

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 746
PROPOSED COMMITTEE SUBSTITUTE H746-PCS40588-TCf-39

Short Title: Omnibus Gun Changes.

(Public)

Sponsors:

Referred to:

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE MULTIPLE CHANGES TO THE STATE LAWS REGARDING
3 FIREARMS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. CARRY MODIFICATIONS**

7 **SECTION 1.1.** Chapter 14 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 54C.

10 "Carrying Handguns and Restrictions on Carrying Weapons in Certain Locations.

11 "Part 1. Carrying Handguns.

12 **"§ 14-415.35. Carrying handguns.**

13 (a) Definition. – For purposes of this Article, the term "handgun" means a firearm that
14 has a short stock and is designed to be held and fired by the use of a single hand.

15 (b) Carrying Handgun. – Any person who is a citizen of the United States and is at least
16 18 years old may carry a handgun, openly or concealed, without a concealed handgun permit in
17 this State unless provided otherwise by State law or by 18 U.S.C. § 922 or any other federal
18 law.

19 (c) Prohibition on Carrying Handgun on Posted Private Property. – A person shall not
20 carry a handgun on another person's private property if notice is given that carrying a handgun
21 on the premises is prohibited by either the posting of a conspicuous notice or statement by the
22 person in legal possession or control of the premises. This subsection does not apply to a law
23 enforcement officer who is discharging the officer's official duties or a licensed bail bondsman
24 while performing that bondsman's duties.

25 (d) Prohibition on Consuming Alcohol When Carrying Concealed Handgun. – It is
26 unlawful for a person to carry a concealed handgun while consuming alcohol or at any time
27 while the person has remaining in the person's body any alcohol or in the person's blood a
28 controlled substance previously consumed, but a person does not violate this condition if a
29 controlled substance in the person's blood was lawfully obtained and taken in therapeutically
30 appropriate amounts or if the person is on the person's own property.

31 (e) Offense. – It is unlawful for a person who meets any of the following criteria to
32 carry a handgun:

33 (1) Is ineligible to own, possess, or receive a firearm under the provisions of
34 State or federal law.

35 (2) Is under indictment or against whom a finding of probable cause exists for a
36 felony.



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- 1 (3) Has been adjudicated guilty in any court of a felony, unless (i) the felony is
2 an offense that pertains to antitrust violations, unfair trade practices, or
3 restraints of trade or (ii) the person's firearms rights have been restored
4 pursuant to G.S. 14-415.4.
- 5 (4) Is a fugitive from justice.
- 6 (5) Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,
7 stimulant, or narcotic drug, or any other controlled substance as defined in
8 21 U.S.C. § 802.
- 9 (6) Is currently, or has been previously adjudicated by a court to be, a danger to
10 self or others due to mental illness or lack of mental capacity. Receipt of
11 previous consultative services or outpatient treatment alone shall not
12 disqualify any citizen under this subdivision. Further, a person shall not be
13 ineligible under this subdivision if the person's rights have been restored
14 under G.S. 14-409.42.
- 15 (7) Is or has been discharged from the Armed Forces of the United States under
16 conditions other than honorable.
- 17 (8) Except as provided in subdivision (9), (10), or (11) of this subsection, is or
18 has been adjudicated guilty of or received a prayer for judgment continued
19 or suspended sentence for one or more crimes of violence constituting a
20 misdemeanor, including, but not limited to, a violation of a misdemeanor
21 under Article 8 of Chapter 14 of the General Statutes except for a violation
22 of G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1,
23 14-258.1, 14-269.2, 14-269.6, 14-277, 14-277.1, 14-283 except for a
24 violation involving fireworks exempted under G.S. 14-414, 14-288.2,
25 14-288.4(a)(1), 14-288.6, 14-288.9, former 14-288.12, former 14-288.13,
26 former 14-288.14, 14-415.21(b), 14-415.26(d) within three years prior to the
27 date on which the application is submitted, 14-415.36, 14-415.37, 14-415.38,
28 or 14-415.39.
- 29 (9) Is or has been adjudicated guilty of or received a prayer for judgment
30 continued or suspended sentence for one or more crimes of violence
31 constituting a misdemeanor under G.S. 14-33(c)(1), 14-33(c)(2),
32 14-33(c)(3), 14-33(d), 14-277.3A, 14-318.2, 14-134.3, 50B-4.1, or former
33 14-277.3.
- 34 (10) Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a
35 result of a conviction of a misdemeanor crime of domestic violence.
- 36 (11) Has been adjudicated guilty of or received a prayer for judgment continued
37 or suspended sentence for one or more crimes involving an assault or a
38 threat to assault a law enforcement officer, probation or parole officer,
39 person employed at a State or local detention facility, firefighter, emergency
40 medical technician, medical responder, or emergency department personnel.
- 41 (12) Has had entry of a prayer for judgment continued for a criminal offense that
42 would make it unlawful under this section for the person to carry a
43 concealed weapon.
- 44 (13) Is free on bond or personal recognizance pending trial, appeal, or sentencing
45 for a crime that would make it unlawful under this section for the person to
46 carry a concealed weapon.
- 47 (14) Has been convicted of an impaired driving offense under G.S. 20-138.1,
48 20-138.2, or 20-138.3 within three years prior to the date on which the
49 person is carrying the weapon.
- 50 (f) Valid Identification Required; Disclosure to Law Enforcement Officer When
51 Carrying Concealed. – When carrying a concealed handgun, a person shall also carry valid

1 identification and shall disclose to any law enforcement officer that the person is carrying a
2 concealed handgun when approached or addressed by the officer and shall display the proper
3 identification upon the request of a law enforcement officer.

4 (g) Penalty. – Any person who violates this section shall be punished as follows:

5 (1) Unless provided otherwise by State law, a violation of subsection (c) of this
6 section is an infraction and a person found responsible for the infraction may
7 be required to pay a fine of up to five hundred dollars (\$500.00).

8 (2) A violation of subsection (d) of this section is a Class 1 misdemeanor.

9 (3) A violation of subsection (e) of this section is a Class 2 misdemeanor for a
10 first offense and is a Class H felony for a second or subsequent offense.

11 (4) A violation of subsection (f) of this section is an infraction and shall be
12 punished in accordance with G.S. 14-3.1.

13 "Part 2. Restrictions on Carrying Firearms and Other Weapons in Certain Locations.

14 "§ 14-415.36. Reserved.

15 "§ 14-415.37. No firearms or other weapons on the premises of the State Capitol,
16 Executive Mansion, or Western Residence of the Governor.

17 (a) It is unlawful for any person to possess or carry, whether openly or concealed, a
18 firearm or any other deadly weapon not used solely for instructional or officially sanctioned
19 ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western
20 Residence of the Governor, or on the grounds of any of these buildings.

21 (b) For purposes of this section, the term "deadly weapon" does not include an ordinary
22 pocket knife carried in a closed position. The term "ordinary pocket knife" has the same
23 meaning as set out in G.S. 14-269(d).

24 (c) This section does not apply to any of the following:

25 (1) The Governor and the Governor's immediate family if the property is the
26 Executive Mansion or the Western Residence of the Governor.

27 (2) A person exempted by G.S. 14-415.41.

28 (3) A person with a permit that is valid under Article 54B of this Chapter, or
29 who is exempt from obtaining a permit pursuant to G.S. 14-415.25, who has
30 a firearm in a closed compartment or container within the person's locked
31 vehicle or in a locked container securely affixed to the person's vehicle. A
32 person may unlock the vehicle to enter or exit the vehicle provided the
33 firearm remains in the closed compartment at all times and the vehicle is
34 locked immediately following the entrance or exit.

35 (d) A violation of this section is an infraction.

36 "§ 14-415.38. No firearms or other weapons in courthouses or buildings housing any
37 court of the General Court of Justice.

38 (a) It is unlawful for any person to possess or carry, whether openly or concealed, a
39 firearm or any other deadly weapon not used solely for instructional or officially sanctioned
40 ceremonial purposes in any building housing any court of the General Court of Justice. If a
41 court is housed in a building containing nonpublic uses in addition to the court, then this
42 prohibition shall apply only to that portion of the building used for court purposes while the
43 building is being used for court purposes.

44 (b) This section shall not apply to any of the following:

45 (1) Subject to any additional requirements of this subsection, any person
46 exempted by G.S. 14-415.41.

47 (2) Any person in a building housing a court of the General Court of Justice in
48 possession of a weapon for evidentiary purposes, to deliver it to a law
49 enforcement agency, or for purposes of registration.

50 (3) Firearms in a courthouse carried by detention officers employed by and
51 authorized by the sheriff to carry firearms.

1 (4) Any district court judge or superior court judge who carries or possesses a
2 concealed handgun in a building housing a court of the General Court of
3 Justice if the judge is in the building to discharge his or her official duties
4 and the judge has a concealed handgun permit that is valid under Article 54B
5 of this Chapter.

