

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1328*

Short Title: Safe Storage of Firearms. (Public)

Sponsors: Representatives Bryant, Hall, Cotham, Mackey (Primary Sponsors);
M. Alexander, Fisher, Harrison, Insko, Jeffus, Luebke, and Weiss.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Judiciary II.

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND REQUIREMENTS FOR THE STORAGE OF FIREARMS TO
3 PROTECT MINORS, TO ENCOURAGE UNLOADED STORAGE OF FIREARMS,
4 AND TO PROVIDE NOTICE OF SAFE STORAGE REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

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

7 "§ 14-315.1. Storage of firearms to protect minors.

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

14 (1) Possesses it in violation of G.S. 14-269.2(b); or

15 (2) Exhibits it in a public ~~place~~ place ~~in a careless, angry, or threatening manner;~~

16 (3) ~~Causes personal injury or death with it not in self defense; or~~

17 (4) ~~Uses it in the commission of a crime.~~

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

22 (1) Uses the firearm to cause personal injury or death, not in self-defense; or

23 (2) Uses the firearm in the commission of a crime.

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

25 (1) The firearm is kept unloaded in a locked box or container, with the
26 ammunition stored separately; or

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

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

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



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

3 **SECTION 2.** G.S. 14-315.2(b) reads as rewritten:

4 "(b) Any retail or wholesale store, shop, or sales outlet that sells firearms shall
5 conspicuously post at each purchase counter the following warning in block letters not less than
6 one inch in height the phrase: "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM
7 THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON
8 SHOULD KNOW IS ACCESSIBLE TO A MINOR. IF YOU KEEP A LOADED FIREARM
9 WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A MINOR
10 OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A
11 PUBLIC PLACE, YOU MAY BE GUILTY OF A CRIMINAL OFFENSE UNLESS YOU
12 STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM
13 WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING."

14 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
15 offenses committed on or after that date.