

Unlocked and Unloaded: How *State v. Cable* Made North Carolina's Safe Storage Law Unenforceable*

When North Carolina enacted Section 14-315.1 of its General Statutes in 1993, the state made significant progress toward holding adults accountable for unsafe gun storage. At its core, Section 14-315.1 criminalizes firearm owners who store firearms negligently around children. But thirty years later, this law is functionally meaningless. This is because of the North Carolina Court of Appeals' decision in State v. Cable. There, the court held that negligent storage in violation of Section 14-315.1 can only occur when a firearm is "loaded." The facts are haunting: Kimberly Cable left her revolver unloaded in her bedroom, with a pack of bullets next to it. Her teenage son's friend found it, loaded it, started playing with it, shot himself in the head, and died that night. But because the gun was unloaded when the friend picked it up, the court reversed Kimberly Cable's manslaughter conviction.

This Recent Development argues that Cable was flawed in two primary ways. First, the court adopted an absurdly restrictive view of the statute's meaning, contravening its own applications of the rule of lenity and precedent from the Supreme Court of North Carolina. Second, the court should have addressed the parties' constitutional arguments, which would have allowed an interpretation true to the legislature's intent to withstand the current Second Amendment framework. By far, however, the most sobering part of the decision was its real-world effect. Because adults are more likely to store guns unloaded once they have children, Cable singlehandedly brought most parental gun owners—the group that Section 14-315.1 was designed to target—out of Section 14-315.1's reach.

INTRODUCTION

Sandy Hook. Columbine. Parkland. A common denominator appears in all three of these infamous tragedies: an adult gave a youth access to a firearm, which he then used in a mass shooting that made history. When Adam Lanza opened fire on Sandy Hook Elementary, the rifles he used came from his mother's "extensive" collection.¹ Before they made Columbine a household name, Eric Harris and Dylan Klebold were given two shotguns and a pistol by

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1. Larry Buchanan, Josh Keller, Richard A. Oppel Jr. & Daniel Victor, *How They Got Their Guns*, N.Y. TIMES (Feb. 16, 2018), <https://www.nytimes.com/interactive/2015/10/03/us/how-mass-shooters-got-their-guns.html> [<https://perma.cc/B3JA-5U6N>].

an adult friend.² The mother of Nikolas Cruz ignored repeated warnings from counselors that her son should not be allowed to buy guns, and under her watch, Cruz assembled an “arsenal” through which he carried out a mass shooting at Parkland High School.³

Mass shootings are not the only consequence of making firearms easily accessible to youths.⁴ From 2003 to 2021, 1,262 minors in the United States died from unintentional firearm injury.⁵ Approximately two-thirds of those deaths resulted from the minor playing with or showing the gun to another when it discharged.⁶

North Carolina, like more than half of U.S. states, has responded to the wave of intentional and unintentional gun deaths amongst American youth by enacting child access prevention (“CAP”) laws.⁷ In general, these laws impose criminal liability on adults who negligently or knowingly allow minors to have unsupervised access to firearms.⁸ Section 14-315.1 of the General Statutes of North Carolina, like many other CAP laws, attaches criminal liability if a person: owns or possesses a firearm, resides on the same premises as a minor, and negligently allows the minor to access the firearm if the minor then uses the firearm to cause harm.⁹ Section 14-315.1 was enacted primarily in response to incidents of gun violence in North Carolina schools, aiming to curb

2. *Where'd They Get Their Guns?*, VIOLENCE POL'Y CTR. (2001), <https://www.vpc.org/studies/wgun990420.htm> [<https://perma.cc/H6H3-2HAK>].

3. Terry Spencer, *Official: Florida Shooting Suspect's Mom Let Him Buy Gun*, ASSOCIATED PRESS (July 10, 2018, at 16:44 ET), <https://apnews.com/general-news-4f4f38edddfb4d34954201bf50b44dbf> [<https://perma.cc/YNE9-38MX>].

4. For example, in January 2023, Virginia schoolteacher Abby Zwerner was shot during class by her six-year-old student. *Former Teacher Shot by Six-Year-Old Student Wins \$10M Jury Verdict Against Ex-Assistant Principal*, KBTX3 (Nov. 6, 2025, at 16:30 ET), <https://www.kbtx.com/2025/11/06/former-teacher-shot-by-6-year-old-student-wins-10m-jury-verdict-against-ex-assistant-principal/> [<https://perma.cc/7YAK-5QZK>]. The first grader told officers that he had obtained the gun by “climbing onto a drawer to reach the top of a dresser, where the firearm was in his mom’s purse.” *Id.*

5. Rebecca F. Wilson, Sasha Mintz, Janet M. Blair, Carter J. Betz, Abby Collier & Katherine A. Fowler, *Unintentional Firearm Injury Deaths Among Children and Adolescents Aged 0–17 Years—National Violent Death Reporting System, United States, 2003–2021*, 72 MORB. & MORTAL. WKLY. REP. 1338, 1340 (2023).

6. *Id.* at 1342.

7. See *The Effects of Child-Access Prevention Laws*, RAND (Jan. 29, 2026), <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html> [<https://perma.cc/A2MB-BJ3D>]; see also Peter Hancock, *Pritzker Signs Bills Addressing Gun Storage, Tracing of Firearms*, CAP. NEWS ILL. (July 28, 2025), <https://capitolnewsillinois.com/news/pritzker-signs-bills-addressing-gun-storage-tracing-of-firearms/> [<https://perma.cc/4WMP-PNDW>] (Governor J.B. Pritzker says that Illinois’s safe-storage law came from being “tired” of forcing children to prepare for mass shooter events, and Illinois Senator Laura Ellman notes that “[f]or far too long, we have witnessed the tragic consequences of unsecured firearms in homes”).

8. *The Effects of Child-Access Prevention Laws*, *supra* note 7.

9. See *id.*; N.C. GEN. STAT. § 14-315.1 (2025).

“irresponsible gun owners” from improperly storing firearms around children and adolescents.¹⁰

However, in 2024, the North Carolina Court of Appeals dramatically changed Section 14-315.1 in *State v. Cable*.¹¹ There, the court held that an owner is only liable if the firearm is “loaded” when accessed.¹² The facts of *Cable* make its holding all the more unsettling: defendant Kimberly Cable’s empty revolver was lying exposed in her bedroom, with a pack of bullets next to it, when her son’s friend found it and fatally shot himself in a game of Russian roulette.¹³ But, because the gun was unloaded at the moment the friend picked it up, Cable’s conviction for manslaughter was reversed.¹⁴

While the legal reasoning of *Cable* was deficient in many ways, its practical effect was egregious. Statistically, gun owners tend to store guns unloaded once they have children.¹⁵ Thus, the decision to criminalize only “loaded” guns made North Carolina’s safe storage law unenforceable against the very population it was intended to target: firearm owners who are parents.