6 (5) Any magistrate who carries or possesses a concealed handgun in any portion
7 of a building housing a court of the General Court of Justice other than a
8 courtroom itself unless the magistrate is presiding in that courtroom, if the
9 magistrate (i) is in the building to discharge the magistrate's official duties,
10 (ii) has a concealed handgun permit that is valid under Article 54B of this
11 Chapter, (iii) has successfully completed a one-time weapons retention
12 training substantially similar to that provided to certified law enforcement
13 officers in North Carolina, and (iv) secures the weapon in a locked
14 compartment when the weapon is not on the magistrate's person.

15 (6) A person with a permit that is valid under Article 54B of this Chapter, or
16 who is exempt from obtaining a permit pursuant to G.S. 14-415.25, who has
17 a firearm in a closed compartment or container within the person's locked
18 vehicle or in a locked container securely affixed to the person's vehicle. A
19 person may unlock the vehicle to enter or exit the vehicle provided the
20 firearm remains in the closed compartment at all times and the vehicle is
21 locked immediately following the entrance or exit.

22 (c) A violation of this section is an infraction.

23 **"§ 14-415.39. Firearms and other weapons prohibited at picket lines and certain**
24 **demonstrations.**

25 (a) It is unlawful for any person participating in, affiliated with, or present as a
26 spectator at any picket line or any demonstration upon any private health care facility or upon
27 any public place owned or under the control of the State or any of its political subdivisions to
28 willfully or intentionally possess or have immediate access to a firearm or any other dangerous
29 weapon. A violation of this subsection is a Class 1 misdemeanor.

30 (b) For the purposes of this section, the term "dangerous weapon" shall include those
31 weapons specified in G.S. 14-269, 14-269.2, 14-284.1, 14-288.8, or 14-415.35 or any other
32 object capable of inflicting serious bodily injury or death when used as a weapon.

33 (c) The provisions of this section shall not apply to any of the following:

34 (1) Any person exempted by G.S. 14-415.41.

35 (2) Any person authorized by State or federal law to carry dangerous weapons in
36 the performance of his or her duties.

37 (3) Any person who obtains a permit to carry a dangerous weapon at a picket
38 line or demonstration from the sheriff or police chief, whichever is
39 appropriate, of the locality where the picket line or demonstration is to take
40 place.

41 **"§ 14-415.40. Unlawful to carry a handgun into certain areas.**

42 (a) It is unlawful to carry a handgun into the following areas unless provided otherwise
43 by law:

44 (1) In an area prohibited by rule adopted under G.S. 120-32.1.

45 (2) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

46 (3) In a law enforcement or correctional facility.

47 (b) This section does not apply to any person exempted by G.S. 14-415.27.

48 (c) A violation of this section is a Class 1 misdemeanor.

49 **"§ 14-415.41. Exceptions to statutes restricting firearms and other weapons.**

50 The provisions of G.S. 14-415.36, 14-415.37, 14-415.38, and 14-415.39 do not apply to any
51 of the following:

- 1 (1) Officers and enlisted personnel of the Armed Forces of the United States
2 when in discharge of their official duties as such and acting under orders
3 requiring them to carry arms and weapons.
- 4 (2) Civil and law enforcement officers of the United States.
- 5 (3) Officers and soldiers of the militia and the National Guard when called into
6 actual service.
- 7 (4) A member of the North Carolina National Guard who has been designated in
8 writing by the Adjutant General, State of North Carolina, who has a
9 concealed handgun permit that is valid under Article 54B of this Chapter,
10 and is acting in the discharge of his or her official duties.
- 11 (5) Officers of the State, or of any county, city, town, or company police agency
12 charged with the execution of the laws of the State, when acting in the
13 discharge of their official duties.
- 14 (6) Any person who is a district attorney, an assistant district attorney, or an
15 investigator employed by the office of a district attorney and who has a
16 concealed handgun permit that is valid under Article 54B of this Chapter.
17 The district attorney, assistant district attorney, or investigator shall secure
18 the weapon in a locked compartment when the weapon is not on the person
19 of the district attorney, assistant district attorney, or investigator. A district
20 attorney or assistant district attorney may carry a concealed weapon while in
21 a courtroom; however, an investigator may not carry a concealed weapon at
22 any time while in a courtroom.
- 23 (7) Any person who is a qualified retired law enforcement officer as defined in
24 G.S. 14-415.10 and meets any one of the following conditions:
- 25 a. Is the holder of a concealed handgun permit in accordance with
26 Article 54B of this Chapter.
- 27 b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.
- 28 c. Is certified by the North Carolina Criminal Justice Education and
29 Training Standards Commission pursuant to G.S. 14-415.26.
- 30 (8) Detention personnel or correctional officers employed by the State or a unit
31 of local government who park a vehicle in a space that is authorized for their
32 use in the course of their duties may transport a firearm to the parking space
33 and store that firearm in the vehicle parked in the parking space, provided
34 that (i) the firearm is in a closed compartment or container within the locked
35 vehicle or (ii) the firearm is in a locked container securely affixed to the
36 vehicle.
- 37 (9) Any person who is a North Carolina district court judge, North Carolina
38 superior court judge, or a North Carolina magistrate and who has a
39 concealed handgun permit that is valid under Article 54B of this Chapter.
40 The judge or magistrate shall secure the weapon in a locked compartment
41 when the weapon is not on the person of the judge or magistrate.
- 42 (10) Any person who is serving as a clerk of court or as a register of deeds and
43 who has a concealed handgun permit that is valid under Article 54B of this
44 Chapter. The clerk of court or register of deeds shall secure the weapon in a
45 locked compartment when the weapon is not on the person of the clerk of
46 court or register of deeds. This subdivision does not apply to assistants,
47 deputies, or other employees of the clerk of court or register of deeds.
- 48 (11) Sworn law enforcement officers, when off duty.
- 49 (12) State probation or parole certified officers, when off duty.
- 50 (13) A person employed by the Department of Public Safety who has been
51 designated in writing by the Secretary of the Department, who has a

1 concealed handgun permit that is valid under Article 54B of this Chapter,
2 and has in the person's possession written proof of the designation by the
3 Secretary of the Department.

4 (14) Any person who is an administrative law judge described in Article 60 of
5 Chapter 7A of the General Statutes and who has a concealed handgun permit
6 that is valid under Article 54B of this Chapter.

7 (15) State correctional officers, when off duty. If the concealed weapon is a
8 handgun, the correctional officer must meet the firearms training standards
9 of the Division of Adult Correction of the Department of Public Safety.

10 **"§ 14-415.42. Carrying handgun on premises of State-owned rest areas and within State**
11 **Parks System.**

12 (a) Any person who can legally carry a handgun under G.S. 14-415.35 may carry any
13 firearm openly or concealed at any State-owned rest area, at any State-owned rest stop along
14 the highways, and at any State-owned hunting and fishing reservation.

15 (b) Any person who can legally carry a handgun under G.S. 14-415.35 may carry a
16 handgun, openly or concealed, on the grounds or waters of a park within the State Parks System
17 as defined in G.S. 143B-135.44."

18 **SECTION 1.2.(a)** G.S. 14-269.3 is recodified as G.S. 14-415.36 under Article 54C
19 of Chapter 14 of the General Statutes, as enacted by Section 1.3 of this act.

20 **SECTION 1.2.(b)** G.S. 14-269.3, recodified as G.S. 14-415.36 by subsection (a) of
21 this section, reads as rewritten:

22 **"§ 14-415.36. Carrying weapons into assemblies and establishments where alcoholic**
23 **beverages are sold and consumed.**

24 (a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any
25 assembly where a fee has been charged for admission thereto, or into any establishment in
26 which alcoholic beverages are sold and consumed. Any person violating the provisions of this
27 section shall be guilty of a Class 1 misdemeanor.

28 (b) This section shall not apply to any of the following:

29 (1) A person exempted ~~from the provisions of G.S. 14-269~~ by G.S. 14-415.41.

30 (2) The owner or lessee of the premises or business establishment.

31 (3) A person participating in the event, if the person is carrying a gun, rifle, or
32 pistol with the permission of the owner, lessee, or person or organization
33 sponsoring the event.

34 (4) A person registered or hired as a security guard by the owner, lessee, or
35 person or organization sponsoring the event.

36 (5) A person carrying a handgun if the person has a valid concealed handgun
37 permit ~~issued in accordance with that is valid under Article 54B of this~~
38 ~~Chapter, has a concealed handgun permit considered valid under G.S.~~
39 ~~14-415.24,~~ or is exempt from obtaining a permit pursuant to G.S. 14-415.25.
40 This subdivision shall not be construed to permit a person to carry a handgun
41 on any premises where the person in legal possession or control of the
42 premises has posted a conspicuous notice prohibiting the carrying of a
43 concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

44 **SECTION 1.3.** The following statutes are repealed: G.S. 14-269.4 and
45 G.S. 14-277.2.

