a firearm on his
8 or her body, or placed in such close proximity that it can be used as easily and quickly
9 as if carried on the body.

10 (c) This section shall not apply if the minor obtained the firearm as a result of an
11 unlawful entry by any person.

12 (d) 'Minor' as used in this section means a person under 18 years of age who is
13 not emancipated."

14 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
15 offenses committed on or after that date.