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NOTE

FIRING BACK: STATE V. HUCKELBA TAKES AIM AT PRECEDENT, IMPACTING THE GUN RIGHTS OF NORTH CAROLINA CITIZENS

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I. INTRODUCTION

Courts have long been reluctant to impose strict criminal liability in cases where a statute does not explicitly require proof of guilty intent on the part of an actor. Instead, they prefer to 'read into' a statute a requirement that the actor had some knowledge of a wrongful act.[1] The court's hesitation is centered on its desire to prevent the criminalization of certain conduct that would otherwise be innocent but for the guilty intent behind the act, while still carving out exceptions when it concerns the regulation of public welfare.[2] On the surface, the protection of public welfare seems simple enough to delineate, however, it is easily muddled when considered in the context of constitutional protections provided to gun owners.[3]

The recent case of *State v. Huckelba*[4] brought back to light a 2003 decision by the North Carolina Court of Appeals, which had previously allowed a strict liability approach to N.C. GEN. STAT. §14-269.2 (2011), holding that there was no need to prove an "element of criminal intent or mens rea" behind the defendant's possession of a firearm while on educational property.[5] In light of a recent amendment to the statute, the court in *Huckelba*

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1. *See* Liparota v. United States, 471 U.S. 419 (1985).

2. *See* Staples v. United States, 511 U.S. 600, 610 (1994) ("[We have taken care] to avoid construing a statute to dispense with *mens rea* where doing so would 'criminalize a broad range of apparently innocent conduct.'").

3. *See id.* at 634.

4. State v. Huckelba, 771 S.E.2d 809 (N.C. Ct. App. 2015).

5. State v. Haskins, 585 S.E.2d 766, 768 (N.C. Ct. App. 2003), *overruled by Huckelba*, 771 S.E.2d at 823 (citing *In re* Cowley, 461 S.E.2d 804, 806 (1995)) (noting the purpose of the statute was to deter individuals from bringing guns onto school grounds because of the "increased necessity for safety in our schools").

read a mental requirement into the element of being on educational property, and overturned the holding in *State v. Haskins*.[6]

This case note will consider the implications of the decision in *Huckelba* and the lasting effect that it will have on regulating the use of firearms.[7] In doing so, this note will explore the holding of *Huckelba* as well as the case law and legislative intent used by the North Carolina Court of Appeals in reaching its decision.[8] Finally, the note will discuss the firm stance that this court has taken in refusing to impose strict criminal liability for possession of guns on educational property, and will investigate its effect on the interests of public safety in North Carolina schools.[9]

II. THE CASE

The appeal in this case was based on a conviction of three counts of misdemeanor and one count of felony possession of a weapon on campus or other educational property under N.C. GEN. STAT. § 14-269.2(b).[10] While being questioned, Defendant freely admitted to a police officer that she was in possession of a loaded firearm located in the glove box of her car.[11] After waiving her Miranda rights, Defendant admitted that she knew that she was not allowed to have the gun on campus.[12] Defendant knew from her 'concealed carry' permit classes that possession of a firearm on campus was prohibited by law, however, she believed that her car was not parked on campus.[13] To her credit, she was parked in a lot that had no security measures and was a considerable distance from both the main academic and residential areas of the campus of High Point University (the "University").[14] However, the parking lot was in front of a University administrative building and still considered part of the University's campus.[15]

At trial, Defendant did not present any evidence and moved to dismiss, adamantly denying that she had any knowledge that she was on educational property.[16] The statute read in pertinent part: "It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational proper-

6. *Huckelba*, 771 S.E.2d at 822–23.
7. *Id.* at 825.
8. *Id.*
9. *Id.* at 823.
10. *Id.* at 812.
11. *Id.* at 813.
12. *Id.*
13. *Id.*
14. *Id.* at 812.
15. *Id.* (noting that the parking lot was two miles from the main campus).
16. *Id.* at 813.

ty."[17] However, there was no indication (or any standing precedent) as to whether the guilty state of mind should be read into the statute for the "educational property" element.[18] The jury was instructed to find the defendant guilty if she possessed a gun on educational property regardless of whether she was aware she was on campus property.[19]

After being found guilty on all four weapons charges, Defendant claimed there was plain error in the jury instructions when the trial court "failed to instruct the jury on the proper mental state" as it relates to the element of the crime concerning "on educational property."[20] She claimed that the jury should have been properly instructed to find her not guilty if they believed she was not knowingly on educational property.[21]

