

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1123

Short Title: School Weapons/Mandatory Penalty.

(Public)

Sponsors: Representatives McLaughlin; Bowman, H. Hunter, and Wilkins.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PARENT WHO ALLOWS A CHILD TO TAKE A WEAPON ON SCHOOL GROUNDS IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE AND TO PROVIDE THAT A PERSON CONVICTED OF A WEAPONS OFFENSE AT SCHOOL SHALL RECEIVE A MANDATORY SENTENCE OF THIRTY DAYS IMPRISONMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269.2 reads as rewritten:

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

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the administration of any public or private educational institution. For the purpose of this section a self-opening or switch-blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and the above phrase 'weapon of like kind' includes razors and razor blades (except solely for personal shaving) and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. This section shall not apply to the following persons: Officers and

1 enlisted personnel of the armed forces of the United States when in discharge of their
2 official duties as such and acting under orders requiring them to carry arms or weapons,
3 civil officers of the United States while in the discharge of their official duties, officers
4 and soldiers of the militia and the national guard when called into actual service,
5 officers of the State, or of any county, city, or town, charged with the execution of the
6 laws of the State, when acting in the discharge of their official duties, any pupils who
7 are members of the Reserve Officer Training Corps and who are required to carry arms
8 or weapons in the discharge of their official class duties, and any private police
9 employed by the administration or board of trustees of any public or private institution
10 of higher education when acting in the discharge of their duties.

11 Any person violating the provisions of this section shall be guilty of a ~~misdemeanor~~
12 ~~and upon conviction shall be punished in the discretion of the court.~~ misdemeanor. A person
13 convicted under this section shall serve a mandatory term of imprisonment of no less
14 than 30 days. The sentencing judge shall not suspend the mandatory 30-day term of
15 imprisonment or place the person on probation for the mandatory 30-day term of
16 imprisonment. During that time the prisoner is not eligible for early parole or early
17 release."

18 Sec. 2. Article 35 of Chapter 14 of the General Statutes is amended by
19 adding a new section to read:

20 "**§ 14-269.5. Allowing a child to possess a weapon on school property.**

21 A parent who allows his or her child to violate G.S. 14-269.2 is guilty of a
22 misdemeanor punishable by a fine of no more than two hundred fifty dollars (\$250.00)."

23 Sec. 3. This act becomes effective October 1, 1993, and applies to offenses
24 committed on or after that date.