

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

4

HOUSE BILL 937  
Committee Substitute Favorable 4/24/13  
Senate Judiciary I Committee Substitute Adopted 6/11/13  
Fourth Edition Engrossed 6/13/13

Short Title: Amend Various Firearms Laws.

(Public)

Sponsors:

Referred to:

April 15, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM  
3 IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A  
4 FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A  
5 CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION  
6 AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID  
7 CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A  
8 CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT  
9 PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED  
10 COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A  
11 HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR  
12 AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND  
13 CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE  
14 PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED  
15 A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES;  
16 TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER  
17 EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY  
18 CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN  
19 SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED  
20 VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER  
21 EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY  
22 TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM  
23 STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING  
24 MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR  
25 FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK  
26 SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH  
27 FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF  
28 INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF  
29 HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID  
30 A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE  
31 REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A  
32 DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA  
33 DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR  
34 REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS



1 VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION  
2 AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS  
3 AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN  
4 CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER  
5 DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; TO  
6 MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT  
7 OFFICER CONSISTENT WITH FEDERAL LAW; AND TO PROVIDE THAT A  
8 PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR  
9 USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND  
10 SENTENCED TO A MINIMUM OF TEN YEARS.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 14-269 is amended by adding a new subsection to read:

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

21 **SECTION 2.** G.S. 14-269.2 is amended by adding the following new subsections  
22 to read:

23 "(i) The provisions of this section shall not apply to an employee of an institution of  
24 higher education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational  
25 institution who resides on the campus of the institution at which the person is employed when  
26 all of the following criteria are met:

27 (1) The employee's residence is a detached, single-family dwelling in which  
28 only the employee and the employee's immediate family reside.

29 (2) The institution is either:

30 a. An institution of higher education as defined by G.S. 116-143.1.

31 b. A nonpublic post-secondary educational institution that has not  
32 specifically prohibited the possession of a handgun pursuant to this  
33 subsection.

34 (3) The weapon is a handgun.

35 (4) The handgun is possessed in one of the following manners as appropriate:

36 a. If the employee has a concealed handgun permit that is valid under  
37 Article 54B of this Chapter, or who is exempt from obtaining a  
38 permit pursuant to that Article, the handgun may be on the premises  
39 of the employee's residence or in a closed compartment or container  
40 within the employee's locked vehicle that is located in a parking area  
41 of the educational property of the institution at which the person is  
42 employed and resides. Except for direct transfer between the  
43 residence and the vehicle, the handgun must remain at all times either  
44 on the premises of the employee's residence or in the closed  
45 compartment of the employee's locked vehicle. The employee may  
46 unlock the vehicle to enter or exit, but must lock the vehicle  
47 immediately following the entrance or exit if the handgun is in the  
48 vehicle.

49 b. If the employee is not authorized to carry a concealed handgun  
50 pursuant to Article 54B of this Chapter, the handgun may be on the  
51 premises of the employee's residence, and may only be in the

1 employee's vehicle when the vehicle is occupied by the employee  
2 and the employee is immediately leaving the campus or is driving  
3 directly to their residence from off campus. The employee may  
4 possess the handgun on the employee's person outside the premises  
5 of the employee's residence when making a direct transfer of the  
6 handgun from the residence to the employee's vehicle when the  
7 employee is immediately leaving the campus or from the employee's  
8 vehicle to the residence when the employee is arriving at the  
9 residence from off campus.

10 (j) The provisions of this section shall not apply to an employee of a public or  
11 nonpublic school who resides on the campus of the school at which the person is employed  
12 when all of the following criteria are met:

13 (1) The employee's residence is a detached, single-family dwelling in which  
14 only the employee and the employee's immediate family reside.

15 (2) The school is either:

16 a. A public school which provides residential housing for enrolled  
17 students.

18 b. A nonpublic school which provides residential housing for enrolled  
19 students and has not specifically prohibited the possession of a  
20 handgun pursuant to this subsection.

21 (3) The weapon is a handgun.