This Recent Development argues that *Cable* was incorrectly decided in two ways. First, the court failed to find that the legislature intended “operable” firearms, not merely “loaded” firearms, to fall within the statute. In reaching its absurd result, the court contravened binding precedent on the rule of lenity from the Supreme Court of North Carolina. Second, the court improperly avoided considering the parties’ constitutional arguments, which would have shown that an “operable” interpretation survives the current Second Amendment framework.¹⁶ Part I of this Recent Development provides background on Section 14-315.1 and *Cable*. Part II then argues that the court’s holding in *Cable* disregarded clearly contrary legislative intent and that a faithful construction of Section 14-315.1 should have encompassed “operable” firearms. Part III shows that such an interpretation is constitutional under

10. See Danny Lineberry, *Schools Get Help in Battle Against Guns*, HERALD-SUN: RALEIGH EXTRA, Dec. 5, 1993, at 42 (<https://infoweb.newsbank.com> (navigate to “North Carolina Newspapers”; then select “Chapel Hill Herald”; choose “1993” in the dropdown; select December 5; scroll and select Page 64)) [<https://perma.cc/6U9L-57HR> (staff-uploaded, dark archive)]; see also Foon Rhee, *Senate Backs Gun Bill*, CHARLOTTE OBSERVER, May 11, 1993, at C1.

11. See *State v. Cable*, 294 N.C. App. 452, 462, 903 S.E.2d 394, 402 (2024).

12. *Id.* at 463–64, 903 S.E.2d at 402.

13. *Id.* at 454, 903 S.E.2d at 397.

14. *Id.* at 462, 903 S.E.2d at 402.

15. See Anna Brown, *Among U.S. Gun Owners, Parents More Likely Than Non-Parents to Keep Their Guns Locked and Unloaded*, PEW RSCH. CTR. (June 26, 2017), <https://www.pewresearch.org/short-reads/2017/06/26/among-u-s-gun-owners-parents-more-likely-than-non-parents-to-keep-their-guns-locked-and-unloaded/> [<https://perma.cc/AHQ6-VNHX>]; see also Matthew Miller & Deborah Azrael, *Firearm Storage in US Households with Children: Findings from the 2021 National Firearm Survey*, 5 JAMA NETW. OPEN, no. 2, at 3 (Feb. 22, 2022), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789269> [<https://perma.cc/F4V9-E4GT> (staff-uploaded archive)].

16. See N.Y. State Rifle & Pistol Ass’n v. Bruen, 142 S. Ct. 2111, 2125–27 (2022) for a discussion of the current Second Amendment Framework.

*New York State Rifle & Pistol Association v. Bruen*¹⁷ and its progeny, *United States v. Rahimi*.¹⁸

I. STATUTORY AND CASE BACKGROUND

A. North Carolina's CAP Law

North Carolina's CAP law, codified at Section 14-315.1 of the General Statutes of North Carolina, is entitled "Storage of Firearms to Protect Minors."¹⁹ Within its scope is any person who lives with a minor, owns or possesses a firearm, and "stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm"²⁰ Liability is triggered if a minor obtains the firearm without permission and either brings it onto a campus, brandishes it in public, causes injury or death with the firearm not in self-defense, or uses it in the commission of a crime.²¹ Allowing a minor access to a firearm in violation of Section 14-315.1 can result in a Class 1 misdemeanor or, if a death results, felony charges.²² The task of interpreting Section 14-315.1, specifically subsection (i), was central to the court's decision in *Cable*.

B. State v. Cable

The underlying facts of *Cable* are, as the court put it, "tragic."²³ In 2018, defendant Kimberly Cable left an unloaded revolver and a box of ammunition on top of an open gun safe in her bedroom, which was how she usually stored the weapon.²⁴ The revolver was one of fifty-eight firearms that she kept in her home.²⁵ Her sixteen-year-old son and his friend, Kyle Lee, snuck into Cable's bedroom at night and took the revolver and ammunition.²⁶ The boys loaded the gun and began to play a game of Russian roulette.²⁷ Kyle shot himself in the head and died instantly.²⁸ In 2022, Cable was tried and convicted of two counts

17. 142 S. Ct. 2111 (2022).

18. 144 S. Ct. 1889 (2024).

19. N.C. GEN. STAT. § 14-315.1.

20. § 14-315.1(a). "Minor" is defined as any individual under eighteen years old. § 14-315.1(d).

21. §§ 14-315.1(a), 14-269.2(b).

22. § 14-18, 14-315.1(a).

23. *State v. Cable*, 294 N.C. App. 452, 454, 903 S.E.2d 394, 397 (2024).

24. *See id.*; *see also* Brief for the State at 38, *Cable*, 294 N.C. App. 452, 903 S.E.2d 394 (No. 23-192).

25. *Cable*, 294 N.C. App. at 454, 903 S.E.2d at 397.

26. *Id.*

27. *Id.*

28. *Id.*

of failure to store a firearm in protection of a minor under Section 14-315.1, and one count of involuntary manslaughter under Section 14-18.²⁹

Cable argued on appeal that because the revolver was unloaded when Kyle accessed it, it was not “in a condition that [it could] be discharged” within the plain meaning of Section 14-315.1’s text.³⁰ Instead, Lee’s “independent actions—opening the chamber, loading a cartridge, and closing the chamber—[were] the reason he was able to discharge the revolver.”³¹ The State countered that the language “in a condition that the firearm can be discharged” means “in working order,” according to the natural reading of the text and the broader context of the statute.³² Though the General Assembly had used the words “loaded” and “unloaded” in neighboring statutory provisions, the State pointed out that it had deliberately used a broader wording in Section 14-315.1, which showed intent to cover conduct like Cable’s.³³ Furthermore, the reading proposed by Cable would defeat the statute’s primary purpose of protecting minors.³⁴

Cable also argued that Section 14-315.1 was facially unconstitutional, as the State could not demonstrate that it was not a historical restriction on Second Amendment rights, per the test set forth by the Supreme Court in *Bruen*.³⁵ The State responded by pointing out the United States’ “long tradition” of holding adults responsible for preventing minors from accessing firearms.³⁶ For example, an 1869 Virginia law criminalized “furnishing or causing to be . . . furnished a minor with a pistol.”³⁷ Thus, the State argued, if the court were to review the safe storage law under *Bruen*, it would survive review.³⁸

The court was apparently persuaded by Cable’s reading of Section 14-315.1, holding that a firearm must be loaded when accessed for the owner to be liable.³⁹ The court first found that the language “in a condition that the firearm can be discharged” was ambiguous on its face.⁴⁰ The court acknowledged that while it was bound to apply the rule of lenity,⁴¹ i.e., to construe the statute in

29. *Id.* at 453, 903 S.E.2d at 397.

