GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

HOUSE BILL 246

Short Title: The Gun Rights Amendment. (Public)

Sponsors: Representatives Pittman, Ford, Hardister, and Speciale (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

March 7, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO RESTRICT THE
LIMITATIONS THAT MAY BE PLACED ON A PERSON WHO HOLDS A
CONCEALED CARRY PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 30 of Article 1 of the North Carolina Constitution reads as
rewritten:

"Sec. 30. Militia and the right to bear arms.

(1) A well regulated militia being necessary to the security of a free State, the right of
the people to keep and bear arms shall not be infringed; and, as standing armies in time of
peace are dangerous to liberty, they shall not be maintained, and the military shall be kept
under strict subordination to, and governed by, the civil power. Nothing herein shall justify the
practice of carrying concealed weapons, or prevent the General Assembly from enacting penal
statutes against that practice.

(2) A person who holds a valid permit to carry a concealed handgun shall not be
prohibited by the State from carrying a concealed handgun except:

(a) In courthouses.

(b) In federal government buildings where the federal government prohibits
weapons.

(c) On private property where the owner has posted prominently displayed signs
forbidding concealed weapons on the premises.

(d) On school campuses by persons not authorized to carry concealed weapons
on school campuses.

(e) In law enforcement or correctional facilities.

(f) While consuming alcohol or at any time while the person has remaining in
the person’s body any alcohol or in the person’s blood a controlled substance
previously consumed, but a person does not violate this condition if a
controlled substance in the person’s blood was lawfully obtained and taken
in therapeutically appropriate amounts or if the person is on the person’s own
property.

(g) Under domestic violence court order entered as provided by law.

(3) In accordance with the Second Amendment to the United States Constitution and
this Section, the State shall never engage in a general confiscation of the weapons of its citizens
and shall never cooperate in the effort of any other entity to do so."
SECTION 2. The amendment set out in Section 1 of this act shall be submitted to
the qualified voters of the State at a statewide general election to be held on November 4, 2014,
which election shall be conducted under the laws then governing elections in the State. Ballots,
voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
The question to be used in the voting systems and ballots shall be:

"[ ] FOR     [ ] AGAINST

Constitutional amendment providing that the carrying of a concealed handgun by a
person who holds a permit to carry a concealed handgun shall not be prohibited by the State
except in certain locations and under certain circumstances and that the State shall never
engage in a campaign of general confiscation of weapons or cooperate in any effort with
another entity to confiscate the weapons of its citizens."

SECTION 3. G.S. 14-269.3 reads as rewritten:

"§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic
beverages are sold and consumed.
(a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any
assembly where a fee has been charged for admission thereto, or into any establishment in
which alcoholic beverages are sold and consumed. Any person violating the provisions of this
section shall be guilty of a Class 1 misdemeanor.
(b) This section shall not apply to the following:
(1) A person exempted from the provisions of G.S. 14-269.
(2) The owner or lessee of the premises or business establishment.
(3) A person participating in the event, if he is carrying a gun, rifle, or pistol
with the permission of the owner, lessee, or person or organization
sponsoring the event.
(4) A person registered or hired as a security guard by the owner, lessee, or
person or organization sponsoring the event.
(5) A person with a valid concealed handgun permit, and the firearm is a
handgun as defined in G.S. 14-309.39."

SECTION 4. G.S. 14-269.4 reads as rewritten:

"§ 14-269.4. Weapons on certain State property and in courthouses.
(a) It shall be unlawful for any person to possess, or carry, whether openly or
concealed, any deadly weapon, not used solely for instructional or officially sanctioned
ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western
Residence of the Governor, or on the grounds of any of these buildings, and buildings.
(b) It shall be unlawful for any person to possess, or carry, whether openly or
concealed, any deadly weapon in any building housing any court of the General Court of
Justice. If a court is housed in a building containing nonpublic uses in addition to the court,
then this prohibition shall apply only to that portion of the building used for court purposes
while the building is being used for court purposes.
(c) Subsections (a) and (b) of this section shall not apply to any of the following:
(2a) A person exempted by the provisions of G.S. 14-269(b).
(2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997.
(4a) Any person in a building housing a court of the General Court of Justice in
possesion of a weapon for evidentiary purposes, to deliver it to a
law-enforcement agency, or for purposes of registration.
(4b) Any district court judge or superior court judge who carries or possesses a
concealed handgun in a building housing a court of the General Court of
Justice if the judge is in the building to discharge his or her official duties
and the judge has a concealed handgun permit issued in accordance with
Article 54B of this Chapter or considered valid under G.S. 14-415.24.
Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to carry firearms.

Any magistrate who carries or possesses a concealed handgun in any portion of a building housing a court of the General Court of Justice other than a courtroom itself unless the magistrate is presiding in that courtroom, if the magistrate (i) is in the building to discharge the magistrate’s official duties, (ii) has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, (iii) has successfully completed a one-time weapons retention training substantially similar to that provided to certified law enforcement officers in North Carolina, and (iv) secures the weapon in a locked compartment when the weapon is not on the magistrate’s person.

