

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

BILL DRAFT 2017-MS-165 [v.6] (02/21)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
03/08/2018 03:06:55 PM

Short Title: Assault Rifle Reform Act.

(Public)

Sponsors: Representative R. Moore.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO RAISE THE AGE REQUIREMENT TO PURCHASE A RIFLE; TO PROVIDE  
3 FOR A LICENSE AND A WAITING PERIOD FOR ANY PERSON WHO SEEKS TO  
4 PURCHASE A RIFLE; AND TO PROVIDE FOR MORE SERIOUS PENALTIES WHEN  
5 ASSAULT RIFLES ARE USED IN CRIMES AT SCHOOLS, PUBLIC BUILDINGS, OR  
6 PLACES OF WORSHIP.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-415.12 reads as rewritten:

9 "Article 52A.

10 Sale of Weapons in Certain Counties.

11 **§ 14-402. Sale of certain weapons without permit forbidden.**

12 (a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or  
13 transfer, or to purchase or receive, at any place within this State from any other place within or  
14 without the State any pistol or any rifle, military, assault or otherwise, unless: (i) a license or  
15 permit is first obtained under this Article by the purchaser or receiver from the sheriff of the  
16 county in which the purchaser or receiver resides; or (ii) a valid North Carolina concealed  
17 handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who  
18 must be a resident of the State at the time of the purchase.

19 It is unlawful for any person or persons to receive from any postmaster, postal clerk,  
20 employee in the parcel post department, rural mail carrier, express agent or employee, railroad  
21 agent or employee within the State of North Carolina any pistol without having in his or their  
22 possession and without exhibiting at the time of the delivery of the same and to the person  
23 delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person  
24 violating the provisions of this section is guilty of a Class 2 misdemeanor.

25 (b) This section does not apply to an antique firearm or an historic edged weapon.

26 (c) The following definitions apply in this Article:

27 (1) Antique firearm. – Defined in G.S. 14-409.11.

28 (2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

29 (4) Historic edged weapon. – Defined in G.S. 14-409.12.

30 (5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28,  
31 2011.

32 **SECTION 2.** "G.S. 14-404 reads as rewritten:

33 **"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;**  
34 **sheriff's fee.**



1 (a) Upon application, and such application must be provided by the sheriff  
2 electronically, the sheriff shall issue the permit after a 90 day waiting period to a resident of  
3 that ~~county~~ county who is 21 years of age or older, unless the purpose of the permit is for  
4 collecting, in which case a sheriff can issue a permit to a nonresident, when the sheriff has done  
5 all of the following:

- 6 (1) Verified, before the issuance of a permit, by a criminal history background  
7 investigation that it is not a violation of State or federal law for the applicant  
8 to purchase, transfer, receive, or possess a handgun. The sheriff shall  
9 determine the criminal and background history of any applicant by accessing  
10 computerized criminal history records as maintained by the State Bureau of  
11 Investigation and the Federal Bureau of Investigation, by conducting a  
12 national criminal history records check, by conducting a check through the  
13 National Instant Criminal Background Check System (NICS), and by  
14 conducting a criminal history check through the Administrative Office of the  
15 Courts.  
16 (2) Fully satisfied himself or herself by affidavits, oral evidence, or otherwise,  
17 as to the good moral character of the applicant. For purposes of determining  
18 an applicant's good moral character to receive a permit, the sheriff shall only  
19 consider an applicant's conduct and criminal history for the five-year period  
20 immediately preceding the date of the application.  
21 (3) Fully satisfied himself or herself that the applicant desires the possession of  
22 the weapon mentioned for (i) the protection of the home, business, person,  
23 family or property, (ii) target shooting, (iii) collecting, or (iv) hunting.

24 The 90 day waiting period shall begin on the day the application is submitted to the sheriff. At  
25 the expiration of that waiting period, the sheriff shall issue the permit after completing the  
26 above requirements.

27 ...

28 (c) A permit may not be issued to the following persons:

- 29 (1) One who is under an indictment or information for or has been convicted in  
30 any state, or in any court of the United States, of a felony (other than an  
31 offense pertaining to antitrust violations, unfair trade practices, or restraints  
32 of trade). However, a person who has been convicted of a felony in a court  
33 of any state or in a court of the United States and (i) who is later pardoned,  
34 or (ii) whose firearms rights have been restored pursuant to G.S. 14-415.4,  
35 may obtain a permit, if the purchase or receipt of a pistol permitted in this  
36 Article does not violate a condition of the pardon or restoration of firearms  
37 rights.  
38 (2) One who is a fugitive from justice.  
39 (3) One who is an unlawful user of or addicted to marijuana or any depressant,  
40 stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).  
41 (4) One who has been adjudicated mentally incompetent or has been committed  
42 to any mental institution.  
43 (5) One who is an alien illegally or unlawfully in the United States.  
44 (6) One who has been discharged from the Armed Forces of the United States  
45 under dishonorable conditions.  
46 (7) One who, having been a citizen of the United States, has renounced his or  
47 her citizenship.  
48 (8) One who is subject to a court order that:  
49 a. Was issued after a hearing of which the person received actual  
50 notice, and at which the person had an opportunity to participate;

- b. Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner of the person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- c. Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

(9) Anyone under the age of 21 years of age.

..."