Convinced that it was not in the intent of the legislation to criminalize this kind of conduct, the North Carolina Court of Appeals held that the "trial court committed plain error by failing to require the jury to consider whether the State met its burden of proving that Defendant was knowingly on educational property when she possessed the Ruger pistol."[22] The Court of Appeals followed a line of Fourth Circuit cases that allowed the knowledge requirement to be read into a statute, even though that statute lacked a specific mens rea requirement as to the educational property element.[23] The court based its decision on the legislative purpose in enacting the statute, which was to "prevent the presence of guns on educational property — not to prevent individuals from possessing or carrying guns."[24] The *Huckelba* court followed those precedent cases, holding that a conviction requires the defendant to know that she was on educational property because it is that specific knowledge that converts an otherwise innocent act into a crime.[25]

On April 21, 2015, the North Carolina Court of Appeals ultimately reversed Defendant's conviction and remanded the case for a new trial, whereby the jury would be instructed to consider the knowledge requirement for the "educational property" element of the statute.[26]

17. N.C. GEN. STAT. § 14-269.2(b) (2011).
18. *Huckelba*, 771 S.E.2d at 815.
19. *Id.*
20. *Id.*
21. *Id.*
22. *Id.* at 825.
23. *Id.* at 819–20.
24. *Id.* at 822–23.
25. *Id.* at 819.
26. *Id.* at 826.

III. BACKGROUND

State v. Huckelba was not the first case to ask the North Carolina Court of Appeals to decide whether N.C. GEN. STAT. § 14-269.2 is meant to include a mens rea element.[27] In 2003, the court in *State v. Haskins* definitively held that "N.C. GEN. STAT. § 14–269.2 does not include a *mens rea* element," thereby relieving the State of the burden of proving that the defendant had any guilty intent behind their actions.[28] The *Haskins* court specifically approved of a strict liability view of the statute when they rejected the appellant's argument that the element of criminal intent or mens rea should be read into the statute on the basis that "strict liability offenses are disfavored in our criminal jurisprudence."[29] This landmark decision had significant consequences for the interpretation of the statute, which under its original construction in 1993 read, "it shall be a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind . . . on educational property."[30] At that time, the statute did not expressly require specific intent or knowledge on the part of the defendant and the court chose to not read it into the statute, even though the decision was in contrast to previous litigation in the United States Supreme Court and the United States Court of Appeals for the Fourth Circuit.[31]

The principal argument has historically been rooted in the common law presumption that "criminal culpability requires a guilty mind, or some knowledge that the actor is performing a wrongful act."[32] The Supreme Court decision in *Liparota v. United States* was the first case to address "the extent to which a mental state requirement should be 'read into' a statute."[33] Without any indication of "congressional purpose" on the issue, the Court forced the State to prove the defendant had a guilty state of mind for his possession and use of unauthorized food stamps in an unauthorized man-

27. *See* State v. Haskins, 585 S.E.2d 766, 770 (N.C. Ct. App. 2003).

28. *Id.* (using precedent set by the U.S. Supreme Court).

29. *Id.* at 768.

30. *Huckelba*, 771 S.E.2d at 821 (citing Crimes-Possession of Firearms or Explosives on Educational Property, Ch. 558, § 1, 1993 N.C. Sess. Laws 558 (codified at N.C. GEN. STAT. § 14-269.2. (1993) (prior to 2011 amendment)).

31. *See* Liparota v. United States, 471 U.S. 419, 426 (1985) (declining to impose a strict liability standard to avoid criminalizing conduct that would be otherwise innocent); United States v. Figueroa, 165 F.3d 111, 116 (2d Cir. 2000) (reading a mens rea requirement into a statute); United States v. Forbes, 64 F.3d 928, 932 (4th Cir. 1995) (holding a defendant must have knowledge of the fact that turns an innocent act into a crime).

32. *Huckelba*, 771 S.E.2d at 816.

