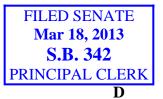
GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2013**



SENATE DRS15125-LH-56 (01/31)

Short Title:	Amend Gun Laws.	(Public)
Sponsors:	Senators Newton, Soucek, and Tarte (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

1	A BILL TO BE ENTITLED
2	AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO
3	POSSESS HANDGUNS IN RESTAURANTS UNLESS A NOTICE PROHIBITING
4	POSSESSION ON THE PREMISES IS POSTED; TO MAKE IT UNLAWFUL FOR
5	FELONS TO POSSESS AMMUNITION, CERTAIN WEAPONS IN ADDITION TO
6	FIREARMS, AND TO CARRY ANY CONCEALED WEAPON; AND TO CLARIFY
7	THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED
8	CARRY OF FIREARMS.
9	The General Assembly of North Carolina enacts:
10	SECTION 1. G.S. 14-269.3(b) is amended by adding a new subdivision to read:
11	"(5) A person on the premises of an eating establishment as defined in
12	G.S. 18B-1000(2), or a restaurant as defined in G.S. 18B-1000(6), provided
13	the person has a valid concealed handgun permit under Article 54B of
14	Chapter 14 of the General Statutes. This subdivision shall not be construed
15	to permit a person to carry a concealed handgun on the premises of an eating
16	establishment or a restaurant where the person in legal possession or control
17	of the premises has posted a conspicuous notice prohibiting the carrying of a
18	concealed handgun on the premises in accordance with G.S. 14-415.11(c)."
19	SECTION 2. G.S. 14-415.1 reads as rewritten:
20	"§ 14-415.1. Possession of firearms, etc., by felon prohibited.
21	(a) It shall be unlawful for any person who has been convicted of a felony to purchase,
22	own, possess, or have in his custody, care, or control any firearm orfirearm, any weapon of
23	mass death and destruction as defined in G.S. 14-288.8(c). G.S. 14-288.8(c), any ammunition,
24	or any electric weapon or electric device intended to be used as a weapon. It is also unlawful
25	for any person who has been convicted of a felony to carry a concealed weapon, including a
26	tear gas gun or similar device intended to be used as a weapon.
27	For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which
28	will or is designed to or may readily be converted to expel a projectile by the action of an
29	explosive, or its frame or receiver, or (ii) any firearm muffler or firearm silencer. This section
30	does not apply to an antique firearm, as defined in G.S. 14-409.11.
31	Every person violating the provisions of this section shall be punished as a Class G felon.
32	(a1) Unless the conduct is covered under some other provision of law providing greater
33	punishment:
34	(1) A person who violates this section is guilty of a Class G felony.



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1	(2) A person who violates this section and discharges the firearm, electric
2	weapon or device, or any other weapon described in subsection (a) of this
3	section is guilty of a Class E felony.
4	(3) A person who violates this section is guilty of a Class D felony if the
5	violation results in serious injury to a person.
6	(4) A person who violates this section is guilty of a Class C felony if the
7	violation results in serious bodily injury to a person.
8	(a2) For the purposes of this section, "serious bodily injury" has the same definition as
9	that term is defined in G.S. 14-32.4(a), and "serious injury" means a lesser degree of physical
0	harm than serious bodily injury which includes, but is not limited to, bruises, lacerations,
1	sprains, broken bones, or any other indications of physical injury of a type which do not
2	constitute serious bodily injury.
3	
1	SECTION 3. G.S. 14-415.23 reads as rewritten:
5	"§ 14-415.23. Statewide uniformity.
5	(a) It is the intent of the General Assembly to prescribe a uniform system for the
7	regulation of legally carrying a concealed handgun. To insure uniformity, no political
3	subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal
)	corporation, town, township, village, nor any department or agency thereof, may enact
)	ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of
1	local government may adopt an ordinance to permit the posting of a prohibition against
2 3	carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government
	buildings and their appurtenant premises.
ļ S	(b) A unit of local government may adopt an ordinance to prohibit, by posting, the
, 5	carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government. If a unit of local government adopts
, 7	such an ordinance with regard to recreational facilities, then the concealed handgun permittee
8	may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other
,)	enclosed compartment or area within or on the motor vehicle.
)	(c) For purposes of this section, the term "recreational facilities" includes only the
	following: a playground, an athletic field, a swimming pool, and an athletic facility.
	(1) An athletic field, including any appurtenant facilities such as restrooms,
	during an organized athletic event if the field had been scheduled for use
	with the municipality or county office responsible for operation of the park
	or recreational area.
	(2) A swimming pool, including any appurtenant facilities used for dressing,
7	storage of personal items, or other uses relating to the swimming pool.
8	(3) A facility used for athletic events, including, but not limited to, a
)	gymnasium.
)	(d) For the purposes of this section, the term "recreational facilities" does not include
1	any greenway, designated biking or walking path, an area that is customarily used as a
2	walkway or bike path although not specifically designated for such use, open areas or fields
5	where athletic events may occur unless the area qualifies as an "athletic field" pursuant to
-	subdivision (1) of subsection (c) of this section, and any other area that is not specifically
5	described in subsection (c) of this section."
5	SECTION 4. Section 1 of this act becomes effective January 1, 2014; Section 2 of
7	this act becomes effective December 1, 2013, and applies to offenses committed on or after that
8	date. The remainder of this act is effective when it becomes law.