46 **SECTION 1.4.** Article 54B of Chapter 14 of the General Statutes is amended by
47 adding a new section to read:

48 **"§ 14-415.10A. Purpose.**

49 While G.S. 14-415.35 makes it lawful to carry a concealed handgun in this State without
50 obtaining a concealed handgun permit, there are some locations where additional education and
51 training are necessary to ensure public safety; therefore, a concealed handgun permit may be

1 required to carry a concealed handgun in those locations. Additionally, it is often convenient to
2 have a concealed handgun permit for the purpose of reciprocity when traveling in another state,
3 to make the purchase of a firearm more efficient, or for various other reasons. For these
4 reasons, the State of North Carolina shall continue to make a concealed handgun permit
5 available to any person who applies for and is eligible to receive a concealed handgun permit
6 pursuant to this Article."

7 **SECTION 1.5.(a)** The North Carolina Criminal Justice Education and Training
8 Standards Commission shall include all changes related to the possession and carrying of
9 handguns enacted by this act into the general guidelines for approved firearms safety and
10 training courses to ensure that changes in law in this area are included in those courses prior to
11 December 1, 2017.

12 **SECTION 1.5.(b)** This section becomes effective July 1, 2017.

13 **PART II. CLARIFYING CHANGES TO CARRY MODIFICATIONS**

14 **SECTION 2.1.** G.S. 14-269 reads as rewritten:

15 **"§ 14-269. Carrying concealed weapons.**

16 (a) ~~It shall be~~ Except as provided otherwise by law, it is unlawful for any person
17 willfully and intentionally to carry concealed about his or her person any bowie knife, dirk,
18 dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, gun, or other
19 deadly weapon of like kind, except when the person is on the person's own premises. For
20 purposes of this section, the terms "weapon" and "gun" do not include a handgun as defined in
21 G.S. 14-415.35.

22 ~~(a1) It shall be unlawful for any person willfully and intentionally to carry concealed~~
23 ~~about his or her person any pistol or gun except in the following circumstances:~~

24 (1) ~~The person is on the person's own premises.~~

25 (2) ~~The deadly weapon is a handgun, the person has a concealed handgun permit~~
26 ~~issued in accordance with Article 54B of this Chapter or considered valid~~
27 ~~under G.S. 14-415.24, and the person is carrying the concealed handgun in~~
28 ~~accordance with the scope of the concealed handgun permit as set out in~~
29 ~~G.S. 14-415.11(e).~~

30 (3) ~~The deadly weapon is a handgun and the person is a military permittee as~~
31 ~~defined under G.S. 14-415.10(2a) who provides to the law enforcement~~
32 ~~officer proof of deployment as required under G.S. 14-415.11(a).~~

33 (a2) ~~This prohibition does not apply to a person who has a concealed handgun permit~~
34 ~~issued in accordance with Article 54B of this Chapter, has a concealed handgun permit~~
35 ~~considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S.~~
36 ~~14-415.25, provided the weapon is a handgun, is in a closed compartment or container within~~
37 ~~the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by State~~
38 ~~government. A person may unlock the vehicle to enter or exit the vehicle, provided the~~
39 ~~handgun remains in the closed compartment at all times and the vehicle is locked immediately~~
40 ~~following the entrance or exit.~~

41 (b) This prohibition shall not apply to the following persons:

42 (1) Officers and enlisted personnel of the Armed Forces of the United States
43 when in discharge of their official duties as such and acting under orders
44 requiring them to carry arms and weapons;

45 (2) Civil and law enforcement officers of the United States;

46 (3) Officers and soldiers of the militia and the National Guard when called into
47 actual service;

48 (3a) A member of the North Carolina National Guard who has been designated in
49 writing by the Adjutant General, State of North Carolina, who has a
50 concealed handgun permit ~~issued in accordance with~~ that is valid under
51

- 1 Article 54B of this ~~Chapter or considered valid under G.S.~~
2 ~~14-415.24;Chapter~~, and is acting in the discharge of his or her official duties,
3 provided that the member does not carry a concealed weapon while
4 consuming alcohol or an unlawful controlled substance or while alcohol or
5 an unlawful controlled substance remains in the member's body.
- 6 (4) Officers of the State, or of any county, city, town, or company police agency
7 charged with the execution of the laws of the State, when acting in the
8 discharge of their official duties;
- 9 (4a) Any person who is a district attorney, an assistant district attorney, or an
10 investigator employed by the office of a district attorney and who has a
11 concealed handgun permit ~~issued in accordance with that is valid under~~
12 Article 54B of this ~~Chapter or considered valid under G.S. 14-415.24;~~
13 ~~Chapter~~; provided that the person shall not carry a concealed weapon at any
14 time ~~while in a courtroom or~~ while consuming alcohol or an unlawful controlled
15 substance or while alcohol or an unlawful controlled substance
16 remains in the person's body. The district attorney, assistant district attorney,
17 or investigator shall secure the weapon in a locked compartment when the
18 weapon is not on the person of the district attorney, assistant district
19 attorney, or investigator. ~~Notwithstanding the provisions of this subsection, a~~
20 A district attorney or assistant district attorney may carry a concealed
21 weapon while in a courtroom; however, an investigator may not carry a
22 concealed weapon at any time while in a courtroom.
- 23 (4b) Any person who is a qualified retired law enforcement officer as defined in
24 G.S. 14-415.10 and meets any one of the following conditions:
- 25 a. Is the holder of a concealed handgun permit in accordance with
26 Article 54B of this Chapter.
- 27 b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.
- 28 c. Is certified by the North Carolina Criminal Justice Education and
29 Training Standards Commission pursuant to G.S. 14-415.26;
- 30 (4c) Detention personnel or correctional officers employed by the State or a unit
31 of local government who park a vehicle in a space that is authorized for their
32 use in the course of their duties may transport a firearm to the parking space
33 and store that firearm in the vehicle parked in the parking space, provided
34 that: (i) the firearm is in a closed compartment or container within the locked
35 vehicle, or (ii) the firearm is in a locked container securely affixed to the
36 vehicle;
- 37 (4d) Any person who is a North Carolina district court judge, North Carolina
38 superior court judge, or a North Carolina magistrate and who has a
39 concealed handgun permit ~~issued in accordance with that is valid under~~
40 Article 54B of this ~~Chapter or considered valid under G.S.~~
41 ~~14-415.24;Chapter~~; provided that the person shall not carry a concealed
42 weapon at any time while consuming alcohol or an unlawful controlled
43 substance or while alcohol or an unlawful controlled substance remains in
44 the person's body. The judge or magistrate shall secure the weapon in a
45 locked compartment when the weapon is not on the person of the judge or
46 magistrate;
- 47 (4e) Any person who is serving as a clerk of court or as a register of deeds and
48 who has a concealed handgun permit ~~issued in accordance with that is valid~~
49 under Article 54B of this ~~Chapter or considered valid under G.S.~~
50 ~~14-415.24;Chapter~~; provided that the person shall not carry a concealed
51 weapon at any time while consuming alcohol or an unlawful controlled

- 1 substance or while alcohol or an unlawful controlled substance remains in
 2 the person's body. The clerk of court or register of deeds shall secure the
 3 weapon in a locked compartment when the weapon is not on the person of
 4 the clerk of court or register of deeds. This subdivision does not apply to
 5 assistants, deputies, or other employees of the clerk of court or register of
 6 deeds;
- 7 (5) Sworn law-enforcement officers, when off-duty, provided that an officer
 8 does not carry a concealed weapon while consuming alcohol or an unlawful
 9 controlled substance or while alcohol or an unlawful controlled substance
 10 remains in the officer's body;
- 11 (6) State probation or parole certified officers, when off-duty, provided that an
 12 officer does not carry a concealed weapon while consuming alcohol or an
 13 unlawful controlled substance or while alcohol or an unlawful controlled
 14 substance remains in the officer's body.
- 15 (7) A person employed by the Department of Public Safety who has been
 16 designated in writing by the Secretary of the Department, who has a
 17 concealed handgun permit ~~issued in accordance with~~ that is valid under
 18 ~~Article 54B of this Chapter or considered valid under G.S. 14-415.24, Chapter,~~
 19 Article 54B of this Chapter, and has in the person's possession written proof of the
 20 designation by the Secretary of the Department, provided that the person
 21 shall not carry a concealed weapon at any time while consuming alcohol or
 22 an unlawful controlled substance or while alcohol or an unlawful controlled
 23 substance remains in the person's body.
- 24 (8) Any person who is an administrative law judge described in Article 60 of
 25 Chapter 7A of the General Statutes and who has a concealed handgun permit
 26 ~~issued in accordance with~~ that is valid under Article 54B of this ~~Chapter or~~
 27 ~~considered valid under G.S. 14-415.24, Chapter,~~ provided that the person
 28 shall not carry a concealed weapon at any time while consuming alcohol or
 29 an unlawful controlled substance or while alcohol or an unlawful controlled
 30 substance remains in the person's body.
- 31 (9) State correctional officers, when off-duty, provided that an officer does not
 32 carry a concealed weapon while consuming alcohol or an unlawful
 33 controlled substance or while alcohol or an unlawful controlled substance
 34 remains in the officer's body. ~~If the concealed weapon is a handgun, the~~
 35 ~~correctional officer must meet the firearms training standards of the Division~~
 36 ~~of Adult Correction of the Department of Public Safety.~~
- 37 (b1) It is a defense to a prosecution under this section ~~that~~ if all of the following apply:
 38 (1) The weapon was not a ~~firearm;~~ handgun.
 39 (2) The defendant was engaged in, or on the way to or from, an activity in which
 40 the defendant legitimately used the ~~weapon;~~ weapon.
 41 (3) The defendant possessed the weapon for that legitimate ~~use;~~ and use.
 42 (4) The defendant did not use or attempt to use the weapon for an illegal
 43 purpose.
- 44 The burden of proving this defense is on the defendant.
- 45 (b2) ~~It is a defense to a prosecution under this section that:~~
 46 (1) ~~The deadly weapon is a handgun;~~
 47 (2) ~~The defendant is a military permittee as defined under G.S. 14-415.10(2a);~~
 48 ~~and~~
 49 (3) ~~The defendant provides to the court proof of deployment as defined under~~
 50 ~~G.S. 14-415.10(3a).~~