33. *Id.* at 817 (citing *Liparota*, 471 U.S. at 426).

ner.[34] The Court reasoned that to "interpret the statute otherwise would be to criminalize a broad range of apparently innocent conduct."[35] This holding sought to prevent the government from prosecuting those individuals that would have used a food stamp in a "manner not authorized by [the statute] or the regulations" even though they were unaware that their conduct was in violation of a federal regulation.[36]

Following that decision, there was a series of cases that came before the federal courts in which they acted consistent to the *Liparota* holding.[37] In *Figueroa v. United States*, the court similarly held that the government must prove a defendant had knowledge of certain facts to avoid criminalizing innocent conduct.[38] The court rationalized on the basis that federal criminal statutes are "normally read to contain a mens rea requirement that attaches to enough elements of the crime that together would be sufficient to constitute an act in violation of the law."[39] This holding reaffirmed the precedent set by *Liparota*, choosing to avoid criminalizing conduct that would not amount to an actual crime absent any guilty intent.[40]

However, the United States Supreme Court has recognized an exception to the rule, most notably applied in *United States v. Freed*, which allowed prosecution of a crime without any "specific intent or knowledge" for those regulatory activities "affecting public health, safety, and welfare."[41] This allowed the Court to find it sufficient that the defendant knew he was in possession of a grenade without any specific proof that he knew it was unregistered.[42] They reasoned that it was common knowledge for an individual to know that possession of a hand grenade is not an innocent act, and therefore it was viewed as a "regulatory measure in the interest of public safety."[43]

Going against precedent set by the United States Supreme Court in *Liparota*, the North Carolina Court of Appeals decision in *Haskins* declined to

34. *Liparota*, 471 U.S. at 434 (interpreting statute to criminalize anyone who possessed or used unauthorized food stamps in a manner that was in violation of any statute or regulation, but only if they knew they were violating another statute).

35. *Id.* at 426 (reasoning that strict interpretation could result in convictions for those who sought to use stamps received through clerical error without knowledge of the mistake).

36. *Id.* at 426 (citing 7 U.S.C. § 2014 (2014)).

37. *Huckelba*, 771 S.E.2d at 816.

38. *Figueroa*, 165 F.3d at 116 (holding that the government must prove that the defendant knowingly aided an alien to enter the country and that he knew the alien was excludable).

39. *Id.* at 116.

40. *Liparota*, 471 U.S., at 426.

41. United States v. Freed, 401 U.S. 601, 609 (1971).

42. *Freed*, 401 U.S. at 604 (citing 26 U.S.C. § 5861(d) (2006) ("[I]t shall be unlawful for any person to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.")).

43. *Id.* at 609.

read a mental state requirement into N.C. GEN. STAT. § 14-269.2.[44] The court's holding was driven in large part due to public policy as they felt that restricting possession of guns and weapons on educational property fell in line with the exception used in *Freed*, reasoning that the purpose of N.C. GEN. STAT. § 14-269.2 was for "'deter[ing] students and others from bringing any type of gun onto school grounds' because of 'the increased necessity for safety in our schools.'"[45]

This decision flew in the face of *Staples v. United States*, where the United States Supreme Court specifically declined to extend the "public safety" exception to cases involving gun use.[46] The Court clarified that unlike hand grenades, the possession of a lawful firearm falls under the umbrella of "apparently innocent conduct" which should not be criminalized by dispensing with the mens rea in construing a statute.[47] They acknowledged that there are different categories of guns that may be legally possessed which are much more dangerous and powerful than others.[48] However, they firmly held that although some guns may harbor much greater potential for destruction, it "cannot be said to put gun owners sufficiently on notice of the likelihood of regulation to justify" the interpretation of the statute to not require "proof of knowledge of [that] weapon's characteristics."[49]

The Court carefully dismissed the argument laid out by the government, who pleaded that automatic firearms are "highly dangerous devices that should alert their owners to the probability of regulation," and instead relied on the long held principle of avoiding the criminalization of otherwise innocent conduct.[50] In their finding, the Court held that "[e]ven dangerous items can, in some cases, be so commonplace and generally available that we would not consider them to alert individuals to the likelihood of strict regulation."[51]

Staples essentially prevented the application of the "public welfare" exception to those cases involving any gun that could be lawfully obtained and owned, however, it did not do so explicitly and definitively.[52] This gave the *Haskins* court the ability to declare gun use on educational property as an exception for the good of public welfare and safety, while ignoring

44. *Haskins*, 585 S.E.2d at 770 ("[W]e conclude N.C. Gen. Stat. § 14–269.2 does not include a *mens rea* element.").

