

Sunset Silhouettes

STAFF PHOTO BY ERIC CARLSON

Cormorants gather on an Intracoastal Waterway channel marker as a beautiful South Brunswick Islands sunset unfolds behind them.

State Weapons Ban Sets Stiffer Penalties For Bringing Firearms Onto Educational Property

BY SUSAN USHER

Starting this week, the consequences are stiffer for anyone caught bringing a weapon or a "look-alike" facsimile on educational property—be it a public or private school, college or university campus, playing field or other site.

A student who brings a gun on campus, for example, not only faces possible suspension from school for the balance of the year or expulsion, but could be convicted of a Class I felony.

Generally, a Class I felony is punishable by imprisonment up to five years, a fine, or both, and has a presumptive term of two years.

Also, it is now a misdemeanor—and depending on circumstances, possibly a felony—to come on school property in a vehicle carrying a gun in a gun rack.

While it is already against Brunswick County Board of Education policy to bring weapons of any type on campus, West Brunswick High School Principal Ed Lemon said activation of the changes in state law means that "how we handle it will be different."

Not only will students face short- or long-term suspension for violation of the weapons ban, the school will bring charges against students or other perpetrators as provided by statute.

"I think we would be in violation of the law if we did not charge them," said Lemon.

District Attorney Rex Gore is of a similar sentiment.

"If a child is at school with a firearm or other weapon," he said Monday, "they had best prosecute or I had better not find out about it."

"This weapons ban on campus is too important. My office will have a real serious problem with anyone in the school system who confiscates a firearm or weapon and doesn't report it to the appropriate law enforcement agency. I hope the school board will reflect that and give their people the authority to go ahead and do what they need to do."

"I'm not going to have children's blood on my hands. Folks needs to feel like their children are safe at school and my office is going to do

everything it can to ensure that."

As of Wednesday, it became a Class I felony for any person to possess, or carry, openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite, cartridge, bomb, grenade, mine or powerful explosive, on educational property. Excluded are BB guns, air rifles or air pistols.

It is also a Class I felony for any person—including a parent—to "cause, encourage, or aid a minor (under age 18)" to possess or carry a firearm or powerful explosive.

However, it will be considered a misdemeanor rather than a felony, if:

- that person is not a student attending school on the educational property (a student is defined as someone who has been enrolled in school or who has been suspended or expelled within the last five years from school, whether the person is an adult or a minor);

- the firearm is not concealed as defined by state statute;

- the firearm is not loaded and is in a locked container, locked vehicle or locked firearm rack on a motor vehicle; and

- the person does not brandish, exhibit or display the firearm "in any careless, angry or threatening manner".

It is also considered a misdemeanor for any person to possess or carry, whether openly or concealed, a BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade (a knife with one or more blades which open automatically by release of a spring or similar contrivance), blackjack, metallic knuckles, razors and razor blades (other than for personal shaving), or any sharp-pointed or edged instrument, except unaltered nail files and clips or tools used only to prepare food or for instruction or maintenance.

It is also a misdemeanor for anyone—parent or otherwise—to cause, encourage or aid a minor to possess or carry one of the above-named weapons.

Home schools are exempted from the rules, as are weapons used for educational or school-sanctioned ceremonial purposes, armed forces

personnel, officers and soldiers of the militia and national guard, law enforcement personnel or private police employed by the school, when acting to discharge their official duties. This includes Junior ROTC.

Superintendent Ralph Johnston said that school system officials will be expected to uphold the law, reporting any weapons found on campuses and filing charges as required by law.

In some ways, he said, school weapons policies are stricter, covering a wider variety of potential weapons, and ranking knives with guns and powerful explosives.

For example, a student in grades 6 through 12 will be suspended for the balance of the school year if caught bringing a knife, firearm or explosive onto school property.

Students who bring on school property some other weapon, or anything used as a weapon, may be suspended long-term or, if mitigating factors are present, may receive some other disciplinary action. Any student who encourages another student to bring weapons to school faces the same consequences.

For younger students (grades K-5), the principal is to use his or her discretion in determining what to do.

Johnston said the change in law has prompted school system officials "to get really active" in looking for ways to provide an alternative educational setting for students who are expelled from school for the balance of the school year or a lesser time because they were found guilty of bringing a weapon on campus.

While not obligated by law to provide an alternative setting, Johnston said he feels the schools have an ethical obligation to do so.

"You want to provide it," he said. "If we don't educate we perpetuate the problem. We need to try and salvage and reclaim these children."

Assistant Superintendent Oscar Blanks is working with principals to develop alternatives to the regular classroom that would involve using a limited amount of funds while insuring a high quality of teaching, he said.

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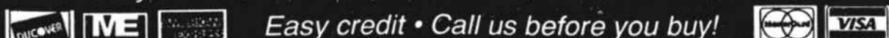
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