30. Defendant-Appellant’s Brief at 18, *Cable*, 294 N.C. App. 452, 903 S.E.2d 394 (No. 23-192).

31. *Id.*

32. Brief for the State, *supra* note 24, at 34.

33. *Id.* at 35.

34. *Id.*

35. Defendant-Appellant’s Brief, *supra* note 30, at 8. In *Bruen*, the Supreme Court held that in order for a Second Amendment regulation to pass constitutional muster, the government must demonstrate that such a regulation is “consistent with this Nation’s historical tradition of firearm regulation.” *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111, 2126 (2022).

36. Brief for the State, *supra* note 24, at 30.

37. *Id.* at 31 (citation modified).

38. *Id.* at 23.

39. *See State v. Cable*, 294 N.C. App. 452, 461, 903 S.E.2d 394, 402 (2024).

40. *Id.*

41. *Id.* at 460, 903 S.E.2d at 401 (citing *State v. Hinton*, 361 N.C. 207, 211, 639 S.E.2d 437, 440 (2007)).

the defendant's favor, it did not need to give the statute its "narrowest or most strained possible meaning" in doing so.⁴² Instead, Section 14-315.1 "should still be construed utilizing common sense and legislative intent."⁴³

To determine legislative intent, the court looked to Section 14-315.1's purpose, what it sought to redress and through what remedy, the meaning of the words and phrasing, the state of the law before the statute's enactment, and related provisions in North Carolina's statutory scheme. According to the court, one such related provision was Section 14-34.1, a separate provision criminalizing the discharge of a firearm into occupied property.⁴⁴ For the court, Section 14-34.1 provided context indicating that Section 14-315.1's "in a condition that the firearm can be discharged" language applied only to loaded firearms.⁴⁵ The court then reviewed the relevant legislative history to ensure that its interpretation would reflect the intent behind Section 14-315.1.⁴⁶ The court noted that the General Assembly had not amended Section 14-315.1 since its enactment in 1993.⁴⁷ Furthermore, the language in Section 14-315.1 was "distinguishable" from that used in other, earlier-enacted legislation, which used more distinct terms such as "loaded" and "unloaded."⁴⁸ Because "in a condition that the firearm can be discharged" had remained untouched since Section 14-315.1's enactment, and the Assembly had previously shown that it was capable of distinguishing between "unloaded" and "loaded" firearms in other statutes, the court presumed that the broader language used in Section 14-315.1 was intentional.⁴⁹ Ultimately, considering "the language within the statute, the use of similar language in other statutes, the legislative history, and the purpose of the statute—and applying the rule of lenity," the court concluded that a firearm is only "in a condition that [it] can be discharged" when it is loaded.⁵⁰

Since Cable's revolver was not loaded when Kyle Lee accessed it, the court agreed with her that it was not stored in a manner that triggered liability under Section 14-315.1.⁵¹ The court reversed both of Cable's convictions for failure to store a firearm to protect a minor and vacated her conviction for involuntary manslaughter, as it was based on the convictions for improper firearm storage.⁵²

42. *Id.* (quoting *State v. Conway*, 194 N.C. App. 73, 79, 669 S.E.2d 40, 44 (2008)).

43. *Id.* (quoting *Conway*, 194 N.C. App. at 79, 669 S.E.2d at 44).

44. *Id.*

45. *Id.*

46. *Id.* at 461, 903 S.E.2d at 402.

47. *Id.*

48. *See id.* ("Because the General Assembly previously referenced firearms using terminology such as 'loaded' and 'unloaded,' we presume the use of broader 'in condition that the firearm can be discharged' language was intentional.").

49. *See id.* at 461–62, 903 S.E.2d at 402.

50. *Id.*

51. *See id.* at 462, 903 S.E.2d at 402.

52. *See id.* at 464, 903 S.E.2d at 403.

Notably, throughout all of this analysis, any acknowledgment of the parties' constitutional arguments under *Bruen* was missing.

II. *CABLE*'S MISGUIDED INTERPRETATION OF SECTION 14-315.1

Cable's interpretation of Section 14-315.1 was flawed in two ways: First, by limiting the statute only to "loaded" firearms, it imposed a reading completely antithetical to the intent of the General Assembly. The court failed to recognize that this intent was plain from the text of Section 14-315.1, its legislative history, and the circumstances of its enactment. Second, the court applied the rule of lenity in a way that was inconsistent with its own jurisprudence and binding precedent from the Supreme Court of North Carolina. Previous panels balanced legislative purpose and leniency toward a criminal defendant, but the *Cable* panel failed to do any such balancing, rushing instead to its overly restrictive holding. Furthermore, *Cable* did not just defy established, binding case law, but it also had the unsettling real-world effect of bringing most parental firearm owners out of the statute's reach.

A. *Legislative History of House Bill 1008*

House Bill 1008, the underlying bill for Section 14-315.1, underwent six drafts before enactment.⁵³ Each version regulated unsafe firearm storage to varying degrees. The first draft did not reference safe storage practices at all.⁵⁴ With respect to firearms, the first draft solely criminalized possessing a firearm on school property and enabling a minor to possess a firearm on school property.⁵⁵ The second draft added the safe-storage provision, which included a *prima facie* presumption of negligence if the firearm was owned by an adult living with the minor.⁵⁶ The third draft retained the second draft's substantive language.⁵⁷

The fourth draft added a preamble explaining the General Assembly's intent for House Bill 1008.⁵⁸ The preamble stated that, upon working with the Task Force on School Violence (created by then-Governor James Hunt Jr.), the General Assembly had "recognize[d] the need to enforce safe schools" and "believe[d] that it is the responsibility of parents to teach their children behavior that will promote safe schools."⁵⁹

53. See *House Bill 1008* (=S891), N.C. GEN. ASSEMB., <https://www.ncleg.gov/BillLookup/1993/H1008> [<https://perma.cc/R5VU-6MKN>].