22 (4) The handgun is possessed in one of the following manners as appropriate:

23 a. If the employee has a concealed handgun permit that is valid under  
24 Article 54B of this Chapter, or who is exempt from obtaining a  
25 permit pursuant to that Article, the handgun may be on the premises  
26 of the employee's residence or in a closed compartment or container  
27 within the employee's locked vehicle that is located in a parking area  
28 of the educational property of the school at which the person is  
29 employed and resides. Except for direct transfer between the  
30 residence and the vehicle, the handgun must remain at all times either  
31 on the premises of the employee's residence or in the closed  
32 compartment of the employee's locked vehicle. The employee may  
33 unlock the vehicle to enter or exit, but must lock the vehicle  
34 immediately following the entrance or exit if the handgun is in the  
35 vehicle.

36 b. If the employee is not authorized to carry a concealed handgun  
37 pursuant to Article 54B of this Chapter, the handgun may be on the  
38 premises of the employee's residence, and may only be in the  
39 employee's vehicle when the vehicle is occupied by the employee  
40 and the employee is immediately leaving the campus or is driving  
41 directly to their residence from off campus. The employee may  
42 possess the handgun on the employee's person outside the premises  
43 of the employee's residence when making a direct transfer of the  
44 handgun from the residence to the employee's vehicle when the  
45 employee is immediately leaving the campus or from the employee's  
46 vehicle to the residence when the employee is arriving at the  
47 residence from off campus.

48 (k) The provisions of this section shall not apply to a person who has a concealed  
49 handgun permit that is valid under Article 54B of this Chapter, or who is exempt from  
50 obtaining a permit pursuant to that Article, who has a handgun in a closed compartment or  
51 container within the person's locked vehicle or in a locked container securely affixed to the

1 person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the  
2 firearm remains in the closed compartment at all times and the vehicle is locked immediately  
3 following the entrance or exit."

4 **SECTION 3.** G.S. 14-269.3(b) reads as rewritten:

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

6 (1) A person exempted from the provisions of ~~G.S. 14-269;~~G.S. 14-269.

7 (2) The owner or lessee of the premises or business ~~establishment;~~establishment.

8 (3) A person participating in the event, if ~~he the person~~ is carrying a gun, rifle,  
9 or pistol with the permission of the owner, lessee, or person or organization  
10 sponsoring the ~~event;~~ and event.

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

13 (5) A person carrying a handgun if the person has a valid concealed handgun  
14 permit issued in accordance with Article 54B of this Chapter, has a  
15 concealed handgun permit considered valid under G.S. 14-415.24, or is  
16 exempt from obtaining a permit pursuant to G.S. 14-415.25. This  
17 subdivision shall not be construed to permit a person to carry a handgun on  
18 any premises where the person in legal possession or control of the premises  
19 has posted a conspicuous notice prohibiting the carrying of a concealed  
20 handgun on the premises in accordance with G.S. 14-415.11(c)."

21 **SECTION 4.** G.S. 14-316 reads as rewritten:

22 **"§ 14-316. Permitting young children to use dangerous firearms.**

23 (a) It shall be unlawful for any ~~parent, guardian, or person standing in loco~~  
24 ~~parentis;~~person to knowingly permit ~~his a~~ child under the age of 12 years to have ~~the access to,~~  
25 or possession, custody or use in any manner whatever, of any gun, pistol or other dangerous  
26 firearm, whether such weapon be loaded or unloaded, except when such unless the person has  
27 the permission of the child's parent or guardian, and the child is under the supervision of the  
28 parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to  
29 knowingly furnish such child any weapon enumerated herein an adult. Any person violating the  
30 provisions of this section shall be guilty of a Class 2 misdemeanor.

31 (b) Air rifles, air pistols, and BB guns shall not be deemed "dangerous firearms" within  
32 the meaning of subsection (a) of this section except in the following counties: Anson,  
33 Caldwell, Caswell, Chowan, Cleveland, Cumberland, Durham, Forsyth, Gaston, Harnett,  
34 Haywood, Mecklenburg, Stanly, Stokes, Surry, Union, Vance."