**SECTION 3.** Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§14-409.13 Weapons in places of worship.**

(a) The following definitions apply to this section:

(1) Place of worship. – Any church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place for religious worship.

(2) Weapon. – Any device enumerated in section (b) or (c) of this section.

(b) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind in a place of worship. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind at a place of worship is guilty of a Class F felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind in a place of worship. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(d) This section shall not apply to any of the following:

(1) A person exempted by the provisions of G.S. 14-269(b).

(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.

(h) No person shall be guilty of a criminal violation of this section with regard to the possession or carrying of a weapon so long as both of the following apply:

(1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon.

(2) The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities."

**SECTION 4.** G.S. 14-269.2 reads as rewritten:

**"§ 14-269.2. Weapons on campus or other educational property.**

(a) The following definitions apply to this section:

(1) Educational property. – Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.

(1a) Employee. – A person employed by a local board of education or school whether the person is an adult or a minor.

(1b) School. – A public or private school, community college, college, or university.

- (2) Student. – A person enrolled in a school or a person who has been suspended or expelled within the last five years from a school, whether the person is an adult or a minor.
- (3) Switchblade knife. – A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.
- (3a) Volunteer school safety resource officer. – A person who volunteers as a school safety resource officer as provided by G.S. 162-26 or G.S. 160A-288.4.
- (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this section.
- (b) It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any ~~gun, rifle, gun,~~ pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on educational property is guilty of a Class F felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.
- (b1) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any rifle, military or otherwise, dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by a school. This subsection shall not apply to fireworks.
- (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any ~~gun, rifle, gun,~~ pistol, or other firearm of any kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.
- (c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any rifle, military or otherwise, dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property. This subsection shall not apply to fireworks.
- (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.
- (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.
- (f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any ~~gun, rifle, gun,~~ pistol, or other firearm of any kind, on educational property or to a curricular or extracurricular activity sponsored by a school if:
- (1) The person is not a student attending school on the educational property or an employee employed by the school working on the educational property; and
- (1a) The person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee

- 1 attending a curricular or extracurricular activity sponsored by the school at  
2 which the employee is employed; and
- 3 (2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and  
4 applicable to offenses committed on or after that date.
- 5 (3) The firearm is not loaded, is in a motor vehicle, and is in a locked container  
6 or a locked firearm rack.
- 7 (4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and  
8 applicable to offenses committed on or after that date.
- 9 (g) This section shall not apply to any of the following:
- 10 (1) A weapon used solely for educational or school-sanctioned ceremonial  
11 purposes, or used in a school-approved program conducted under the  
12 supervision of an adult whose supervision has been approved by the school  
13 authority.
- 14 (1a) A person exempted by the provisions of G.S. 14-269(b).
- 15 (2) Firefighters, emergency service personnel, North Carolina Forest Service  
16 personnel, detention officers employed by and authorized by the sheriff to  
17 carry firearms, and any private police employed by a school, when acting in  
18 the discharge of their official duties.
- 19 (3) Home schools as defined in G.S. 115C-563(a).
- 20 (4) Weapons used for hunting purposes on the Howell Woods Nature Center  
21 property in Johnston County owned by Johnston Community College when  
22 used with the written permission of Johnston Community College or for  
23 hunting purposes on other educational property when used with the written  
24 permission of the governing body of the school that controls the educational  
25 property.
- 26 (5) A person registered under Chapter 74C of the General Statutes as an armed  
27 armored car service guard or an armed courier service guard when acting in  
28 the discharge of the guard's duties and with the permission of the college or  
29 university.
- 30 (6) A person registered under Chapter 74C of the General Statutes as an armed  
31 security guard while on the premises of a hospital or health care facility  
32 located on educational property when acting in the discharge of the guard's  
33 duties with the permission of the college or university.
- 34 (7) A volunteer school safety resource officer providing security at a school  
35 pursuant to an agreement as provided in G.S. 115C-47(61) and either  
36 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety  
37 resource officer is acting in the discharge of the person's official duties and  
38 is on the educational property of the school that the officer was assigned to  
39 by the head of the appropriate local law enforcement agency.
- 40 (h) No person shall be guilty of a criminal violation of this section with regard to the  
41 possession or carrying of a weapon so long as both of the following apply:
- 42 (1) The person comes into possession of a weapon by taking or receiving the  
43 weapon from another person or by finding the weapon.
- 44 (2) The person delivers the weapon, directly or indirectly, as soon as practical to  
45 law enforcement authorities.

46 ..."

47 **SECTION 5.** G.S. 14-267.7 reads as rewritten:

48 **"§ 14-269.7. Prohibitions on ~~handguns~~firearms for minors.**

49 (a) Any minor who willfully and intentionally possesses or carries a handgun is guilty  
50 of a Class 1 misdemeanor.

51 (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.
  - (3) To an emancipated minor who possesses such handgun inside his or her residence.
  - (4) To a minor who possesses a handgun while hunting or trapping outside the limits of an incorporated municipality if he has on his person written permission from a parent, guardian, or other person standing in loco parentis.
- (c) The following definitions apply in this section:
- (1) Handgun. – A firearm that has a short stock and is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled.
  - (2) Minor. – Any person under ~~18~~21 years of age."

**SECTION 6.** Section 1, 2 and 5 of this act are effective when it becomes law. The remainder of this act becomes effective December 1, 2018, and applies to offenses committed on or after that date.