54. See H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 1).

55. See *id.*

56. H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 2).

57. See H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 3).

58. See H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 4).

59. *Id.*

Building on the fourth draft, the changes in the fifth draft were retained in the final version.⁶⁰ In the fifth draft, the *prima facie* presumption of negligence was replaced by a limitation of liability to “[a]ny person who resides in the same premises as a minor” and stores a firearm in a way where he or she “knew or should have known” that it could be accessed.⁶¹ Thus, while the actual language of the negligence presumption was struck, much of its effect was preserved. The fifth draft’s language served as the final language of Section 14-315.1, as the identical sixth draft became law.⁶²

B. *The Court Disregarded the Legislative Intent of Section 14-315.1*

While there is no singular method of discerning legislative intent, the *Cable* court outright ignored the intent behind Section 14-315.1 when it arrived at the “loaded” interpretation. A construction faithful to the purpose of the statute would hold that the firearm must be “operable,” or “in working condition,” upon access.

Under “well-established North Carolina law, ‘[t]he intent of the Legislature controls the interpretation of a statute.’”⁶³ A North Carolina court may use a variety of approaches: it can find legislative intent from the language and “spirit” of the statute,⁶⁴ its legislative history,⁶⁵ the “effect of the proposed interpretations,”⁶⁶ and even the “circumstances surrounding its adoption” that illuminate the harm sought to be remedied.⁶⁷ Thus, while construction of legislative intent is naturally fluid, intent itself is so fundamental that, even

60. Compare H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 5), with H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 6).

61. H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 5).

62. See H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 6); Act of July 24, 1993, ch. 558, 1993 N.C. Sess. Laws 2955, 2957–58 (codified at N.C. GEN. STAT. § 14-315.1).

63. *State v. Fletcher*, 370 N.C. 313, 327, 807 S.E.2d 528, 539 (2017) (quoting *State v. Joyner*, 329 N.C. 211, 217, 404 S.E.2d 653, 657 (1991)). The practice of centering legislative intent in statutory interpretation is, put mildly, much debated. Blackstone himself shared the opinion with Aquinas and Hobbes that “the adoption of laws requires the judge like anyone else to comply not with their letter . . . so much as with their maker’s intentions.” See RICHARD EKINS, *THE NATURE OF LEGISLATIVE INTENT* 1–2 (2012). In modern-day opposition, many judges and scholars now espouse the legislature as a “‘they,’ not an ‘it,’” and argue that discerning singular intent is impossible. See *id.* at 3; Jesse M. Cross, *Disaggregating Legislative Intent*, 90 FORDHAM L. REV. 2221, 2221 (2022). To assuage the concerns of the “intent-skeptical” community, Cross proposes a model of disaggregated-intent theory, which considers statutes as “transfer[ring] . . . not the intent of a single legislature, but of a collection of competing individual legislators.” *Id.* at 2225. This reflects the reality that a legislature “has a greater ability to act as a unitary institution than has been recognized.” *Id.*

64. See *State ex rel. Utils. Comm’n v. Pub. Staff*, 309 N.C. 195, 210, 306 S.E.2d 435, 443–44 (1983).

65. *Elec. Supply Co. v. Swain Elec. Co.*, 328 N.C. 651, 657, 403 S.E.2d 291, 295 (1991) (quoting *Milk Comm’n v. Food Stores*, 270 N.C. 323, 332, 154 S.E.2d 548, 555 (1967)).

66. See *State v. Tew*, 326 N.C. 732, 738, 392 S.E.2d 603, 607 (1990).

67. See *Elec. Supply Co.*, 328 N.C. at 657, 403 S.E.2d at 295 (quoting *Milk Comm’n*, 270 N.C. at 332, 154 S.E.2d at 555).

“[w]hile a criminal statute must be strictly construed against the State, the courts must nevertheless construe it with regard to the evil which it is intended to suppress.”⁶⁸

The text and title of Section 14-315.1, as well as the many versions of H1008, show that an “operable” reading properly reflects the statute’s purpose. To begin, the title of Section 14-315.1 plainly shows that the statute was enacted to “protect minors.”⁶⁹ And many features of the text show that “in a condition that the firearm can be discharged,” though ambiguous, runs far astray of Section 14-315.1’s purpose when the phrase is construed to include loaded guns only.⁷⁰ For example, the negligent mens rea casts a wide net of liability; indeed, CAP laws in many other states require a higher mental state.⁷¹ To control for this wide net, the statute has clear carve-outs for conditions such as “lawful permission of the minor’s parents,” and “unlawful entry by any person” that result in firearm access.⁷² These conditions were finalized after the bill took four trips between the House and Senate and noticeably exclude a “loaded” versus “unloaded” designation. Given the specificity of these carve-outs, the inference stands that a “loaded” condition *also* was considered but deliberately left out. Furthermore, according to the fourth draft’s preamble, Governor Hunt’s Task Force on School Violence recommended “strengthening laws concerning firearms,” and the General Assembly agreed, stating that “it is the responsibility of parents to teach their children behavior that will promote safe schools.”⁷³ The fundamental purpose of Section 14-315.1 was preserved on the legislative record as a mechanism for increased gun control, even if the preamble was not included in the final draft. Indeed, while the removal of the preamble could certainly be viewed as a tempering of legislative intent, *Cable*’s ultimate error was failing to make an adequate inquiry into legislative intent at all.

In the opinion, the court offered similar statutes using the term “discharge” as evidence that its “loaded” interpretation was appropriate.⁷⁴ However, the court’s reasoning was misguided and relied on strained verbiage while paying no attention to the statute’s clear purpose. The court used Section 14-34.1, which criminalizes “the act of discharging a firearm into occupied property,” to conclude that “discharge” applies only to loaded firearms.⁷⁵ But the court failed to acknowledge that the text of Section 14-34.1 refers to the *action* of discharging, while that of Section 14-315.1 refers to a

68. See *Tew*, 326 N.C. at 739, 392 S.E.2d at 607.

69. See N.C. GEN. STAT. § 14-315.1.

70. *Id.*

71. See *The Effects of Child-Access Prevention Laws*, *supra* note 7 (discussing how nine states punish only reckless or knowing provision of firearms to a minor).

72. N.C. GEN. STAT. § 14-315.1.

73. See H.B. 1008, 1993–94 Gen. Assemb., Reg. Sess. (N.C. 1993) (Edition 4).

74. See *State v. Cable*, 294 N.C. App. 452, 460, 903 S.E.2d 394, 401–02 (2024).

75. *Id.* at 460–61, 903 S.E.2d at 401.

firearm in a *condition* in which it can be discharged. In the court's own words, "it is generally presumed that [the legislature] acts intentionally and purposely" with its language.⁷⁶ There was no recognition of the difference between the language of action and condition, which would only support that the meaning of "discharge" could not have been identical between Section 14-34.1 and Section 14-315.1.