45. *Id.* at 768–69 (citing *In re* Cowley, 461 S.E.2d 804, 806 (1995)).

46. *See* Staples v. United States, 411 U.S. 600 (1994) (involving a defendant who modified his unregistered weapon to allow for automatic firing capabilities).

47. *Id.* at 610.

48. *Id.* at 611 (mentioning "machineguns, sawed-off shotguns, and artillery pieces").

49. *Id.* at 612 (construing 26 U.S.C. § 5861(d)).

50. *Id.* at 610.

51. *Id.* at 611.

52. *Huckelba*, 771 S.E.2d at 818.

any potential criminalization of otherwise lawful gun possession.[53] The court articulated that "the statute was enacted 'because of the increased necessity for safety in our schools,' and therefore, it falls under the subset of crimes for which 'the U.S. Supreme Court has upheld the imposition of criminal penalties without the finding of criminal intent.'"[54]

Significant change came to the North Carolina gun laws in 2011, through legislation which greatly expanded the rights to use firearms to individuals and ultimately modified N.C. GEN. STAT. § 14-269.2.[55] The statute was amended to include the word 'knowingly' to its construction so it would read: "It shall be a Class I felony for any person *knowingly* to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school."[56] It was this slight change that gave the court in *Huckelba* the power to overturn the holding of *Haskins*.[57] Using a series of Fourth Circuit cases, the court in *Huckelba* dismissed the decision in *Haskins* and held that "under each relevant principle of statutory construction, the 'knowingly' mental state in N.C. GEN. STAT. § 14–269.2(b) must modify both clauses 'possess or carry' and 'on educational property.'"[58]

The court agreed with the early United States Supreme Court holdings of *Liperota* and *Figueroa* by acknowledging "the 'knowingly' *mens rea* requirement must attach to enough elements of the statute to make the commitment of that act illegal," thereby reassuring that the mere possession of a gun could not be criminalized unless there was a "violation of one of North Carolina's other gun laws."[59] Further, the court explicitly declined to apply the public welfare exception used in *Haskins*, relying on those Constitutional protections to own firearms and carry them "in accordance with the law."[60] This decision was fueled by three pivotal Fourth Circuit cases, which bolstered the idea that a mental state requirement should be read into the statute and only excepted in very limited circumstances concerning public welfare regulation.[61]

The holding in *Huckelba* relied primarily on *United States v. Forbes*, which reinforced the idea that the lack of knowledge about a particular ele-

53. *Haskins*, 585 S.E.2d at 769.
54. *Huckelba*, 771 S.E.2d at 821–22.
55. *Id.* at 822.
56. *Id.* (citing Weapons--Self Defense--Presumptions, § 4, 2011 N.C. Sess. Laws 268 (codified at N.C. GEN. STAT. § 14-269.2 (2011) (emphasis added)).
57. *Id.*
58. *Id.* at 816.
59. *Id.* at 817.
60. *Id.* at 817–18.
61. *Id.* at 819.

ment is what converts the "innocent act into a crime."[62] The court felt the criminalization of otherwise innocent conduct involving a firearm was "essentially the same issue" in each case.[63]

The *Huckelba* court distanced itself from *United States v. Langley*, which refused to read a mental requirement into the statute that convicted a felon who possessed a firearm and moved it through interstate commerce.[64] *Langley* allowed the imposition of a strict liability standard based on (i) the fact that there was a history of doing so under the statute, and they felt (ii) the "congressional intent of the statute" would not have made it "easier for felons to avoid prosecution."[65] However, *Langley* was distinguishable, as N.C. GEN. STAT. § 14-269.2 did not have any similar history of consistently imposing a strict liability standard.[66]

Finally, in *United States v. Cook*, the court recognized an exception for conduct that was subject to public regulation and imposed a strict liability standard, but *Huckelba* distinguished itself by holding that doing so would "impinge on constitutionality protected conduct," a concern that was simply not present in *Cook*.[67] *Cook* reasoned that the defendant should have been "well aware that their conduct [was] subject to public regulation" as the case involved receiving illegal drugs, whereas in *Huckelba*, the court did not feel the defendant should have been aware of any such regulation.[68]