1 (c) ~~Any~~ Except as provided otherwise by law, any person violating the provisions of
2 subsection (a) of this section shall be guilty of a Class 2 misdemeanor. ~~Any person violating the~~
3 ~~provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the~~
4 ~~first offense and a Class H felony for a second or subsequent offense. A violation of subsection~~
5 ~~(a1) of this section punishable under G.S. 14-415.21(a) is not punishable under this section.~~

6 (d) This section does not apply to an ordinary pocket knife carried in a closed position.
7 As used in this section, "ordinary pocket knife" means a small knife, designed for carrying in a
8 pocket or purse, that has its cutting edge and point entirely enclosed by its handle, and that may
9 not be opened by a throwing, explosive, or spring action."

10 **SECTION 2.2.** G.S. 14-269.1 reads as rewritten:

11 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

12 Upon conviction of any person for violation of G.S. 14-269, ~~G.S. 14-269.7, 14-269.7,~~
13 ~~14-415.35,~~ or any other offense involving the use of a ~~deadly weapon of a type referred to in~~
14 ~~G.S. 14-269, firearm or other deadly weapon,~~ the firearm or other deadly weapon with
15 reference to which the defendant shall have been convicted shall be ordered confiscated and
16 disposed of by the presiding judge at the trial in one of the following ways in the discretion of
17 the presiding judge.

18"

19 **SECTION 2.3.** G.S. 14-269.2 reads as rewritten:

20 **"§ 14-269.2. Weapons on campus or other educational property.**

21 ...

22 (g) This section shall not apply to any of the following:

- 23 (1) A weapon used solely for educational or school-sanctioned ceremonial
24 purposes, or used in a school-approved program conducted under the
25 supervision of an adult whose supervision has been approved by the school
26 authority.
- 27 (1a) A person exempted by the provisions of ~~G.S. 14-269(b)~~ G.S. 14-415.41.
- 28 (2) Firefighters, emergency service personnel, North Carolina Forest Service
29 personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in
30 the discharge of their official duties.
- 31
- 32 (3) Home schools as defined in G.S. 115C-563(a).
- 33 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
34 property in Johnston County owned by Johnston Community College when
35 used with the written permission of Johnston Community College or for
36 hunting purposes on other educational property when used with the written
37 permission of the governing body of the school that controls the educational
38 property.
- 39 (5) A person registered under Chapter 74C of the General Statutes as an armed
40 armored car service guard or an armed courier service guard when acting in
41 the discharge of the guard's duties and with the permission of the college or
42 university.
- 43 (6) A person registered under Chapter 74C of the General Statutes as an armed
44 security guard while on the premises of a hospital or health care facility
45 located on educational property when acting in the discharge of the guard's
46 duties with the permission of the college or university.
- 47 (7) A volunteer school safety resource officer providing security at a school
48 pursuant to an agreement as provided in G.S. 115C-47(61) and either
49 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety
50 resource officer is acting in the discharge of the person's official duties and

1 is on the educational property of the school that the officer was assigned to
2 by the head of the appropriate local law enforcement agency.

3"

4 **SECTION 2.4.** G.S. 14-288.8(b)(1) reads as rewritten:

5 "**§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**
6 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

7 ...

8 (b) This section does not apply to any of the following:

9 (1) Persons ~~exempted from the provisions of G.S. 14-269~~ listed as exceptions
10 under G.S. 14-415.41 with respect to any activities lawfully engaged in
11 while carrying out their duties."

12 **SECTION 2.5.** G.S. 14-401.24 reads as rewritten:

13 "**§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

14 ...

15 (c) The following definitions apply to this section:

16 ...

17 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, ~~or~~
18 ~~14-288.8-14-288.8, or 14-415.35~~ and any other object capable of inflicting
19 serious bodily injury or death when used as a weapon.

20"

21 **SECTION 2.6.** G.S. 14-409.40 reads as rewritten:

22 "**§ 14-409.40. Statewide uniformity of local regulation.**

23 ...

24 (f) Nothing contained in this section prohibits municipalities or counties from
25 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, ~~14-269.3,~~
26 ~~14-269.4, 14-277.2,~~ 14-415.11, 14-415.23, 14-415.35, 14-415.36, 14-415.38, or 14-415.39,
27 including prohibiting the possession of firearms in public-owned buildings, on the grounds or
28 parking areas of those buildings, or in public parks or recreation areas, except nothing in this
29 subsection shall prohibit a person from storing a firearm within a motor vehicle while the
30 vehicle is on these grounds or areas. Nothing contained in this section prohibits municipalities
31 or counties from exercising powers provided by law in states of emergency declared under
32 Article 1A of Chapter 166A of the General Statutes.

33"

34 **SECTION 2.7.** G.S. 14-415.4 reads as rewritten:

35 "**§ 14-415.4. Restoration of firearms rights.**

36 ...

37 (e) Disqualifiers Requiring Denial of Petition. – The court shall deny the petition to
38 restore the firearms rights of any petitioner if the court finds any of the following:

39 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's
40 custody, care, or control a firearm under the provisions of any law in North
41 Carolina other than G.S. 14-415.1.

42 (2) The petitioner is under indictment for a felony or a finding of probable cause
43 exists against the petitioner for a felony.

44 (3) The petitioner is a fugitive from justice.

45 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or
46 any depressant, stimulant, or narcotic drug, or any other controlled substance
47 as defined in 21 U.S.C. § 802.

48 (5) The petitioner is or has been dishonorably discharged from the Armed
49 Forces of the United States.

50 (6) The petitioner is or has been adjudicated guilty of or received a prayer for
51 judgment continued or suspended sentence for one or more crimes of

1 violence constituting a misdemeanor, including a misdemeanor under Article
2 8 of Chapter 14 of the General Statutes, or a misdemeanor under
3 G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4,~~ 14-269.6,
4 14-276.1, 14-277, 14-277.1, ~~14-277.2,~~ 14-277.3, 14-281.1, 14-283,
5 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former 14-288.12,
6 former 14-288.13, former 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b),
7 or 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, 14-415.39, or a
8 substantially similar out-of-state or federal offense.

9"

10 **SECTION 2.8.** G.S. 14-415.11 reads as rewritten:

11 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

12 (a) Any person who has a concealed handgun permit may carry a concealed handgun
13 unless otherwise specifically prohibited by law. The person shall carry the permit together with
14 valid identification whenever the person is carrying a concealed handgun, shall disclose to any
15 law enforcement officer that the person holds a valid permit and is carrying a concealed
16 handgun when approached or addressed by the officer, and shall display both the permit and the
17 proper identification upon the request of a law enforcement officer. In addition to these
18 requirements, a military permittee whose permit has expired during deployment may carry a
19 concealed handgun during the 90 days following the end of deployment and before the permit
20 is renewed provided the permittee also displays proof of deployment to any law enforcement
21 officer.

22 (b) The sheriff shall issue a permit to carry a concealed handgun to a person who
23 qualifies for a permit under G.S. 14-415.12. The permit shall be valid throughout the State for a
24 period of five years from the date of issuance.

