

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 664

Short Title: Safe Storage of Firearms.

(Public)

Sponsors: Senators Graham; Dannelly and McKissick.

Referred to: Judiciary I.

March 19, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE STRICTER REQUIREMENTS FOR THE STORAGE OF  
3 FIREARMS 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 discharged~~  
9 ~~and (ii) in a manner that the person knew or should have known that an unsupervised minor~~  
10 would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains  
11 access to the firearm without the lawful permission of the minor's parents or a person having  
12 charge of the minor and the minor:

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

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

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

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

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

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

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

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

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

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

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

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

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



1                   **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
2 offenses committed on or after that date.