In finding the legislative intent behind adopting the 2011 amendment to N.C. GEN. STAT. § 14-269.2 was to "enhance the Second Amendment rights of North Carolina citizens, not to hinder those rights by allowing for convictions under the statute without proof of an evil mind," the *Huckelba* court found that the word knowingly should modify both the possession element and the "on educational property" element of N.C. GEN. STAT. § 14–269.2(b).[69] Additionally, the court chose to align itself with the holding of *Staples* and refused to apply the public welfare exception in this case, strengthening the argument that it should not apply to lawful gun ownership in order to avoid the criminalization of otherwise innocent conduct.[70]

62. United States v. Forbes, 64 F.3d 928, 932 (4th Cir. 1995) (involving defendant convicted for transporting a firearm without any knowledge that he was under indictment for another crime).

63. *Huckelba*, 771 S.E.2d at 819.

64. *Id.* at 819.

65. *Id.* at 819.

66. *Id.* at 819.

67. *Id.* at 820 (referencing lawful gun possession under the Constitution).

68. United States v. Cook, 76 F.3d 596, 601 (4th Cir. 1996) (involving defendant who sold illegal drugs, but did not know his partner was a minor).

69. *Huckelba*, 771 S.E.2d at 822 (applying a plain reason standard to the statute, the court determined that the legislature could not have intended to both expand the rights to possess guns while permitting enforcement of strict criminal liability for those who violate a gun law unknowingly).

70. *Id.* at 819.

IV. ANALYSIS

The decision of *State v. Huckelba* to overturn the holding of *Haskins* has broad legal implications on the rights of gun owners in North Carolina.[71] This decision highlights North Carolina's relaxed policy toward gun owners' rights, and shows a sharp turnaround in the court's view on gun control in the North Carolina school system even in light of recent tragedies involving weapons on educational property.[72] It demonstrates a willingness to ease the burden that is placed on North Carolina's gun owners and alleviate them of some of the responsibility that comes along with carrying a weapon, including those that hold a 'concealed carry' permit. Ignoring the interests of public welfare, the *Huckelba* court quashed any argument supporting stricter regulation for possessing guns on educational property when they held that the imposition of strict criminal liability would be a violation of those rights guaranteed to gun owners because of the danger of criminalizing a broad range of apparently innocent conduct.[73]

First, the court makes a definitive turn away from a more strict policy towards gun ownership, bearing in mind the growing number of school shootings in recent years such as Columbine, Virginia Tech, and Sandy Hook.[74] The 2011 bill, in addition to modifying the text of N.C. GEN. STAT. § 14-269.2, granted numerous other protections to gun owners by (i) codifying the "Castle Doctrine," which gave citizens the ability to use deadly force "in defense of one's home, motor vehicle, or workplace," (ii) allowed concealed handgun permit holders to "carry guns at State parks and State-owned rest stops," as well as granting (iii) "non-law enforcement State officials" the right to carry without many limitations that other permit holders are subject to.[75] *Huckelba* highlights the intent behind the 2011 bill, as an attempt "to enhance the Second Amendment rights of North Carolina citizens, not to hinder those rights by allowing for convictions under the statute without proof of an evil mind."[76]

However, this view is in stark contrast to what the *Haskins* court explained as the legislative intent behind the statute (before it was modified).[77] While the court in *Haskins* held firmly that the purpose of the statute was to "'deter[] students and others from bringing any type of gun onto school grounds' because of 'the increased necessity for safety in our

71. *See id.* at 823.
72. *Id.* at 821–22.
73. *Id.* at 821–22.
74. Jen Christensen, *Why the U.S. has the most mass shootings*, CNN (August 28, 2015), http://www.cnn.com/2015/08/27/health/u-s-most-mass-shootings/.
75. *Huckelba*, 711 S.E.2d at 822 n.9.
76. *Id.* at 822.
77. *Haskins*, 585 S.E.2d at 769.

schools,'" in *Huckelba*, the court used its reading of the legislative intent behind the 2011 bill to undo the protective precedent that had been established.[78]