25 (c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry
26 a concealed handgun in any of the following:

- 27 (1) Areas prohibited by ~~G.S. 14-269.2, 14-269.3, and 14-277.2.~~ G.S. 14-269.2,
28 14-415.36, and 14-415.39.
- 29 (2) ~~Areas prohibited by G.S. 14-269.4, except as allowed under G.S.~~
30 ~~14-269.4(6).~~ An area prohibited by G.S. 14-415.37, except that a person may
31 have a concealed handgun if it is in a closed compartment or container
32 within the person's locked vehicle or in a locked container securely affixed
33 to the person's vehicle. A person may unlock the vehicle to enter or exit the
34 vehicle, provided the firearm remains in the closed compartment at all times
35 and the vehicle is locked immediately following the entrance or exit.
- 36 (2a) An area prohibited by G.S. 14-415.38, except that a person may have a
37 concealed handgun if it is in a closed compartment or container within the
38 person's locked vehicle or in a locked container securely affixed to the
39 person's vehicle. A person may unlock the vehicle to enter or exit the
40 vehicle, provided the firearm remains in the closed compartment at all times
41 and the vehicle is locked immediately following the entrance or exit.
- 42 (3) In an area prohibited by rule adopted under G.S. 120-32.1.
- 43 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.
- 44 (5) In a law enforcement or correctional facility.
- 45 (6) In a building housing only State or federal offices.
- 46 (7) In an office of the State or federal government that is not located in a
47 building exclusively occupied by the State or federal government.
- 48 (8) On any private premises where notice that carrying a concealed handgun is
49 prohibited by the posting of a conspicuous notice or statement by the person
50 in legal possession or control of the premises.

1 (e1) Any person who has a concealed handgun permit may carry a concealed handgun on
2 the grounds or waters of a park within the State Parks System as defined in G.S. 143B-135.44.

3 (e2) ~~It shall be unlawful for a person, with or without a permit, to carry a concealed~~
4 ~~handgun while consuming alcohol or at any time while the person has remaining in the person's~~
5 ~~body any alcohol or in the person's blood a controlled substance previously consumed, but a~~
6 ~~person does not violate this condition if a controlled substance in the person's blood was~~
7 ~~lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the~~
8 ~~person's own property.~~

9 (e3) ~~As provided in G.S. 14-269.4(5), it shall be lawful for a person to carry any firearm~~
10 ~~openly, or to carry a concealed handgun with a concealed carry permit, at any State owned rest~~
11 ~~area, at any State owned rest stop along the highways, and at any State owned hunting and~~
12 ~~fishing reservation.~~

13 (d) A person who is issued a permit shall notify the sheriff who issued the permit of any
14 change in the person's permanent address within 30 days after the change of address. If a permit
15 is lost or destroyed, the person to whom the permit was issued shall notify the sheriff who
16 issued the permit of the loss or destruction of the permit. A person may obtain a duplicate
17 permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed
18 and paying the required duplicate permit fee."

19 **SECTION 2.9.** G.S. 14-415.12(b)(8) reads as rewritten:

20 "(8) Except as provided in subdivision (8a), (8b), or (8c) of this section, is or has
21 been adjudicated guilty of or received a prayer for judgment continued or
22 suspended sentence for one or more crimes of violence constituting a
23 misdemeanor, including but not limited to, a violation of a misdemeanor
24 under Article 8 of Chapter 14 of the General Statutes except for a violation
25 of G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1,
26 4-258.1, 14-269.2, ~~14-269.3, 14-269.4, 14-269.6, 14-277, 14-277.1,~~
27 ~~14-277.2, 14-283 14-283, 14-415.36, 14-415.37, 14-415.38, 14-415.39,~~
28 except for a violation involving fireworks exempted under G.S. 14-414,
29 14-288.2, 14-288.4(a)(1), 14-288.6, 14-288.9, former 14-288.12, former
30 14-288.13, former 14-288.14, 14-415.21(b), or 14-415.26(d) within three
31 years prior to the date on which the application is submitted."

32 **SECTION 2.10.** G.S. 14-415.22 is repealed.

33 **SECTION 2.11.** G.S. 74E-6 reads as rewritten:

34 "**§ 74E-6. Oaths, powers, and authority of company police officers.**

35 ...
36 (c) All Company Police. – Company police officers, while in the performance of their
37 duties of employment, have the same powers as municipal and county police officers to make
38 arrests for both felonies and misdemeanors and to charge for infractions on any of the
39 following:

- 40 (1) Real property owned by or in the possession and control of their employer.
- 41 (2) Real property owned by or in the possession and control of a person who has
42 contracted with the employer to provide on-site company police security
43 personnel services for the property.
- 44 (3) Any other real property while in continuous and immediate pursuit of a
45 person for an offense committed upon property described in subdivisions (1)
46 or (2) of this subsection.

47 Company police officers shall have, if duly authorized by the superior officer in charge, the
48 authority to carry concealed weapons pursuant to and in conformity with ~~G.S. 14-269(b)(4) and~~
49 ~~(5); G.S. 14-269(b)(4) and (5) and G.S. 14-415.35.~~

50"

51 **SECTION 2.12.** G.S. 74G-6 reads as rewritten:

1 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

2 ...
3 (d) Concealed Weapons. – Campus police officers shall have, if duly authorized by
4 their campus police agency and by the sheriff of the county in which the campus police agency
5 is located, the authority to carry concealed weapons pursuant to and in conformity with
6 ~~G.S. 14-269(b)(5).~~G.S. 14-269(b)(5) and G.S. 14-415.35.

7"

8 **SECTION 2.13.** G.S. 106-503.2 reads as rewritten:

9 **"§ 106-503.2. Regulation of firearms at State Fair.**

10 ...
11 (b) Notwithstanding subsection (a) of this section, any prohibition under this section
12 shall not apply to the following persons:

13 (1) Any person exempted by ~~G.S. 14-269(b)(1), (2), (3), (4), or~~
14 ~~(5).~~G.S. 14-415.41(1), (2), (3), (5), or (11).

15 (2) Any person who has a concealed handgun permit that is valid under Article
16 54B of ~~this Chapter,~~Chapter 14 of the General Statutes, or who is exempt
17 from obtaining a permit pursuant to that Article, who has a handgun in a
18 closed compartment or container within the person's locked vehicle or in a
19 locked container securely affixed to the person's vehicle. A person may
20 unlock the vehicle to enter or exit the vehicle provided the firearm remains
21 in the closed compartment at all times and the vehicle is locked immediately
22 following the entrance or exit."

23 **SECTION 2.14.** G.S. 113-136 reads as rewritten:

24 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**
25 **inspection by inspectors and protectors.**

26 ...
27 (d) Inspectors and protectors are additionally authorized to arrest without warrant under
28 the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or
29 in their presence, and for other offenses evincing a flouting of their authority as enforcement
30 officers or constituting a threat to public peace and order which would tend to subvert the
31 authority of the State if ignored. In particular, they are authorized, subject to the direction of the
32 administrative superiors, to arrest for violations of G.S. 14-223, 14-225, 14-269, ~~and 14-277.~~
33 14-277, and 14-415.35.

34"

35
36 **PART III. STANDARDIZE AND ENSURE UNIFORMITY OF CONCEALED**
37 **HANDGUN PERMIT APPLICATIONS AND MAKE CONFORMING CHANGES**

38 **SECTION 3.1.** G.S. 14-415.10 reads as rewritten:

39 **"§ 14-415.10. Definitions.**

40 The following definitions apply to this Article:

41 ...
42 (4) Qualified former sworn law enforcement officer. – An individual who
43 retired from service as a law enforcement officer with a local, State, campus
44 police, or company police agency in North Carolina, other than for reasons
45 of mental disability, who has been retired as a sworn law enforcement
46 officer ~~two~~five years or less from the date of the permit application, and
47 who satisfies all of the following:

48 a. Immediately before retirement, the individual was a qualified law
49 enforcement officer with a local, State, or company police agency in
50 North Carolina.