35 **SECTION 5.** G.S. 15A-1340.16A reads as rewritten:

36 **"§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D,**  
37 **or E felony and the defendant used, displayed, or threatened to use or display a**  
38 **firearm or deadly weapon during the commission of the felony.**

39 (a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

40 (c) If a person is convicted of a ~~Class A, B1, B2, C, D, or E~~ felony and it is found as  
41 provided in this section that: (i) the person committed the felony by using, displaying, or  
42 threatening the use or display of a firearm or deadly weapon and (ii) the person actually  
43 possessed the firearm or deadly weapon about his or her person, then the person shall have the  
44 minimum term of imprisonment to which the person is sentenced for that felony increased ~~by~~  
45 60 months. The maximum term of imprisonment shall be the maximum term that corresponds  
46 to the minimum term after it is increased by 60 months, as specified in G.S. 15A-1340.17(e)  
47 and (e1), as follows:

48 (1) If the felony is a Class A, B1, B2, C, D, or E felony, the minimum term of  
49 imprisonment to which the person is sentenced for that felony shall be  
50 increased by 72 months. The maximum term of imprisonment shall be the

1 maximum term that corresponds to the minimum term after it is increased by  
2 72 months, as specified in G.S. 15A-1340.17(e) and (e1).

3 (2) If the felony is a Class F or G felony, the minimum term of imprisonment to  
4 which the person is sentenced for that felony shall be increased by 36  
5 months. The maximum term of imprisonment shall be the maximum term  
6 that corresponds to the minimum term after it is increased by 36 months, as  
7 specified in G.S. 15A-1340.17(d).

8 (3) If the felony is a Class H or I felony, the minimum term of imprisonment to  
9 which the person is sentenced for that felony shall be increased by 12  
10 months. The maximum term of imprisonment shall be the maximum term  
11 that corresponds to the minimum term after it is increased by 12 months, as  
12 specified in G.S. 15A-1340.17(d).

13 (d) An indictment or information for the ~~Class A, B1, B2, C, D, or E~~-felony shall allege  
14 in that indictment or information the facts set out in subsection (c) of this section. The pleading  
15 is sufficient if it alleges that the defendant committed the felony by using, displaying, or  
16 threatening the use or display of a firearm or deadly weapon and the defendant actually  
17 possessed the firearm or deadly weapon about the defendant's person. One pleading is sufficient  
18 for all ~~Class A, B1, B2, C, D, or E~~-felonies that are tried at a single trial.

19 (e) The State shall prove the issues set out in subsection (c) of this section beyond a  
20 reasonable doubt during the same trial in which the defendant is tried for the felony unless the  
21 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest  
22 to the felony but pleads not guilty to the issues set out in subsection (c) of this section, then a  
23 jury shall be impaneled to determine the issues.

24 (f) Subsection (c) of this section does not apply if the evidence of the use, display, or  
25 threatened use or display of the firearm or deadly weapon is needed to prove an element of the  
26 felony or if the person is not sentenced to an active term of imprisonment."

27 **SECTION 6.** G.S. 14-415.23 reads as rewritten:

28 "**§ 14-415.23. Statewide uniformity.**

29 (a) It is the intent of the General Assembly to prescribe a uniform system for the  
30 regulation of legally carrying a concealed handgun. To insure uniformity, no political  
31 subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal  
32 corporation, town, township, village, nor any department or agency thereof, may enact  
33 ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of  
34 local government may adopt an ordinance to permit the posting of a prohibition against  
35 carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government  
36 buildings and their appurtenant premises.

37 (b) A unit of local government may adopt an ordinance to prohibit, by posting, the  
38 carrying of a concealed handgun on municipal and county recreational facilities that are  
39 specifically identified by the unit of local government. If a unit of local government adopts  
40 such an ordinance with regard to recreational facilities, then the concealed handgun permittee  
41 may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other  
42 enclosed compartment or area within or on the motor vehicle.