The circumstances surrounding the passage of House Bill 1008 also show that *Cable's* holding was too restrictive. When House Bill 1008 was sent to the North Carolina Senate, House Speaker Dan Blue remarked at a press conference that "it's time we say loud and clear we must not allow [children] to have guns and we must hold responsible the people who give or sell guns to them."⁷⁷ Then, after the safe-storage provision passed, Governor Hunt touted it "as an example of his efforts to make communities safer."⁷⁸ House Bill 1008 was also a hard-fought battle on the General Assembly floor, as shown by its six drafts and reports of "heated debate" specifically over the safe-storage provision.⁷⁹ Yet, over "strong objections by the National Rifle Association," the General Assembly approved the safe-storage provision anyway—demonstrating its commitment to "targeting irresponsible people who act with guns" and to "open the door for future legislation."⁸⁰

Finally, the practical effect of the "loaded" interpretation makes Section 14-315.1 nearly unenforceable. According to District Attorney Ted Bell, who oversaw *Cable's* prosecution, "a lot [of gun owners] store their firearm loaded in case of emergency, usually in the bedroom. But most gun owners who have kids don't leave it loaded and accessible. I think it's less common once you have a child."⁸¹ Studies confirm Bell's statements, showing that parents are more likely than nonparents to store their firearms locked and unloaded.⁸² This trend supports the policy objective of Section 14-315.1: encouraging parents to responsibly handle firearms around children. But *Cable* made pursuit of that objective almost impossible. If parent firearm owners are more likely to store

76. *Id.* at 461, 903 S.E.2d at 402 (quoting *Comstock v. Comstock*, 244 N.C. App. 20, 24, 780 S.E.2d 183, 186 (2015)).

77. Rhee, *supra* note 10, at C1.

78. Dennis Patterson, *Will '94 Be the Year of Tighter Gun-Control Legislation in N.C.?*, CHARLOTTE OBSERVER, Feb. 1, 1994, at 4C; see Jerry Shinn, *"Choice" is No Solution to Violence*, CHARLOTTE OBSERVER, Aug. 27, 1993, at C1.

79. Lineberry, *supra* note 10, at 42.

80. *Id.*; see also "Safe Storage" Bill: Gulley's Compromise, HERALD-SUN: RALEIGH EXTRA, July 18, 1993, at A16 (<https://infoweb.newsbank.com> (navigate to "North Carolina Newspapers"; then select "Herald Sun"; choose "1993" in the dropdown; select July 18; scroll and select Page 16)) [<https://perma.cc/5S42-FBQX> (staff-uploaded, dark archive)] (explaining how Senator Wib Gulley "gave the bill a second chance" after the Senate initially rejected the safe storage provision as "prompted by the gun lobby").

81. Telephone Interview with Ted Bell, Dist. Att'y, N.C. Prosecutorial Dist. 41 (Sept. 26, 2025).

82. See Brown, *supra* note 15; Miller & Azrael, *supra* note 15.

guns unloaded, then by criminalizing loaded firearms only, *Cable* may have removed most gun-owning parents—the exact subset of the population that Section 14-315.1 targets—from the statute’s reach. In short, the court’s interpretation renders the statute virtually meaningless in practice.

C. *The Rule of Lenity Application Was Inconsistent with the Court’s Prior Jurisprudence*

Not only did *Cable* fail to honor the General Assembly’s intent behind Section 14-315.1, but it also misapplied the rule of lenity. The rule of lenity prevents courts from interpreting a criminal statute “so as to *increase* the penalty that it places on an individual” if the enacting legislature did not clearly state its intent to that effect.⁸³ However, the rule applies only when the statute at issue is ambiguous.⁸⁴ Furthermore, the rule does not “require the words within the statute ‘be given their narrowest or most strained possible meaning.’”⁸⁵ Indeed, the Supreme Court of North Carolina has recognized a “manifest purpose” exception to the rule of lenity, also referred to as the “absurdity doctrine.”⁸⁶ In *State v. Rankin*,⁸⁷ the court expressly held that if literally interpreting a statute in a defendant’s favor would “lead to absurd results or contravene the manifest purpose of the Legislature,” then North Carolina courts should allow the statute’s purpose to control.⁸⁸

*State v. Crawford*⁸⁹ is one prior example where the North Carolina Court of Appeals appropriately relied on the absurdity doctrine, giving the weight to the General Assembly’s intent that *Cable* failed to. *Crawford* dealt with a statute that criminalized assault on a law enforcement officer.⁹⁰ The ambiguity arose between the statute’s title, which applied to “serious injury,” and the statute’s text, which applied to “serious bodily injury.”⁹¹ The two were not interchangeable, as North Carolina law made “serious injury” a misdemeanor and “serious bodily injury” a felony.⁹² The *Crawford* court acknowledged that reading misdemeanor liability into the statute would “simply be a repetition” of an already-existing law, and would cause the statute at issue to “create no

83. *State v. Crawford*, 167 N.C. App. 777, 780, 606 S.E.2d 375, 377–78 (2005) (quoting *State v. Boykin*, 78 N.C. App. 572, 577, 337 S.E.2d 678, 681 (1985)) (emphasis added).

84. *Id.*

85. *State v. Cable*, 294 N.C. App. 452, 460, 903 S.E.2d 394, 401 (2024) (quoting *State v. Conway*, 194 N.C. App. 73, 79, 669 S.E.2d 40, 44 (2008)).

86. *Crawford*, 167 N.C. App. at 778, 606 S.E.2d at 376 (quoting *State v. Jones*, 358 N.C. 473, 477, 598 S.E.2d 125, 128 (2004)); *State v. Rankin*, 371 N.C. 885, 903, 821 S.E.2d 787, 801 (2018).

87. 371 N.C. 885, 821 S.E.2d 787 (2018).

88. *Id.* at 903, 821 S.E.2d at 792 (quoting *State v. Beck*, 359 N.C. 611, 614, 614 S.E.2d 274, 277 (2005)).

89. 167 N.C. App. 777, 606 S.E.2d 375 (2005).

90. *Id.* at 778, 606 S.E.2d at 376.

91. *Id.* at 780, 606 S.E.2d at 377.

