

North Carolina State Law
Gen. Stat. of NC

Chapter 14. Criminal Law

14-160.1. Alteration, destruction or removal of permanent identification marks from personal property.

(a) It shall be unlawful for any person to alter, deface, destroy or remove the permanent serial number, manufacturer's identification plate or other permanent, distinguishing number or identification mark from any item of personal property with the intent thereby to conceal or misrepresent the identity of said item.

(b) It shall be unlawful for any person knowingly to sell, buy or be in possession of any item of personal property, not his own, on which the permanent serial number, manufacturer's identification plate or other permanent, distinguishing number or identification mark has been altered, defaced, destroyed or removed for the purpose of concealing or misrepresenting the identity of said item.

(c) A violation of any of the provisions of this section shall be a misdemeanor, punishable on conviction thereof by imprisonment not to exceed two years or by a fine not to exceed one thousand dollars (\$1,000) or both, in the discretion of the court. (After January 1, 1995, a Class 1 misdemeanor.)

(d) This section shall not in any way affect the provisions of G.S. 20-108, 20-109(a) or 20-109(b).

14-269.7. Prohibitions on handguns for minors.

(a) Any minor who possesses or carries a handgun is guilty of a misdemeanor punishable by imprisonment for up to six months, a fine of up to five hundred dollars (\$500.00), or both.

(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.** Any dangerous firearm including a pistol or revolver designed to be fired by the use of a single hand.

(2) **Minor.** Any person under the age of 18 years of age.

14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions.

(a) Except as otherwise provided in this section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell,

purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This section does not apply to:

(1) Persons exempted from the provisions of G.S. 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term **"weapon of mass death and destruction"** includes:

(1) Any explosive, incendiary, poison gas or radioactive material:

a. bomb; or

b. grenade; or

c. rocket having a propellant charge of more than four ounces; or

d. missile having an explosive or incendiary charge of more than one-quarter ounce; or

e. mine; or

f. device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder.

(4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled;

(5) Radioactive material, which means any solid, liquid or gas which emits or may emit ionizing radiation spontaneously or which becomes capable of producing radiation or nuclear particles when controls or triggering mechanisms of any associated device are operable.

The term **"weapon of mass death and destruction"** does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, of 4686 Title 10 of the United

States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code.

14-315. (Effective January 1, 1995) Selling or giving weapons to minors.

(a) Offense. If any person shall sell, offer for sale, give or in any way dispose of to a minor any handgun as defined in G.S. 14-269.7, pistol, pistol cartridge * * * he shall be guilty of a Class I misdemeanor and shall forfeit the proceeds of any sale made in violation of this section.

(b) Defense. It shall be a defense to a violation of subsection (a) of this section if the person:

(1) Shows that the minor produced a drivers license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for the purchase and bearing a physical description of the person named on the card reasonably describing the minor; or

(2) Produces evidence of other facts that reasonably indicated at the time of the sale that the minor was at least the required age.

14-316. Permitting young children to use dangerous firearms.

(a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to knowingly permit his child under the age of 12 years to have the possession, custody or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a class 2 misdemeanor.

(b) Air rifles, air pistols, and B.B. guns shall not be deemed "**dangerous firearms**" within the meaning of subsection (a) of this section except in the following counties: Anson, Caldwell, Caswell, Chowan, Cleveland, Cumberland, Durham, Forsyth, Gaston, Harnett, Haywood, Mecklenburg, Stanly, Stokes, Surry, Union, Vance.

14-402. (Effective January 1, 1995) Sale of certain weapons without permit forbidden.

(a) It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol or crossbow unless a license or permit therefor has first been obtained by the purchaser or receiver from the sheriff of the county in which that purchaser or receiver resides.

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

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

(c) The following definitions apply in this section:

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

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

14-403. Permit issued by sheriff; form of permit. The sheriffs of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in this Article from any person, firm, or corporation offering to sell or dispose of the same, which said license or permit shall be in the following form, to wit:

North Carolina,

. County

I,, Sheriff of said County, do hereby certify that whose place of residence is in (or) in Township, County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, a license or permit is therefore hereby given said to purchase one pistol from any person, firm or corporation authorized to dispose of the same.

This day of, 19

.....

Sheriff

14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; * * *

Upon application, the sheriff shall issue such license or permit to a resident of that county unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a nonresident when the sheriff shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for:

- (i) the protection of the home, business, person, family, or property,
- (ii) target shooting,
- (iii) collecting, or
- (iv) hunting.

If said sheriff shall not be so fully satisfied, he may, for good cause shown, decline to issue said license or permit and shall provide to said applicant within seven days of such refusal a written statement of the reason(s) for such refusal. An appeal from such refusal shall lie by way of petition to the chief judge of the district court for the district in which the application was filed. The determination of the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal, and shall be final. A permit may not be issued to the following persons:

(i) one who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade), except that if a person has been convicted and later pardoned or is not prohibited from purchasing a firearm under the Felony

Firearms Act (Article 54A of this Chapter), he may obtain a permit;

(ii) one who is a fugitive from justice;

(iii) one who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section 802); [or]

(iv) one who has been adjudicated incompetent on the ground of mental illness or has been committed to any mental institution.

Provided, that nothing in this Article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and state that the purpose for the purchase of the firearms is directly related to the law officers' official duties.* * * Each applicant for any such license or permit shall be informed by said sheriff within 30 days of the date of such application whether such license or permit will be granted or denied and, if granted, such license or permit shall be immediately issued to said applicant.