- 1 b. The individual has a nonforfeitable right to benefits under the
2 retirement plan of the local, State, or company police agency as a law
3 enforcement officer; or has 20 or more aggregate years of law
4 enforcement service and has retired from a company police agency
5 that does not have a retirement plan; or has 20 or more aggregate
6 years of part-time or auxiliary law enforcement service.
- 7 c. The individual is not prohibited by State or federal law from
8 receiving a firearm.
- 9 (4a) Qualified retired correctional officer. – An individual who retired from
10 service as a State correctional officer, other than for reasons of mental
11 disability, who has been retired as a correctional officer ~~two~~five years or
12 less from the date of the permit application and who meets all of the
13 following criteria:
- 14 a. Immediately before retirement, the individual met firearms training
15 standards of the Division of Adult Correction of the Department of
16 Public Safety and was authorized by the Division of Adult Correction
17 of the Department of Public Safety to carry a handgun in the course
18 of assigned duties.
- 19 b. The individual retired in good standing and was never a subject of a
20 disciplinary action by the Division of Adult Correction of the
21 Department of Public Safety that would have prevented the
22 individual from carrying a handgun.
- 23 c. The individual has a vested right to benefits under the Teachers' and
24 State Employees' Retirement System of North Carolina established
25 under Article 1 of Chapter 135 of the General Statutes.
- 26 d. The individual is not prohibited by State or federal law from
27 receiving a firearm.
- 28 (4b) Qualified retired law enforcement officer. – An individual who meets the
29 definition of "qualified retired law enforcement officer" contained in section
30 926C of Title 18 of the United States Code.
- 31 (4c) Qualified retired probation or parole certified officer. – An individual who
32 retired from service as a State probation or parole certified officer, other than
33 for reasons of mental disability, who has been retired as a probation or
34 parole certified officer ~~two~~five years or less from the date of the permit
35 application and who meets all of the following criteria:
- 36 a. Immediately before retirement, the individual met firearms training
37 standards of the Division of Adult Correction of the Department of
38 Public Safety and was authorized by the Division of Adult Correction
39 of the Department of Public Safety to carry a handgun in the course
40 of duty.
- 41 b. The individual retired in good standing and was never a subject of a
42 disciplinary action by the Division of Adult Correction of the
43 Department of Public Safety that would have prevented the
44 individual from carrying a handgun.
- 45 c. The individual has a vested right to benefits under the Teachers' and
46 State Employees' Retirement System of North Carolina established
47 under Article 1 of Chapter 135 of the General Statutes.
- 48 d. The individual is not prohibited by State or federal law from
49 receiving a firearm.

- 1 (5) Qualified sworn law enforcement officer. – A law enforcement officer
- 2 employed by a local, State, campus police, or company police agency in
- 3 North Carolina who satisfies all of the following:
- 4 a. The individual is authorized by the agency to carry a handgun in the
- 5 course of duty.
- 6 b. The individual is not the subject of a disciplinary action by the
- 7 agency that prevents the carrying of a handgun.
- 8 c. The individual meets the requirements established by the agency
- 9 regarding handguns."

10 **SECTION 3.2.** G.S. 14-415.12 reads as rewritten:

11 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

12 (a) The sheriff shall issue a permit to an applicant if the applicant qualifies under the

13 following criteria:

- 14 (1) The applicant is a citizen of the United States or has been lawfully admitted
- 15 for permanent residence as defined in 8 U.S.C. § 1101(a)(20), and has been a
- 16 resident of the State 30 days or longer immediately preceding the filing of
- 17 the application.
- 18 (2) The applicant is 21 years of age or older.
- 19 (3) The applicant does not suffer from a ~~physical or mental infirmity that~~
- 20 ~~prevents the safe handling of a handgun currently diagnosed and ongoing~~
- 21 mental disorder, as defined by the most recent edition of the Diagnostic and
- 22 Statistical Manual of Mental Disorders (DSM), that the sheriff determines
- 23 would reasonably prevent the safe handling of a handgun. Previous
- 24 treatment for transient disorders shall not be disqualifying.

25 ...

26 (b) The sheriff shall deny a permit to an applicant who:

27 ...

- 28 (6) Is currently, or has been previously adjudicated by a court ~~or~~
- 29 ~~administratively determined by a governmental agency whose decisions are~~
- 30 ~~subject to judicial review to be, lacking mental capacity or mentally ill, a~~
- 31 danger to self or others due to mental illness or lack of mental capacity.
- 32 Receipt of previous consultative services or outpatient treatment alone shall
- 33 not disqualify an applicant under this subdivision.
- 34 (7) Is or has been discharged from the Armed Forces of the United States under
- 35 conditions other than honorable.

36"

37 **SECTION 3.3.** G.S. 14-415.13(a) reads as rewritten:

38 "(a) A person shall apply to the sheriff of the county in which the person resides to

39 obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the

40 following:

- 41 (1) An application, completed under oath, on a form provided by the sheriff, and
- 42 such application form must be provided by the sheriff electronically. The
- 43 sheriff shall not request employment information, character affidavits,
- 44 additional background checks, photographs, or other information unless
- 45 specifically permitted by this Article. A sheriff may schedule appointments
- 46 for concealed handgun applications provided the appointments are scheduled
- 47 for 15 business days or less from the date on which the applicant informs the
- 48 sheriff that the applicant possesses all documentation necessary for the
- 49 application.
- 50 (2) A nonrefundable permit fee.
- 51 (3) A full set of fingerprints of the applicant administered by the sheriff.

(4) An original certificate of completion of an approved course, adopted and distributed by the North Carolina Criminal Justice Education and Training Standards Commission, signed by the certified instructor of the course attesting to the successful completion of the course by the applicant which shall verify that the applicant is competent with a handgun and knowledgeable about the laws governing the carrying of a concealed handgun and the use of deadly force.

(5) A release, in a form to be prescribed by the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of any of the following records ~~concerning the mental health or capacity of the applicant~~ to be used for the sole purpose of determining whether the applicant is disqualified for a permit under the provisions of ~~G.S. 14-415.12~~. G.S. 14-415.12:

a. Records concerning an applicant's currently diagnosed and ongoing mental disorder, as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).

b. Records showing that the applicant is currently, or has been previously, adjudicated by a court to be a danger to self or others due to mental illness or lack of mental capacity.

This provision does not prohibit submitting information related to involuntary commitment to the National Instant Criminal Background Check System (NICS)."

SECTION 3.4. G.S. 14-415.15(a) reads as rewritten:

"(a) Except as permitted under subsection (b) of this section, within 45-90 days after receipt of the items listed in G.S. 14-415.13 from an applicant, ~~and receipt of the required records concerning the mental health or capacity of the applicant,~~ the sheriff shall either issue or deny the permit. The sheriff may conduct any investigation necessary to determine the qualification or competency of the person applying for the permit, including record checks. The sheriff shall make the request for any records concerning the mental health or capacity of the applicant within 10 days of receipt of the items listed in G.S. 14-415.13. If the sheriff has not received the required records concerning mental health or capacity of the applicant after 45 days of the request, then the sheriff shall request the records again. No person, company, mental health provider, or governmental entity may charge additional fees to the applicant for background checks conducted under this subsection. A permit shall not be denied unless the applicant is determined to be ineligible pursuant to G.S. 14-415.12."

SECTION 3.5. G.S. 14-415.19(a) reads as rewritten:

"(a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer to be remitted or credited by the county finance officer in accordance with the provisions of this section. Except as otherwise provided by this section, the permit fees are as follows:

| | |
|----------------------------|-----------------------------------|
| Application fee | \$80.00 <u>\$81.00</u> |
| Renewal fee | \$75.00 |
| Duplicate permit fee | \$15.00 |

The county finance officer shall remit ~~forty-five dollars (\$45.00)~~ forty-six dollars (\$46.00) of each new application fee and forty dollars (\$40.00) of each renewal fee assessed under this subsection to the North Carolina Department of Public Safety for the costs of State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article. The remaining ~~thirty-five dollars (\$35.00)~~ of each application or renewal fee shall be used by the sheriff to pay the costs of administering

1 this Article and for other law enforcement purposes. The county shall expend the restricted
2 funds for these purposes only."

3 **SECTION 3.6.** This part becomes effective October 1, 2017, and applies to permit
4 applications submitted on or after that date.

5
6 **PART IV. CONCEALED CARRY IN STATE LEGISLATIVE BUILDINGS**

7 **SECTION 4.1.** G.S. 120-32.1 is amended by adding the following new subsections
8 to read:

9 "(c2) No rule adopted under this section shall prohibit a legislator, a legislative employee,
10 or a qualified former sworn law enforcement officer who has a concealed handgun permit
11 considered valid under Article 54B of Chapter 14 of the General Statutes or a current sworn
12 law enforcement officer from carrying a concealed handgun on the premises of the State
13 legislative buildings and grounds. The Legislative Services Commission may adopt a rule
14 requiring a legislator, a legislative employee, a qualified former sworn law enforcement officer,
15 or a current sworn law enforcement officer to provide notice to the Chief of the General
16 Assembly Special Police, or the Chief's designee, before carrying the handgun on the premises
17 of the State legislative buildings and grounds; however, once initial notice is provided as
18 required by this subsection, no subsequent notification shall be required. The Legislative
19 Services Commission may also adopt rules establishing a procedure for such notification.

20 (c3) Notwithstanding subsection (c2) of this section, the Legislative Services
21 Commission may adopt a rule prohibiting or regulating the carrying of a firearm openly or
22 concealed in the Gallery of the State legislative building."

23 **SECTION 4.2.** G.S. 14-415.11(c)(3) reads as rewritten:

24 "(c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry
25 a concealed handgun in any of the following:

- 26 ...
- 27 (3) In an area prohibited by rule adopted under ~~G.S. 120-32.1~~G.S. 120-32.1,
28 except that a legislator, legislative employee, or qualified former sworn law
29 enforcement officer with a concealed handgun permit valid under Article
30 54B of this Chapter may carry a concealed handgun on the premises of the
31 State legislative buildings and grounds as defined in G.S. 120-32.1(d);
32 provided, he or she complies with any notice requirement adopted by the
33 Legislative Services Commission."