92. *See id.* at 780, 606 S.E.2d at 377–78.

additional punishment for assaulting a law enforcement officer.”⁹³ As such, the court found the “manifest purpose” of the legislature was to “aggravate the punishment for assault on a law enforcement officer” and interpreted the statute accordingly, upholding the defendant’s felony conviction.⁹⁴

In *State v. Williams*,⁹⁵ the North Carolina Court of Appeals was again tasked with applying the rule of lenity, but in the context of a domestic violence statute.⁹⁶ The defendant contended that the ambiguous term “property” referred only to a “building,” and because the State could not prove that he actually *entered* the building in which the victim was housed, his conviction was improper.⁹⁷ Though it agreed that the term was ambiguous, the court rejected the defendant’s arguments, holding that “the General Assembly’s use of the broad term ‘property’ . . . is consistent with the purposes underlying the Domestic Violence Act.”⁹⁸ Though the court did not expressly recognize a “manifest purpose” exception, it could not agree with the defendant that the rule of lenity required it to adopt an “unduly narrow definition of the term that would lead to a contrary result.”⁹⁹

Unlike the above cases, the *Cable* court failed to even contemplate how the “loaded” reading might interfere with the enforcement of Section 14-315.1 or produce an “absurd” result as required by *Rankin*. The court said that it would “ensure” that its reading was “consistent with the legislative intent,” but made zero mention of the reading’s practical effect and took no more than a slipshod glance at whether its interpretation matched the legislature’s intent.¹⁰⁰ If it had properly undertaken either of these inquiries, as modeled by *Crawford* and *Williams*,¹⁰¹ the *Cable* court would have been forced to admit that limiting Section 14-315.1 to loaded firearms made its goal of “protect[ing] minors”¹⁰² unachievable. Instead, all that resulted from comparing the “loaded” reading to the legislature’s intent was the court’s confounding statement that its holding “does not overly restrict the statute.”¹⁰³

III. THE *BRUEN* ANALYSIS MISSING FROM *CABLE*

While *Cable*’s first error was reading Section 14-315.1 in complete disregard of the statute’s legislative purpose and binding precedent, its second

93. *Id.* at 782 n.4, 606 S.E.2d at 379 n.4.

94. *Id.* at 778, 782 n.4, 606 S.E.2d at 376, 379 n.4.

95. 247 N.C. App. 239, 784 S.E.2d 232 (2016).

96. *See id.* at 239–40, 784 S.E.2d at 232.

97. *See id.* at 241, 784 S.E.2d at 233.

98. *Id.* at 242, 784 S.E.2d at 234.

99. *See id.* at 243, 784 S.E.2d at 234–35.

100. *See State v. Cable*, 294 N.C. App. 452, 461, 903 S.E.2d 394, 401 (2024).

101. *See supra* text accompanying notes 89–99.

102. *See* N.C. GEN. STAT. § 14-315.1.

103. *Cable*, 294 N.C. App. at 462, 903 S.E.2d at 402.

error was shying away from the constitutional arguments raised on appeal—especially when an “operable” interpretation would have withstood current Second Amendment doctrine.

A. *Bruen and Its Moderate Progeny, Rahimi*

In *New York State Rifle & Pistol Association v. Bruen*, the U.S. Supreme Court replaced the “history with means-end scrutiny” test for Second Amendment challenges with a new, history-only test.¹⁰⁴ To withstand this inquiry, the government must “demonstrate that the [challenged] regulation is consistent with this Nation’s historical tradition of firearm regulation.”¹⁰⁵ Although courts “should not ‘uphold every modern law that remotely resembles a historical analogue,’” the *Bruen* majority clarified that a “well-established and representative historical *analogue*, not a historical *twin*,” can still pass constitutional muster.¹⁰⁶

Bruen set forth several metrics for resolving the “historical analogue” question. If a regulation would have been “unimaginable at the founding”—say, rules pertaining to trigger locks and large-capacity magazines—the next step is to determine whether the modern regulation is “relevantly similar” to traditional laws.¹⁰⁷ There are two governing inquiries: *how* and *why* the historical regulations “burden[ed] a law-abiding citizen’s right to armed self-defense,” and if those reasons are analogous to the modern regulation.¹⁰⁸ In comparing analogous regulations, a court must ask if the “modern and historical regulations impose a comparable burden” on the right and whether that “burden is comparably justified.”¹⁰⁹

Two years after *Bruen*, the Supreme Court added *United States v. Rahimi* to the Second Amendment landscape, which subtly reframed *Bruen*’s history-and-tradition test. *Rahimi* reminded courts that a regulation need not “precisely match its historical precursors.”¹¹⁰ Yet, a “rephrasing” also came of *Rahimi*: while *Bruen* said that a law must be “consistent with this Nation’s historical tradition of firearm regulation,”¹¹¹ *Rahimi* said that a regulation must be “consistent with the *principles* that underpin our regulatory tradition.”¹¹² In evaluating the

104. See 142 S. Ct. 2111, 2125–26 (2022).

105. *Id.* at 2126.

106. *Id.* at 2133 (quoting *Drummond v. Robinson*, 9 F.4th 217, 226 (3d Cir. 2021)).

107. See *id.* at 2132.

108. See *id.* at 2133.

109. See *id.*

110. *United States v. Rahimi*, 144 S. Ct. 1889, 1898 (2024).

111. *N.Y. State Rifle Ass’n v. Bruen*, 142 S. Ct. 2111, 2126 (2022).

112. See *Rahimi*, 144 S. Ct. at 1898 (emphasis added); see also *id.* at 1925 (Barrett, J., concurring) (“‘Analogical reasoning’ under *Bruen* demands a wider lens: Historical regulations reveal a principle, not a mold.”); Jimmy Donlon, *United States v. Rahimi: “We Do Not Resolve Any of Those Questions*

constitutionality of a statute prohibiting those under domestic violence orders from possessing a firearm, *Rahimi* compared the statute to two Founding-era laws.¹¹³ Those were surety laws, which required “individuals suspected of future misbehavior to post a bond,” and “going armed” laws, which prevented “riding or going armed, with dangerous or unusual weapons” to intimidate the public.¹¹⁴ Because both “targeted the misuse of firearms,” the *Rahimi* Court concluded that these historical examples, and the modern law, together stood for the principle that when someone “poses a clear threat of physical violence to another, the threatening individual may be disarmed.”¹¹⁵ Although the domestic violence statute was “by no means identical to these founding era regimes . . . it [did] not need to be.”¹¹⁶ The Court thus upheld the constitutionality of the statute.¹¹⁷

Judges and scholars alike have understood *Rahimi* to mean that *Bruen* might be “more flexible” than it appears at first blush.¹¹⁸ Judge Philip P. Simon of the Northern District of Indiana remarked that “*Rahimi* can be seen as a softening of the approach to the Second Amendment taken in *Bruen*.”¹¹⁹ Indeed, this “softening” was most evident in the strength of *Rahimi*’s analogues and the emphasis on “principles” in all the *Rahimi* opinions.¹²⁰ Professors Blocher and Ruben have also observed that, in the context of a Second Amendment burden, the “most obvious doctrinal solution is to adjust the level of generality at which a court conducts the inquiry.”¹²¹ This rings true in *Rahimi*’s permissive holding that justified a modern domestic violence law with the broad historical “principle” that a dangerous individual “may be disarmed.”¹²² The concurrences were also enthusiastic about the idea of “principles” guiding the analysis: For

Because We Cannot,” 111 VA. L. REV. ONLINE 27, 32 (2025) (discussing how this rephrasing “encourages courts to lower their standard for consistency with the regulatory tradition”).