State-owned rest areas, rest stops along the highways, and State-owned hunting and fishing reservations.

Subsection (b) of this section shall not apply to a person with a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24 who has a—a if the firearm in a closed compartment or container within the person’s locked vehicle or in a locked container securely affixed to the person’s vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit is a handgun, as defined in G.S. 14-309.39.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

§ 14-277.2. Weapons at parades, etc., prohibited.

(a) It shall be unlawful for any person participating in, affiliated with, or present as a spectator at any parade, funeral procession, picket line, or demonstration upon any private health care facility or upon any public place owned or under the control of the State or any of its political subdivisions to willfully or intentionally possess or have immediate access to any dangerous weapon. Violation of this subsection shall be a Class 1 misdemeanor. It shall be presumed that any rifle or gun carried on a rack in a pickup truck at a holiday parade or in a funeral procession does not violate the terms of this act.

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

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

(1) to a person exempted by the provisions of G.S. 14-269(b) or G.S. 14-269(b).

(2) to persons authorized by State or federal law to carry dangerous weapons in the performance of their duties.

(3) to any person who obtains a permit to carry a dangerous weapon at a parade, funeral procession, picket line, or demonstration from the sheriff or police chief, whichever is appropriate, of the locality where such parade, funeral procession, picket line, or demonstration is to take place.

(4) Any person who has a valid concealed handgun permit, and the firearm is a handgun as defined in G.S. 14-309.39.

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

(a) Any person who has a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law. The person shall carry the permit together with
valid identification whenever the person is carrying a concealed handgun, shall disclose to any
law enforcement officer that the person holds a valid permit and is carrying a concealed
handgun when approached or addressed by the officer, and shall display both the permit and the
proper identification upon the request of a law enforcement officer. In addition to these
requirements, a military permittee whose permit has expired during deployment may carry a
concealed handgun during the 90 days following the end of deployment and before the permit
is renewed provided the permittee also displays proof of deployment to any law enforcement
officer.
(b) The sheriff shall issue a permit to carry a concealed handgun to a person who
qualifies for a permit under G.S. 14-415.12. The permit shall be valid throughout the State for a
period of five years from the date of issuance.
(c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry
a concealed handgun in any of the following:
(1) Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2; G.S. 14-269.2.
(2) Areas prohibited by G.S. 14-269.4, except as allowed under
G.S. 14-269.4(6); G.S. 14-269.4(b).
(3) In an area prohibited by rule adopted under G.S. 120-32.1.
(4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.
(5) In a law enforcement or correctional facility.
(6) In a building housing only State or federal offices if prohibited by
federal law.
(7) In an office of the State or federal government that is not located in a
building exclusively occupied by the State or federal government if prohibited by federal law.
(8) On any private premises where notice that carrying a concealed handgun is
prohibited by the posting of a conspicuous notice or statement by the person
in legal possession or control of the premises.
(c1) Any person who has a concealed handgun permit may carry a concealed handgun on
the grounds or waters of a park within the State Parks System as defined in G.S. 113-44.9.
(c2) It shall be unlawful for a person, with or without a permit, to carry a concealed
handgun while consuming alcohol or at any time while the person has remaining in the person's
body any alcohol or in the person's blood a controlled substance previously consumed, but a
person does not violate this condition if a controlled substance in the person's blood was
lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the
person's own property.
(c3) As provided in G.S. 14-269.4(5), it shall be lawful for a person to carry any firearm
openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned rest
area, at any State-owned rest stop along the highways, and at any State-owned hunting and
fishing reservation.
(d) A person who is issued a permit shall notify the sheriff who issued the permit of any
change in the person's permanent address within 30 days after the change of address. If a permit
is lost or destroyed, the person to whom the permit was issued shall notify the sheriff who
issued the permit of the loss or destruction of the permit. A person may obtain a duplicate
permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed
and paying the required duplicate permit fee."

SECTION 7. G.S. 14-409.40(f) reads as rewritten:

"(f) Nothing contained in this section prohibits municipalities or counties from
application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3,
14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in
public-owned buildings, on the grounds or parking areas of those buildings, or in public parks
or recreation areas, except nothing in this subsection shall [hal-]
(1) Further restrict the scope of a concealed carry permit, as provided in G.S. 14-415.11(c).

(2) Prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas.

Nothing contained in this section prohibits municipalities or counties from exercising powers provided by law in states of emergency declared under Article 1A of Chapter 166A of the General Statutes."

SECTION 8. If a majority of votes cast on the question are in favor of the constitutional amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendment set out in Section 1 of this act and the statutory amendments set out in Sections 3 through 7 of this act become effective upon this certification. The Secretary of State shall enroll the amendments so certified among the permanent records of that office. If a majority of votes cast on the question are not in favor of the amendment set out in Section 1 of this act, that amendment and the amendments set out in Sections 3 through 7 of this act do not go into effect.

SECTION 9. This act is effective when it becomes law.