

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1468**

Short Title: Certain Weapons of Mass Destruction.

(Public)

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Sponsors: Representatives Baddour; Alexander, Allen, Allred, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Miller, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Shubert, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue.

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Referred to: Judiciary II.

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October 18, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE,  
3 POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR  
4 ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO  
5 PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF  
6 CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE  
7 REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS  
8 DESTRUCTION.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Chapter 14 of the General Statutes is amended by adding a  
11 new Article to read:

"Article 62.

"Certain Weapons of Mss Destruction.

14 **"§ 14-471. Unlawful manufacture, assembly, possession, storage, transportation,**  
15 **sale, purchase, delivery, or acquisition of certain weapons of mass**  
16 **destruction.**

1       (a) Except as otherwise provided in this section, it is unlawful for any person to  
2 manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to  
3 purchase, deliver or give to another, or acquire certain weapons of mass destruction.

4       (b) The term "weapons of mass destruction", as used in this section, means:

5           (1) Any weapon that is designed or intended to cause death or serious  
6 bodily injury through the release, dissemination, or impact of toxic or  
7 poisonous chemicals, or their precursors;

8           (2) Any weapon involving a disease organism; or

9           (3) Any weapon that is designed to release radiation or radioactivity at a  
10 level dangerous to human life.

11       (c) Any person who violates any provision of this section is guilty of a Class B1  
12 felony.

13 **"§ 14-472. Unlawful use of certain weapons of mass destruction; punishment.**

14       (a) Any person who unlawfully and willfully injures another by the use of certain  
15 weapons of mass destruction, as defined in G.S. 14-471, is guilty of a Class A felony.

16       (b) Any person who attempts, solicits another, or conspires to injure another by  
17 the use of certain weapons of mass destruction, as defined in G.S. 14-471, is guilty of a  
18 Class B1 felony.

19       (c) Any person who delivers or attempts to deliver a weapon of mass destruction,  
20 as defined in G.S. 14-471, by the United States Postal Service or other public or private  
21 business engaged in the delivery of mail, packages, or parcels shall be guilty of a Class  
22 B1 felony.

23 **"§ 14-473. Falsely reporting or placing a false weapon of mass destruction.**

24       (a) Any person who falsely reports an incident of use of certain weapons of mass  
25 destruction is guilty of a Class D felony when knowing the information reported,  
26 conveyed, or circulated to be false or baseless, he or she:

27           (1) Initiates or circulates such report or warning of an alleged occurrence  
28 or impending occurrences of a crime, catastrophe, or emergency  
29 involving the use of certain weapons of mass destruction under  
30 circumstances in which it is not unlikely that public alarm or  
31 inconvenience will result;

32           (2) Reports, by word or action, to any official or quasi-official agency or  
33 organization having the function of dealing with emergencies  
34 involving danger of life or property, an alleged occurrence or  
35 impending occurrence of crime, catastrophe, or emergency involving  
36 the use of certain weapons of mass destruction which did not in fact  
37 occur or does not in fact exist.

38       (b) Any person who places a false weapon of mass destruction is guilty of a Class  
39 D felony when he or she places, or causes to be placed, any device or object that by its  
40 design, construction, content, or characteristics appears to be, or to contain, certain  
41 weapons of mass destruction, but is, in fact, an inoperative facsimile or imitation of  
42 such a certain weapon of mass destruction and which he or she knows, intends, or

1 reasonably believes will appear, to be a certain weapon of mass destruction under  
2 circumstances in which it is likely to cause public alarm or inconvenience."

3           **SECTION 2.** G.S. 14-17 reads as rewritten:

4 "**§ 14-17. Murder in the first and second degree defined; punishment.**

5       A murder which shall be perpetrated by means of weapons of mass destruction as  
6 defined in G.S. 14-471, poison, lying in wait, imprisonment, starving, torture, or by any  
7 other kind of willful, deliberate, and premeditated killing, or which shall be committed  
8 in the perpetration or attempted perpetration of any arson, rape or a sex offense,  
9 robbery, kidnapping, burglary, or other felony committed or attempted with the use of a  
10 deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and  
11 any person who commits such murder shall be punished with death or imprisonment in  
12 the State's prison for life without parole as the court shall determine pursuant to G.S.  
13 15A-2000, except that any such person who was under 17 years of age at the time of the  
14 murder shall be punished with imprisonment in the State's prison for life without parole.  
15 Provided, however, any person under the age of 17 who commits murder in the first  
16 degree while serving a prison sentence imposed for a prior murder or while on escape  
17 from a prison sentence imposed for a prior murder shall be punished with death or  
18 imprisonment in the State's prison for life without parole as the court shall determine  
19 pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be  
20 proximately caused by the unlawful distribution of opium or any synthetic or natural  
21 salt, compound, derivative, or preparation of opium, or cocaine or other substance  
22 described in G.S. 90-90(1)d., when the ingestion of such substance causes the death of  
23 the user, shall be deemed murder in the second degree, and any person who commits  
24 such murder shall be punished as a Class B2 felon."

25           **SECTION 3.** This act is effective when it becomes law.