113. *Rahimi*, 144 S. Ct. at 1900–01.

114. *Id.* (quoting 4 WILLIAM BLACKSTONE, COMMENTARIES *149).

115. *See id.*

116. *Id.* at 1901.

117. *Id.* at 1903.

118. *See* Andrew Willinger, *Rahimi in the Lower Courts So Far*, DUKE CTR. FOR FIREARMS L. (July 17, 2024), <https://firearmslaw.duke.edu/2024/07/rahimi-in-the-lower-courts-so-far> [<https://perma.cc/LY97-3Y3C> (staff-uploaded archive)]; Kermit V. Lipez, *The Evolution of the Supreme Court’s Second Amendment Jurisprudence*, 25 J. APP. PRAC. & PROCESS 231, 334 (2025) (discussing how *Rahimi* “offers some hope that the Court’s future application of *Bruen* will be flexible enough to take into account contemporary realities.”).

119. *United States v. Herriott*, No. 2:23-CR-37-PPS-JEM, 2024 WL 3103275, at *4 n.1 (N.D. Ind. June 24, 2024).

120. *See Rahimi*, 144 S. Ct. at 1898 (Roberts, C.J., majority opinion); *id.* at 1904 (Sotomayor, J., concurring); *id.* at 1912 (Kavanaugh, J., concurring); *id.* at 1926 (Barrett, J., concurring); *id.* at 1926–27 (Jackson, J., concurring); *cf. id.* at 1945 (Thomas, J., dissenting).

121. Joseph Blocher & Eric Ruben, *Originalism-by-Analogy and Second Amendment Adjudication*, 133 YALE L.J. 99, 160 (2023).

122. *Rahimi*, 144 S. Ct. at 1901.

Justice Sotomayor, it was an “important methodological point that bears repeating,” and for Justice Jackson, a “welcome” clarifying effort.¹²³

Judge Kermit Lipez of the First Circuit aptly notes that Chief Justice Roberts and Justice Barrett both “agreed on another promising point” in their respective opinions: that “common sense” may have a place in the *Bruen* analysis.¹²⁴ Chief Justice Roberts held that the historical laws “confirm what common sense suggests,” and Justice Barrett observed that “[h]istory is consistent with common sense.”¹²⁵ Whether this repetition was coincidence or not, Judge Lipez proposes that Justice Barrett “may have intimated” that common sense can help answer “how the Founders would have responded” to modern gun violence issues.¹²⁶

B. *Historical Gunpowder Regulations and Laws Preventing Minors from Accessing Firearms Are Sufficient Analogues for CAP Laws*

Section 14-315.1 implicates two questions of “tradition”: whether the United States has historically required the safe storage of firearms, and whether it has historically kept firearms away from minors. The underlying principle—that firearms should not be handled by irresponsible individuals—appears throughout U.S. history since the Founding era. Thus, even if the North Carolina Court of Appeals had held in *Cable* that Section 14-315.1 applied to “operable,” rather than “loaded” firearms, such an interpretation still would have satisfied *Bruen*.

The Founding saw regulation of firearm storage to a variety of degrees.¹²⁷ Colonial Massachusetts imposed a fine on those who kept more gunpowder than “what [was] by Law allowed.”¹²⁸ Rhode Island regulated not only the amount of gunpowder kept, but also required that it be kept in a “Tin-Powder Flask.”¹²⁹ Later, an 1850 law from Pittsburgh required gunpowder storage in a “safe manner.”¹³⁰ Yet, safe-storage regulations reached far more than just gunpowder.¹³¹ A Massachusetts law from 1783 barred “any person” from taking

123. *Id.* at 1904 (Sotomayor, J., concurring); *id.* at 1926 (Jackson, J., concurring).

124. *See* Lipez, *supra* note 118, at 336.

125. *Rahimi*, 144 S. Ct. at 1893 (Roberts, C.J., majority opinion); *id.* at 1926 (Barrett, J., concurring).

126. *See* Lipez, *supra* note 118, at 336.

127. *See* Brief for the State, *supra* note 24, at 26–30.

128. *See id.* at 27.

129. *Id.*

130. *Id.* at 28.

131. Pre-*Rahimi*, lower courts showed mixed receptiveness to gunpowder laws being analogized to modern regulations on certain types of firearms or safety features (for example, trigger locks and large capacity magazines). *Compare* *Renna v. Bonta*, 667 F. Supp. 3d 1048, 1068–69 (S.D. Cal. 2023) (rejecting gunpowder laws as analogous to laws regulating semiautomatic pistols), *with* *Oregon Firearms Fed’n v. Kotek*, 682 F. Supp. 3d 874, 929 (D. Or. 2023) (finding gunpowder laws to be “relevantly similar” to law regulating large-capacity magazines). However, the addition of *Rahimi*’s

a loaded firearm “into any Dwelling.”¹³² And in 1799, students at the University of North Carolina were prohibited from “keeping” firearms at all without permission.¹³³

Preventing access to firearms by minors is a similarly longstanding tradition. As early as 1763, New York banned children from firing weapons in public.¹³⁴ An 1855 Connecticut law also made parents civilly liable in the event that “any minor or apprentice” accessed or misused a firearm in “breach of the by-laws.”¹³⁵ Indeed, by the Civil War, state and local governments had begun to hold adults accountable for improper firearm use by minors.¹³⁶ By the end of the nineteenth century, there were at least seventy-four laws regulating minors’ access to firearms throughout the United States.¹³⁷

Indeed, history supports not just restricted access, but a complete ban on minors purchasing firearms. The Fourth Circuit recently observed in *McCoy v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*¹³⁸ that the eighteenth-century “infancy doctrine,” which prevented those under the age of twenty-one from forming legal contracts, “demonstrates that there was an early American tradition of burdening the ability of 18- to 20-year-olds to purchase goods, including firearms.”¹³⁹ Because the infancy doctrine was “relevantly similar” to the purchasing ban at issue, the Fourth Circuit was “satisfied that the Second Amendment permits the [modern] law’s burden” on minors’ ability to buy guns.¹⁴⁰

Furthermore, Section 14-315.1 is “relevantly similar” to the foregoing historical regulations. Indeed, *how* those traditional laws restricted gun rights is directly analogous to Section 14-315.1’s safe-storage provision.¹⁴¹ As the State noted in briefing, historical safe-storage regulations, just like Section 14-315.1, “regulate *how* someone keeps their arms, not *whether* they may do so.”¹⁴² Under the Massachusetts law, for instance, one would not be fined for *having* a loaded firearm, but would be fined if it was brought into “any building” in Boston.¹⁴³

more “flexible” approach, *see supra* Section III.A, may forecast increased acceptance of these gunpowder law analogies.