Although some jurisdictions would seek to create stricter laws to protect our nation's schools, North Carolina is retreating to a pre-*Haskins* approach of protecting the gun owners' rights without regard to public interest.[79] The *Haskins* court sought to bring significant change to North Carolina by allowing strict criminal liability in an attempt to protect the State's schools, by relying on the existing 'public safety and welfare' exception to the requirement of a guilty mind in criminal offenses.[80] That court felt that public policy demanded stricter regulation on school grounds in order to deter people from bringing guns on school property in the interest of safety.[81] *Huckelba*, on the other hand, does not see the necessity for increased safety in our schools as the driving force behind N.C. GEN. STAT. § 14-269.2; they see it as an expansion of gun owners' rights in light of the 2011 bill.[82] Astonishingly, a mere eight days after a fatal shooting on the campus of Wayne Community College (a North Carolina school),[83] the *Huckelba* court overturned the *Haskins* decision and chose to favor the rights of gun owners over the interest of public welfare and school safety.[84] In a nation where shootings in schools and other public places seem to be occurring more frequently, *Huckelba* has refuted *Haskins'* attempt to create restrictions in order to enhance protection for those on school property.[85]

In bolstering the rights of those gun owners, the court has placed the burden on the State to prove that the defendant had knowledge of their location, rather than placing the burden on the responsible gun owner to be aware of whether or not they are violating a statute by carrying a weapon in a forbidden area, namely educational property. Although North Carolina educates those gun owners who seek to obtain a concealed carry permit through mandatory additional safety courses, it is choosing not to hold them accountable for their actions when they are unknowingly in violation of a statute. For the gun owner that goes through additional education and is granted the privilege of carrying a concealed weapon, there is no height-

78. *Id.* (citing *In re* Cowley, 461 S.E.2d 804, 806 (1995)).
79. *Huckelba*, 771 S.E.2d at 822.
80. *Haskins*, 585 S.E.2d at 769.
81. *Id.*
82. *Huckelba*, 771 S.E.2d at 822.
83. Sasha Goldstein, *One dead, gunman at large, after shooting on Wayne Community College campus in Golsdboro, N.C.: officials*, NEW YORK DAILY NEWS (April 13, 2015), http://www.nydailynews.com/news/crime/shooting-reported-wayne-community-college-campus-n-article-1.2183236.
84. *Huckelba*, 771 S.E.2d at 823.
85. *Id.* at 823.

ened level of responsibility; they are simply held unaccountable for their ignorance of a particular situation. In a location that carries a zero tolerance policy for guns,[86] it seems that there is a level of forgiveness for those citizens that have a lapse of judgment and unknowingly carry a dangerous weapon onto educational property, regardless of their education on firearm safety.

Second, the court sought to eliminate any further arguments that the ownership of a gun on school grounds can be considered a "prohibited activity [that] deals with 'public welfare' or 'regulatory' offenses."[87] *Haskins* attempted to protect public safety in schools by instituting criminal penalties without any finding of criminal intent while deliberately avoiding any discussion of constitutional rights as presented by *Staples*.[88] Instead, they declared it was in the interest of public safety to create such strict regulations, basing it on their interpretation of the legislative intent behind N.C. GEN. STAT. § 14-269.2.[89]

The *Haskins* decision was reached in 2003, in the wake of the horrific Columbine massacre of 1999 that alerted a nation to the growing epidemic of incidents involving weapons on school campuses.[90] The court was well aware of increasing public concern to the dangers of firearms on educational property and the growing issue of school shootings.[91] Through their decision, the court took measures to increase public safety in the school system by imposing harsher regulations on gun owners.[92] *Huckelba*, on the other hand, approached the issue as the court did in *Staples* (which was decided five years before Columbine), and sided with the rights of the gun owners and ignored the growing concern for increased safety on educational property, declaring that gun possession does not fall under the exception for public welfare or regulatory offenses.[93]

In the years since Columbine, the violence in schools has not subsided; in fact, it has become arguably more prevalent, and even seems to be occurring more regularly in other public places such as movie theaters[94] and

86. N.C. GEN. STAT. § 115C-390.10 (2011).

87. *Id.* at 818.

88. *Id.* at 821 (citing *Haskins*, 585 S.E.2d at 768).

89. *Haskins*, 585 S.E.2d at 769 (interpreting the statute's enactment as a method of "deter[ring] students and others from bringing any type of gun onto school grounds" because of "the increased necessity for safety in our schools").

90. *See Haskins*, 585 S.E.2d at 766.

91. *Id.* at 769 (citing *In re* Cowley, 461 S.E.2d. at 806).

92. *Id.* at 769.

93. *Huckelba*, 771 S.E.2d at 818.