43 (c) For purposes of this section, the term "recreational facilities" includes only the  
44 following: ~~a playground, an athletic field, a swimming pool, and an athletic facility.~~

45 (1) An athletic field, including any appurtenant facilities such as restrooms,  
46 during an organized athletic event if the field had been scheduled for use  
47 with the municipality or county office responsible for operation of the park  
48 or recreational area.

49 (2) A swimming pool, including any appurtenant facilities used for dressing,  
50 storage of personal items, or other uses relating to the swimming pool.

1           (3) A facility used for athletic events, including, but not limited to, a  
2           gymnasium.

3           (d) For the purposes of this section, the term "recreational facilities" does not include  
4 any greenway, designated biking or walking path, an area that is customarily used as a  
5 walkway or bike path although not specifically designated for such use, open areas or fields  
6 where athletic events may occur unless the area qualifies as an "athletic field" pursuant to  
7 subdivision (1) of subsection (c) of this section, and any other area that is not specifically  
8 described in subsection (c) of this section."

9           **SECTION 7.** G.S. 122C-54(d1) reads as rewritten:

10          ~~"(d1) After a judicial determination that an individual shall be involuntarily committed for~~  
11 ~~either inpatient or outpatient mental health treatment pursuant to Article 5 of this Chapter, the~~  
12 ~~clerk of superior court in the county where the judicial determination was made shall, as soon~~  
13 ~~as practicable, cause a report of the commitment to be transmitted to the National Instant~~  
14 ~~Criminal Background Check System (NICS). Reporting of an individual involuntarily~~  
15 ~~committed to outpatient mental health treatment under this subsection shall only be reported if~~  
16 ~~the individual is found to be a danger to self or others. The clerk shall also cause to be~~  
17 ~~transmitted to NICS a record where an individual is found not guilty by reason of insanity or~~  
18 ~~found mentally incompetent to proceed to criminal trial. The clerk, upon receipt of~~  
19 ~~documentation that an affected individual has received a relief from disabilities pursuant to~~  
20 ~~G.S. 122C 54.1 or any applicable federal law, shall cause the individual's record in NICS to be~~  
21 ~~updated. Excluding Saturdays, Sundays, and holidays, not later than 48 hours after receiving~~  
22 ~~notice of any of the following judicial determinations or findings, the clerk of superior court in~~  
23 ~~the county where the determination or finding was made shall cause a record of the~~  
24 ~~determination or finding to be transmitted to the National Instant Criminal Background Check~~  
25 ~~System (NICS):~~

26           (1) A determination that an individual shall be involuntarily committed to a  
27 facility for inpatient mental health treatment upon a finding that the  
28 individual is mentally ill and a danger to self or others.

29           (2) A determination that an individual shall be involuntarily committed to a  
30 facility for outpatient mental health treatment upon a finding that the  
31 individual is mentally ill and, based on the individual's treatment history, in  
32 need of treatment in order to prevent further disability or deterioration that  
33 would predictably result in a danger to self or others.

34           (3) A determination that an individual shall be involuntarily committed to a  
35 facility for substance abuse treatment upon a finding that the individual is a  
36 substance abuser and a danger to self or others.

37           (4) A finding that an individual is not guilty by reason of insanity.

38           (5) A finding that an individual is mentally incompetent to proceed to criminal  
39 trial.

40           (6) A finding that an individual lacks the capacity to manage the individual's  
41 own affairs due to marked subnormal intelligence or mental illness,  
42 incompetency, condition, or disease.

43           (7) A determination to grant a petition to an individual for the removal of  
44 disabilities pursuant to G.S. 122C-54.1 or any applicable federal law.

45          The 48-hour period for transmitting a record of a judicial determination or finding to the  
46 NICS under this subsection begins upon receipt by the clerk of a copy of the judicial  
47 determination or finding."