14-405. Record of permits kept by sheriff. The sheriff shall keep a book, to be provided by the board of commissioners of each county, in which he shall keep a record of all licenses or permits issued under this article, including the name, date, place of residence, age, former place of residence, etc., of each such person, firm, or corporation to whom or which a license or permit is issued.

14-406. Dealer to keep record of sales. Every dealer in pistols, and other weapons mentioned in this Article shall keep an accurate record of all sales thereof, including the name, place of residence, date of sale, etc., of each person, firm, or corporation to whom or which such sales are made, which record shall be open to the inspection of any duly constituted State, county or police officer, within this State.

14-409. Machineguns and other like weapons.

(a) As used in this section, "machinegun" or "submachinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machineguns, submachineguns, or other like weapons as defined by subsection (a) of this section: **Provided, however,** that this subsection shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the dis-

charge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. **Provided, further,** that any bona fide resident of this State who now owns a machinegun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Publisher's Note:

The language seen in the sections listed on the left is identical to that in the sections listed on the right, except that the clerk of the superior court is, in most instances, the law enforcement official named. Therefore, the text of the sections in the right hand column has been omitted.

SECTION	CATCHLINE	SECTION (text omitted)
14-402	Sale of certain weapons without permit forbidden ..	14-409.1
14-403	Permit issued * * * ; form of permit * * *	14-409.2
14-404	Issuance/refusal of permit * * * ; grounds for refusal * * *	14-409.3
14-405	Record of permits * * *	14-409.4
14-406	Dealer to keep record of sales	14-409.5
14-409	Machineguns and other like weapons	14-409.9

14-409.11. "Antique firearm" defined. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

14-409.12. "Historic edged weapons" defined. The term "historic edged weapon" means any bayonet, * * * manufactured during or prior to World War II but in no event later than January 1, 1946.

14-415.1. Possession of firearms, etc., by felon prohibited.

(a) (Effective January 1, 1995) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall

length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c) within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction, whichever is later.

Every person violating the provisions of this section shall be punished as a Class I felon. (After January 1, 1995, a Class H felon.)

Nothing in this subsection would prohibit the right of any person to have possession of a firearm within his own home or on his lawful place of business.

(b) Prior convictions which cause disenfranchisement under this section shall only include:

(1) Felonious violations of Articles 3, 4, 6, 7A 8, 10, 13, 14, 15, 17, 30, 33, 36, 36A, 52A, or 53 of Chapter 14 of the General Statutes, or of Article 5 of Chapter 90 of the General Statutes.

Chapter 14

Article 3 Rebellion

Article 4 Subversion Activities

6 Homicide

7A Rape and Other Sex Offenses

8 Assault

10 Kidnaping and Abduction

13 Malicious Injury or Damage by Use of Explosives or Incendiary Device or Material

14 Burglary and Other Housebreakings

15 Arson and Other Burnings

17 Robbery

30 Obstructing Justice

33 Prison Breach and Escape

36 Offenses against the Public Safety

36A Riots and Civil Disorder

52A & 53 Sale of Weapons without Permit

Chapter 90

Article 5 Controlled Substances Violations

(2) Common law robbery and common law maim; and

(3) Violations of criminal laws of other states or of the United States substantially similar to the crimes covered in subdivisions (1) and (2) which are punishable where committed by imprisonment for a term exceeding two years.

When a person is charged under this section, records of prior convictions of any offense, whether in the courts of this State, or in the courts of any other state or of the United States, shall be admissible in evidence for the purpose of proving a violation of this section. The term "conviction" is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding two years, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction or a plea of guilty to such an offense certified to a superior court of this State from the custodian of records of any state or federal court under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certi-

fied.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein.

Chapter 105. Taxation

105-80. Firearms dealers and dealers in other weapons.

(a) **Firearms.** Every person, firm, or corporation who is engaged in the business of selling or offering for sale firearms, other than antique firearms or firearms that are weapons of mass death and destruction, shall obtain a license from the Secretary of Revenue for the privilege of engaging in business and shall pay a tax of fifty dollars (\$50.00) for the license. As used in this subsection, the terms "antique firearm" and "weapons of mass death and destruction" have the same meanings as in G.S. 14-409.11 and G.S. 14-288.8, respectively. As used in this subsection, the term "engaged in the business of" shall mean devoting time, attention, and labor to selling or offering for sale firearms as a regular course of trade or business with the principal objective of profit through the repetitive purchase and sale, or the manufacture for sale, of firearms. Such term shall not include the making of occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection, or the sale of all or part of a personal collection of firearms.

A license issued under this subsection authorizes the licensee to engage in business at the location for which the license is issued and at a gun show held in the State. A "gun show" is an event sponsored either by an organization devoted to the collection, competitive use, or other sporting use of firearms or by an organization that sponsors events devoted to the collection, competitive use, or other sporting use of firearms in the community.

* * * *

(c) **Local licenses.** Counties and cities may levy a license tax on a business taxed under this section at an amount that does not exceed the State tax. *

* * *

Publisher's Note:

The following provisions, or minor variations thereto, regarding firebombs and Molotov cocktails have been enacted by the North Carolina municipalities appearing in the list below.

(a) **Definitions.** For the purposes of this section the following terms shall have the meanings herein ascribed:

(1) **Firebomb.** Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) **Molotov cocktail.** Any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its

contents, filled with inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs other than on his or their premises.

Chapel Hill
Lenoir
New Bern
Raleigh
Southern Pines
Williamston

Publisher's Notes:

1. The following jurisdiction restricts the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Winston-Salem*

2. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Elizabeth (a)
Greensboro (a)
High Point (a)
Winston-Salem*(b)