34 **SECTION 4.3.** This part becomes effective December 1, 2017.

35
36 **PART V. CHANGES TO WEAPONS ON EDUCATIONAL PROPERTY**

37 **SECTION 5.1.** G.S. 14-269.2 reads as rewritten:

38 **"§ 14-269.2. Weapons on campus or other educational property.**

39 (a) The following definitions apply to this section:

- 40 (1) Educational property. – Any school building or bus, school campus,
41 grounds, recreational area, athletic field, or other property owned, used, or
42 operated by any board of education or school board of trustees, or directors
43 for the administration of any school.
- 44 (1a) Employee. – A person employed by a local board of education or school
45 whether the person is an adult or a minor.
- 46 (1b) School. – A public or private school, community college, college, or
47 university.
- 48 (1c) School operating hours. – Any times when curricular or extracurricular
49 activities are taking place on the premises and any time when the premises
50 are being used for educational, instructional, or school-sponsored activities.

1 (2) Student. – A person enrolled in a school or a person who has been suspended
2 or expelled within the last five years from a school, whether the person is an
3 adult or a minor.

4 (3) Switchblade knife. – A knife containing a blade that opens automatically by
5 the release of a spring or a similar contrivance.

6 (3a) Volunteer school safety resource officer. – A person who volunteers as a
7 school safety resource officer as provided by G.S. 162-26 or
8 G.S. 160A-288.4.

9 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this
10 section.

11 (b) It shall be a Class I felony for any person knowingly to possess or carry, whether
12 openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property
13 or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is
14 covered under some other provision of law providing greater punishment, any person who
15 willfully discharges a firearm of any kind on educational property is guilty of a Class F felony.
16 However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

17 (b1) It shall be a Class G felony for any person to possess or carry, whether openly or
18 concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in
19 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored
20 by a school. This subsection shall not apply to fireworks.

21 (b2) Restrictions on extracurricular activities listed in subsection (b) of this section do
22 not apply if both of the following criteria are met:

23 (1) The person is not a participant in, or chaperone or spectator of, the
24 extracurricular activity.

25 (2) The extracurricular activity is conducted in a public place, including, but not
26 limited to, a restaurant, public park, or museum.

27 ...

28 (k1) The provisions of this section shall not apply to a person in a vehicle on a road not
29 maintained by the school that crosses the educational property if the person has a weapon,
30 including an open or concealed handgun, within the locked vehicle, and the person remains
31 within the locked vehicle while crossing the educational property and only unlocks the vehicle
32 to allow the entrance or exit of another person.

33 (k2) The provisions of this section shall not apply to a person who has a concealed
34 handgun permit that is valid under Article 54B of this Chapter, or who is exempt from
35 obtaining a permit pursuant to that Article, if all of the following conditions apply:

36 (1) The person possesses and carries a handgun on educational property other
37 than an institution of higher education, as defined by G.S. 116-143.1, or a
38 nonpublic, post-secondary educational institution.

39 (2) The educational property is the location of both a school and a building that
40 is a place of religious worship, as defined in G.S. 14-54.1. For the purposes
41 of this subsection, property owned by a local board of education or board of
42 county commissioners shall not be construed as a building that is a place of
43 religious worship, as defined in G.S. 14-54.1.

44 (3) The weapon is a handgun.

45 (4) The handgun is only possessed and carried on educational property outside
46 of the school operating hours.

47 (l) It is an affirmative defense to a prosecution under subsection (b) or (f) of this
48 section that the person was authorized to have a concealed handgun in a locked vehicle
49 pursuant to subsection (k) of this section and removed the handgun from the vehicle only in
50 response to a threatening situation in which deadly force was justified pursuant to
51 G.S. 14-51.3."

1 **SECTION 5.2.** This part becomes effective December 1, 2017, and applies to
2 offenses committed on or after that date.

3
4 **PART VI. PISTOL PERMIT/MENTAL HEALTH RECORD TO SHERIFF**

5 **SECTION 6.1.** G.S. 14-404 reads as rewritten:

6 "**§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;**
7 **sheriff's fee.**

8 ...

9 (e1) The application for a permit shall be on a form created by the State Bureau of
10 Investigation in consultation with the North Carolina Sheriffs' Association. This application
11 shall be used by all sheriffs and must be provided by the sheriff both electronically and in paper
12 form. ~~Only the following shall be required to be submitted by an applicant for a permit:~~No
13 additional documentation or evidence shall be required to be submitted by an applicant for a
14 permit except the following:

15 (1) The permit application developed pursuant to this subsection.

16 (2) Five dollars for each permit requested pursuant to subsection (e) of this
17 section.

18 (3) A government issued identification confirming the identity of the applicant.

19 (4) Proof of residency.

20 ~~(5) A signed release, in a form to be prescribed by the Administrative Office of~~
21 ~~the Court, that authorizes and requires disclosure to the sheriff of any court~~
22 ~~orders concerning the mental health or capacity of the applicant to be used~~
23 ~~for the sole purpose of determining whether the applicant is disqualified to~~
24 ~~receive a permit pursuant to this section.~~

25 ~~No additional document or evidence shall be required from any applicant.~~

26 (e2) The sheriff shall request disclosure to the sheriff of any court orders concerning the
27 mental health or mental capacity of the applicant to be used for the sole purpose of determining
28 whether the applicant is disqualified to receive a permit pursuant to this section. Nothing in this
29 subsection shall be construed to increase the documentation an applicant is required to provide
30 under subsection (e1) of this section or to increase the time period set out in subsection (f) of
31 this section.

32 (e3) The permit application shall also contain a conspicuous warning substantially as
33 follows:

34 "By filing this permit application, I understand that I am giving the sheriff the
35 authority to obtain all criminal and mental health court orders required by State and
36 federal law to determine permit eligibility."

37 ...

38 ~~(i) A person or entity shall promptly disclose to the sheriff, upon presentation by the~~
39 ~~applicant or sheriff of an original or photocopied release form described in subdivision (5) of~~
40 ~~subsection (e1) of this section, any court orders concerning the mental health or capacity of the~~
41 ~~applicant who signed the release form."~~

42 **SECTION 6.2.** G.S. 122C-54 reads as rewritten:

43 "**§ 122C-54. Exceptions; abuse reports and court proceedings.**

44 ...

45 ~~(d2) The record of involuntary commitment for inpatient or outpatient mental health~~
46 ~~treatment or for substance abuse treatment required to be reported to the National Instant~~
47 ~~Criminal Background Check System (NICS) by G.S. 14-409.43 shall be accessible only by the~~
48 ~~sheriff or the sheriff's designee for the purposes of conducting background checks under G.S.~~
49 ~~14-404 and shall remain otherwise confidential as provided by this Article.~~

50 (d3) Notwithstanding G.S. 122C-207 and subsection (d) of this section, when a sheriff
51 notifies the potential holder of a mental health order in writing that a particular individual has

1 completed an application for a pistol purchase permit, the holder of any court orders that
2 concern the mental health or mental capacity of an applicant for a pistol purchase permit shall,
3 upon request, release to the sheriff of the county any and all mental health orders concerning
4 the pistol purchase permit applicant.

5"

6 **SECTION 6.3.** This part becomes effective August 1, 2017, and applies to
7 applications for pistol purchases pending or submitted on or after that date.

8
9 **PART VII. OTHER CHANGES TO WEAPONS LAW AND ADDITIONAL**
10 **CONFORMING CHANGES**

11 **SECTION 7.1.** G.S. 14-269.1 reads as rewritten:

12 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

13 (a) Upon conviction of any person for violation of G.S. 14-269, G.S. 14-269.7, or any
14 other offense involving the use of a deadly weapon of a type referred to in G.S. 14-269, the
15 deadly weapon with reference to which the defendant shall have been convicted shall be
16 ordered confiscated and disposed of by the presiding judge at the trial ~~in one of the following~~
17 ~~ways in the discretion of the presiding judge as provided in subdivision (1) of this subsection. If~~
18 the owner of the weapon is the convicted defendant, then the weapon shall be disposed of as
19 provided by subdivisions (4) through (6) of this subsection in the discretion of the presiding
20 judge:

- 21 (1) By ordering the weapon returned to its rightful owner, but only when such
22 owner is a person other than the defendant and has filed a petition for the
23 recovery of such weapon with the presiding judge at the time of the
24 defendant's conviction, and upon a finding by the presiding judge that
25 petitioner is entitled to possession of same and that he was unlawfully
26 deprived of the same without his consent.
- 27 (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.
- 28 (4) By ordering such weapon turned over to the sheriff of the county in which
29 the trial is held or his duly authorized agent to be destroyed if the firearm
30 does not have a legible, unique identification number or is unsafe for use
31 because of wear, damage, age, or modification. The sheriff shall maintain a
32 record of the destruction thereof.
- 33 (4a) Repealed by Session Laws 2005-287, s. 3, effective August 22, 2005.
- 34 (4b) By ordering the weapon turned over to a law enforcement agency in the
35 county of trial for (i) the official use of the agency or (ii) sale, trade, or
36 exchange by the agency to a federally licensed firearm dealer in accordance
37 with all applicable State and federal firearm laws. The court may order a
38 disposition of the firearm pursuant to this subdivision only upon the written
39 request of the head or chief of the law enforcement agency or a designee of
40 the head or chief of the law enforcement agency and only if the firearm has a
41 legible, unique identification number. If the law enforcement agency sells
42 the firearm, then the proceeds of the sale shall be remitted to the appropriate
43 county finance officer as provided by G.S. 115C-452 to be used to maintain
44 free public schools. The receiving law enforcement agency shall maintain a
45 record and inventory of all firearms received pursuant to this subdivision.
- 46 (5) By ordering such weapon turned over to the North Carolina State Crime
47 Laboratory's weapons reference library for official use by that agency. The
48 Laboratory shall maintain a record and inventory of all such weapons
49 received.
- 50 (6) By ordering such weapons turned over to the North Carolina Justice
51 Academy for official use by that agency. The North Carolina Justice

1 Academy shall maintain a record and inventory of all such weapons
2 received.

3 (b) If the weapon is owned by the defendant, and the defendant is not convicted as
4 provided in this section, the presiding judge shall order the weapon returned to the defendant."

5 **SECTION 7.2.** G.S. 15-11.1 reads as rewritten:

6 "**§ 15-11.1. Seizure, custody and disposition of articles; exceptions.**

7 (a) If a law-enforcement officer seizes property pursuant to lawful authority, he shall
8 safely keep the property under the direction of the court or magistrate as long as necessary to
9 assure that the property will be produced at and may be used as evidence in any trial. Upon
10 application by the lawful owner or a person, firm or corporation entitled to possession or upon
11 his own determination, the district attorney may release any property seized pursuant to his
12 lawful authority if he determines that such property is no longer useful or necessary as evidence
13 in a criminal trial and he is presented with satisfactory evidence of ownership. If the district
14 attorney refuses to release such property, the lawful owner or a person, firm or corporation
15 entitled to possession may make application to the court for return of the property. The court,
16 after notice to all parties, including the defendant, and after hearing, may in its discretion order
17 any or all of the property returned to the lawful owner or a person, firm or corporation entitled
18 to possession. The court may enter such order as may be necessary to assure that the evidence
19 will be available for use as evidence at the time of trial, and will otherwise protect the rights of
20 all parties. Notwithstanding any other provision of law, photographs or other identification or
21 analyses made of the property may be introduced at the time of the trial provided that the court
22 determines that the introduction of such substitute evidence is not likely to substantially
23 prejudice the rights of the defendant in the criminal trial.

24 (b) In the case of unknown or unapprehended defendants or of defendants willfully
25 absent from the jurisdiction, the court shall determine whether an attorney should be appointed
26 as guardian ad litem to represent and protect the interest of such unknown or absent defendants.
27 Appointment shall be in accordance with rules adopted by the Office of Indigent Defense
28 Services. The judicial findings concerning identification or value that are made at such hearing
29 whereby property is returned to the lawful owner or a person, firm, or corporation entitled to
30 possession, may be admissible into evidence at the trial. After final judgment all property
31 lawfully seized by or otherwise coming into the possession of law-enforcement authorities shall
32 be disposed of as the court or magistrate in its discretion orders, and may be forfeited and either
33 sold or destroyed in accordance with due process of law.

34 (b1) Notwithstanding subsections (a) and (b) of this section or any other provision of
35 law, if the property seized is a firearm and the district attorney determines the firearm is no
36 longer necessary or useful as evidence in a criminal trial, the district attorney, after notice to all
37 parties known or believed by the district attorney to have an ownership or a possessory interest
38 in the firearm, including the defendant, shall apply to the court for an order of disposition of the
39 firearm. The judge, after hearing, ~~may shall~~ order the disposition of the firearm as provided in
40 subdivision (1) of this subsection unless the rightful owner is the defendant. If the rightful
41 owner is the defendant, then the judge may order the disposition of the firearm in one of the
42 following ways: ways described by subdivisions (2) through (4) of this subsection:

- 43 (1) By ordering the firearm returned to its rightful owner, when the rightful
44 owner is someone other than the defendant and upon findings by the court (i)
45 that the person, firm, or corporation determined by the court to be the
46 rightful owner is entitled to possession of the firearm and (ii) that the person,
47 firm, or corporation determined by the court to be the rightful owner of the
48 firearm was unlawfully deprived of the same or had no knowledge or
49 reasonable belief of the defendant's intention to use the firearm unlawfully.
- 50 (2) By ordering the firearm returned to the defendant, but only if the defendant
51 is not convicted of any criminal offense in connection with the possession or

1 use of the firearm, the defendant is the rightful owner of the firearm, and the
2 defendant is not otherwise ineligible to possess such firearm.

3 (3) By ordering the firearm turned over to be destroyed by the sheriff of the
4 county in which the firearm was seized or by his duly authorized agent if the
5 firearm does not have a legible, unique identification number or is unsafe for
6 use because of wear, damage, age, or modification. The sheriff shall
7 maintain a record of the destruction of the firearm.

8 (4) By ordering the firearm turned over to a law enforcement agency in the
9 county of trial for (i) the official use of the agency or (ii) sale, trade, or
10 exchange by the agency to a federally licensed firearm dealer in accordance
11 with all applicable State and federal firearm laws. The court may order a
12 disposition of the firearm pursuant to this subdivision only if the firearm has
13 a legible, unique identification number. If the law enforcement agency sells
14 the firearm, then the proceeds of the sale shall be remitted to the appropriate
15 county finance officer as provided by G.S. 115C-452 to be used to maintain
16 free public schools. The receiving law enforcement agency shall maintain a
17 record and inventory of all firearms received pursuant to this subdivision.

18 This subsection (b1) is not applicable to seizures pursuant to G.S. 113-137 of firearms used
19 only in connection with a violation of Article 22 of Chapter 113 of the General Statutes or any
20 local wildlife hunting ordinance.

21 (c) Any property, the forfeiture and disposition of which is specified in any general or
22 special law, shall be disposed of in accordance therewith."

23 **SECTION 7.3.** Article 35 of Chapter 14 of the General Statutes is amended by
24 adding a new section to read:

25 **"§ 14-277.6. Going armed to the terror of the people.**

26 (a) A person who arms himself or herself with an unusual and dangerous weapon for
27 the purpose of terrifying others and goes about on public highways in a manner to cause terror
28 to the people is guilty of a Class 1 misdemeanor.

29 (b) No person shall be convicted of a violation of subsection (a) of this section based
30 only on the person's possession or carrying of a handgun, whether openly or concealed."

31 **SECTION 7.4.** This part becomes effective December 1, 2017, and applies to
32 offenses committed on or after that date.

33
34 **PART VIII. DEVELOP COMPREHENSIVE FIREARM EDUCATION AND**
35 **WILDLIFE CONSERVATION COURSES**

36 **SECTION 8.1.** Article 8 of Chapter 115C of the General Statutes is amended by
37 adding a new section to read:

38 **"§ 115C-81.90. Firearm Safety Elective Course.**

39 The State Board of Education, in consultation with law enforcement agencies and firearms
40 associations, shall develop a comprehensive firearm education course that can be offered as an
41 elective at the high school level to facilitate the learning of science, technology, engineering,
42 and mathematics (STEM) principles. The firearm safety course shall include history,
43 mathematics, and firearms functions and applications. Firearm safety shall be a key component
44 of the course of study. The course shall rely on input from law enforcement agencies and
45 firearms associations as well as related scientific engineering and design-related educational
46 sources. The course of instruction shall not permit the use or presence of live ammunition. The
47 course shall be conducted under the supervision of an adult who has been approved by the
48 school principal in accordance with G.S. 14-296.2(g)(1)."

49 **SECTION 8.2.** Article 8 of Chapter 115C of the General Statutes is amended by
50 adding a new section to read:

51 **"§ 115C-81.95. Wildlife Conservation Elective Course.**

1 The State Board of Education, in consultation with the Wildlife Resources Commission, the
2 Division of Marine Fisheries, and the Wildlife Management Institute, shall develop a
3 comprehensive course on the North American Model for Wildlife Conservation that can be
4 offered as an elective at the high school level."

5 **SECTION 8.3.** This part is effective when it becomes law and applies beginning
6 with the 2018-2019 school year.
7

8 **PART IX. EFFECTIVE DATE**

9 **SECTION 9.1.** This section becomes effective July 1, 2017. Unless provided
10 otherwise, the remainder of this act becomes effective December 1, 2017, and applies to
11 offenses committed on or after that date.