132. Brief for the State, *supra* note 24, at 28, app. at 31.

133. *Id.* at 28.

134. *Id.* at 30.

135. *Id.*

136. *Id.* at 30–31.

137. *Id.* at 31.

138. 140 F.4th 568 (4th Cir. 2025).

139. *Id.* at 575–77.

140. *Id.* at 577. The Eleventh Circuit concluded the same in *National Rifle Ass’n v. Bondi*, finding that “the law of both [Founding and Reconstruction] eras restricted the purchase of firearms by minors” due to the minors’ “inability to contract,” and therefore, to buy guns. 133 F.4th 1108, 1117–18 (11th Cir. 2025).

141. N.Y. State Rifle & Pistol Ass’n v. Bruen, 142 S. Ct. 2111, 2132–33 (2022).

142. Brief for the State, *supra* note 24, at 28.

143. *See id.*, app. at 31.

Likewise, Section 14-315.1 does not prohibit having a firearm, or even storing it in the vicinity of a minor—it merely requires storage in a “safe” manner—a near-exact match to the language of the 1850 Pittsburgh law.¹⁴⁴ Many historical prohibitions on minors also turn liability onto the adult instead of the minor, e.g., the Connecticut law holding adults responsible for a “minor or apprentice” misusing a firearm.¹⁴⁵

The *why* behind these historical regulations and Section 14-315.1 is also clear: all are “motivated by a recognition that individuals [of minority age] lack good judgment and reason.”¹⁴⁶ *District of Columbia v. Heller*¹⁴⁷ itself recognized that modern safe storage laws are intended to “prevent accidents.”¹⁴⁸ These historical laws share the same purpose, with many mentioning the “danger of gunpowder” as the impetus for regulation.¹⁴⁹ And indeed, the fact that minors are more prone to cause firearm-related accidents due to a lack of “judgment and discretion” underlies Section 14-315.1 and its historical counterparts.¹⁵⁰ All the foregoing regulations represent a harmonious principle, *à la Rahimi*: that minors lack the judgment necessary for responsible firearm handling.

Thus, Section 14-315.1 is abundantly similar to Founding-, pre-Reconstruction-, and Reconstruction-era laws. What is more, through a *Bruen-Rahimi* lens, the United States has a longstanding history of regulating those who negligently allow minors to misuse firearms, regardless of whether there was ammunition in the chamber upon access. The North Carolina Court of Appeals did not need to clip the wings of Section 14-315.1 by reading in “loaded,” when “operable”—the interpretation that would have preserved the full legislative intent and effect of the statute—would have been constitutional under *Bruen*.

CONCLUSION

The shootings mentioned at the start of this Recent Development are household names, but the substance of America’s gun violence epidemic lies in the cases that do not make national news—cases like *Cable*. While *Cable*’s reasoning was indefensible in many ways, the most sobering part of the decision is its real-world effect. As District Attorney Ted Bell rightly observed, *Cable* “makes it OK to have the gun sitting right next to the ammunition, unlocked

144. *Id.* at 28; N.C. GEN. STAT. § 14-315.1.

145. Brief for the State, *supra* note 24, at 30.

146. *McCoy v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 140 F.4th 568, 577 (4th Cir. 2025).

147. 554 U.S. 570 (2008).

148. *Id.* at 632.

149. See Brief for the State, *supra* note 24, at 29.

150. *McCoy*, 140 F.4th at 577 (quoting 1 SAMUEL COMYN, A TREATISE OF THE LAW RELATIVE TO CONTRACTS AND AGREEMENTS NOT UNDER SEAL 148 (1809)).

with kids that are unsupervised.”¹⁵¹ And, as noted in Section II.B, *Cable* singlehandedly brought the group most likely to store firearms unloaded—gun owners with children—out of Section 14-315.1’s reach.¹⁵² What is left of Section 14-315.1 is a hamstrung statute that was already challenging to enforce.¹⁵³

Kyle Lee’s mother, Tiffany Robinson, publicly shared her disappointment with *Cable*’s interpretation of Section 14-315.1. For her, the meaning of the statute was “obvious,” and “common sense should be in the minds of anybody that not only reads the statute but knows the facts of [Cable’s] trial.”¹⁵⁴ When future clarification of *Bruen* and *Rahimi* arrives from the Supreme Court, perhaps Ms. Robinson’s view will reflect the law—at least, Chief Justice Roberts and Justice Barrett might have implied as much.¹⁵⁵ For now, the General Assembly would do well to respond to the concerns of citizens and agencies by adding language that applies the “in a condition that the firearm can be discharged” language to both loaded and unloaded guns. And, should a higher court take on the “loaded” issue of Section 14-315.1 again, it should consider the sheer absurdity of *Cable*’s result before making the same mistake twice.

ANNABELLE RICE**

151. Kimberly King, *District Attorney Calls for Clearer Gun Storage Laws After Mother’s Conviction Overturned*, ABC 13 NEWS (June 20, 2024, at 15:22 ET), <https://wlos.com/news/local/kim-cables-involuntary-manslaughter-conviction-overturned-16-year-olds-shooting-death-safe-storage-law-russian-roulette-marion-mcdowell-district-attorney-ted-bell> [<https://perma.cc/27WG-VQDU>].

152. See *supra* Section II.B.

153. In the author’s interview with Ted Bell, he shared that “Parents aren’t going to report themselves. We found out about [the condition of] the gun through a law enforcement interview of Cable’s son.” Telephone Interview with Ted Bell, *supra* note 81. See also H.B. 1008, 1993 Gen. Assemb., Reg. Sess. (N.C. 1993) (fiscal note) (discussing how “there will probably be difficulties in discovering and proving violations” of North Carolina’s CAP law).

154. King, *supra* note 151.

155. See Lipez, *supra* note 118, at 336.

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