

239.11 IMPROPER STORAGE OF FIREARMS TO PROTECT MINORS.
MISDEMEANOR.

The defendant has been charged with improper storage of firearms to protect minors.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant resided in the same premises with a minor. A minor is a person under 18 years of age (who is not emancipated).

Second, that the defendant [owned] [possessed] a firearm.

Third, that the defendant stored or left the firearm in a condition that the firearm could be discharged and in a manner that the defendant knew or should have known that an unsupervised minor would be able to gain access to the firearm.

Fourth, that the minor gained access to the firearm and [possessed it (on educational property) (or) (at a curricular or extracurricular activity sponsored by a school)]¹ [exhibited it in a public place in a careless, angry or threatening manner] [caused personal injury or death with it] [used it in the commission of a crime].

And Fifth, that the minor gained access to the firearm without the lawful permission of the [minor's parent] [person having charge of the minor].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant resided in the same premises as a minor and [owned] [possessed] a firearm which he stored or left in a condition that could be discharged and in a manner that the defendant knew or should have known that an unsupervised minor would be able to gain access to, and the minor did gain access to the firearm without the lawful

N.C.P.I.—CRIMINAL 239.11
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GENERAL CRIMINAL VOLUME
REPLACEMENT AUGUST 1999
N.C. Gen. Stat. § 14-315.1

permission of the [minor's parent] [person having charge of the minor) and [possessed it (on educational property) (or) (at a curricular or extracurricular activity sponsored by a school)] [exhibited it in a public place in a careless, angry, or threatening manner] [caused personal injury or death with it] [used it in the commission of a crime], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of educational property see G.S. 14-269.2(a)(1).