94. Eliana Dockterman, *Theater Madness*, TIME (August 14, 2015), http://time.com/movie-theater-shootings/.

churches.[95] As a whole, the public is quite aware of the escalating issue of guns on school property and the increased need for stricter regulation to ensure the safety of their children. Most people are well aware that schools have zero tolerance policies for carrying weapons on their grounds, and that there are penalties in place for violating those policies. In *Cook*, the court recognized an exception to allow for a strict liability standard when the defendant should have known his conduct was subject to strict regulation.[96] In *Huckelba*, the Defendant was well aware of the regulation prohibiting her conduct,[97] but the court nonetheless found that N.C. GEN. STAT. § 14-269.2 did not "implicate conduct that is subject to public regulation."[98]

Although the court in *Staples* felt that even highly dangerous items can be so commonplace that the public is not aware of the "likelihood of strict regulation," in light of the continuing increase in school shootings and the considerable national attention they garner,[99] it is arguable that most of the public is already aware that there are strict regulations in place for the possession of firearms on school property.[100] With the overwhelming public awareness to the escalating problem posed by guns in our school system, most people would not only feel regulations are likely to exist, but they would expect strict public regulation for violations of N.C. GEN. STAT. § 14-269.2.

Even though there are cases where an exception has been made because of public safety and welfare,[101] the *Huckelba* court holds firmly that a gun owner's rights should not be impeded. *Haskins* tried to establish stringent guidelines to protect school children, but *Huckelba* held firmly that the freedoms granted to gun owners were paramount.[102] As *Haskins* recognized, the purpose of N.C. GEN. STAT. § 14-269.2 was to deter students from bringing guns on school property in order to provide safety for the children in our schools.[103] In order to provide that protection, *Haskins* realized that an exception would have to be made, because the public safety and welfare of children was the principal concern.[104]

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95. Francie Diep, *Church Shootings Happen Often Enough That There's a National Church Shooting Database*, PACIFIC STANDARD (June 19, 2015), http://www.psmag.com/politics-and-law/research-on-shootings-in-churches.

96. United States v. Cook, 76 F.3d 596, 601 (4th Cir. 1996) (involving defendant who sold illegal drugs, but did not know his partner was a minor).

97. *Huckelba*, 771 S.E.2d at 813.

98. *Id.* at 820.

99. *Staples*, 411 U.S. at 611 (deciding case five years before the Columbine massacre).

100. *Id.* at 611 (citing the Government's argument that "guns are subject to an array of regulations at the federal, state, and local levels that put gun owners on notice . . .").

101. *Huckelba*, 771 S.E. 2d at 818.

102. *Id.* at 823.

103. *Haskins*, 585 S.E.2d at 769 (citing *In re* Cowley, 461 S.E.2d at 806).

104. *Id.* at 768.

The federal courts have consistently held that there is a "long tradition of widespread lawful gun ownership by private individuals in this country," and *Huckelba* seems to presume that "long tradition" is more important than the changing laws in a modern approach to increase the public's safety in our nation's schools.[105]

V. CONCLUSION

The holding of *State v. Huckelba*, while in line with several federal cases, is just another step in the opposite direction for protection against firearms in North Carolina schools. The impact of *Huckelba* will have a lasting effect on the imposition of stricter regulations on gun owners, as the court took pains to reinforce the importance of protecting gun owners' constitutional rights at the expense of protecting the public from possible dangers on educational property.[106] The implications of the passing of the 2011 bill, which ultimately amended the language of N.C. GEN. STAT. § 14-269.2, are still reverberating as is evident through the overturning of the *Haskins* decision, which sought to provide more protection for the State's school system in the interests of public safety.[107]

As the fight for gun control increases across the country, this case will display the position of the North Carolina court system as one that supports the rights of its gun owners over the safety of the general public for fear of criminalizing conduct that would be innocent but for the ignorance of the defendant's conduct.[108] As the inappropriate use of firearms in our nation's schools continues, North Carolina gun owners have little to fear as the "long tradition of widespread lawful gun ownership" is sure to continue.[109]

105. *Huckelba*, 771 S.E.2d at 818.
106. *Id.* at 817.
107. *Haskins*, 585 S.E.2d at 769 (citing *In re* Cowley, 461 S.E.2d at 806).
108. *See Huckelba*, 771 S.E.2d at 817.
109. *Id.* at 818.

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