48          **SECTION 8.** The last two sentences of G.S. 122C-54(d1) are recodified as  
49 G.S. 122C-54(d2) and read as rewritten:

50          "(d2) The record of involuntary commitment for inpatient or outpatient mental health  
51 treatment or for substance abuse treatment required by subsection (d1) of this section shall be

1 accessible only by an entity having proper access to NICS and shall remain otherwise  
2 confidential as provided by this Article. ~~The clerk shall effect the transmissions to NICS~~  
3 ~~required by the subsection according to protocols which shall be established by the~~  
4 ~~Administrative Office of the Courts.~~ The Administrative Office of the Courts shall adopt rules  
5 to require clerks of court to transmit information to the NICS as required by subsection (d1) of  
6 this section in a uniform manner."

7 **SECTION 9.** G.S. 122C-54.1 reads as rewritten:

8 "**§ 122C-54.1. Restoration process to remove mental commitment bar.**

9 (a) Any individual over the age of 18 may petition for the removal of the ~~mental~~  
10 ~~commitment bar to purchase, possess, or transfer a firearm when the individual no longer~~  
11 ~~suffers from the condition that resulted in the individual's involuntary commitment for either~~  
12 ~~inpatient or outpatient mental health treatment pursuant to Article 5 of this Chapter and no~~  
13 ~~longer poses a danger to self or others for purposes of the purchase, possession, or transfer of~~  
14 ~~firearms pursuant to 18 U.S.C. § 922, G.S. 14-404, and G.S. 14-415.12.~~ disabilities pursuant to  
15 18 U.S.C. § 922(d)(4) and (g)(4), G.S. 14-415.3, and G.S. 14-415.12 arising out of a  
16 determination or finding required to be transmitted to the National Instant Criminal  
17 Background Check System by subdivisions (1) through (6) of subsection (d1) of G.S. 122C-54.  
18 The individual may file the petition with a district court judge upon the expiration of any  
19 current inpatient or outpatient commitment. ~~No individual who has been found not guilty by~~  
20 ~~reason of insanity may petition a court for restoration under this section.~~

21 (b) The petition must be filed in the district court of the county where the respondent  
22 was the subject of the most recent judicial determination or finding ~~that either inpatient or~~  
23 ~~outpatient treatment was appropriate~~ or in the district court of the county of the petitioner's  
24 residence. ~~An individual disqualified from firearms possession due to a comparable~~  
25 ~~out of State mental commitment shall make application in the county of residence.~~ The clerk of  
26 court upon receipt of the petition shall schedule a hearing using the regularly scheduled  
27 commitment court time and provide notice of the hearing to the petitioner and the ~~district~~  
28 ~~attorney.~~ attorney who represented the State in the underlying case, or that attorney's successor.  
29 Copies of the petition must be served on the director of the relevant inpatient and/or outpatient  
30 treatment facility, in State or out of State, facility and the district attorney in the petitioner's  
31 current county of residence.

32 (c) The burden is on the petitioner to establish by a preponderance of the evidence that  
33 the petitioner ~~no longer suffers from the condition that resulted in commitment and no longer~~  
34 ~~poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms~~  
35 ~~pursuant to 18 U.S.C. § 922, G.S. 14-404, and G.S. 14-415.12.~~ will not be likely to act in a  
36 manner dangerous to public safety and that the granting of the relief would not be contrary to  
37 the public interest. The district attorney shall present any and all relevant information to the  
38 contrary. For these purposes, the district attorney may access and use any and all mental health  
39 records, juvenile records, and criminal history of the petitioner wherever maintained. The  
40 applicant must sign a release for the district attorney to receive any mental health records of the  
41 applicant. This hearing shall be closed to the public, unless the court finds that the public  
42 interest would be better served by conducting the hearing in public. If the court determines the  
43 hearing should be open to the public, upon motion by the petitioner, the court may allow for the  
44 in camera inspection of any mental health records. The court may allow the use of the record  
45 but shall restrict it from public disclosure, unless it finds that the public interest would be better  
46 served by making the record public. The district court shall enter an order that the petitioner  
47 ~~does or does not continue to suffer from the condition that resulted in commitment and does or~~  
48 ~~does not continue to pose a danger to self or others for purposes of the purchase, possession, or~~  
49 ~~transfer of firearms pursuant to 18 U.S.C. § 922, G.S. 14-404, and G.S. 14-415.12.~~ is or is not  
50 likely to act in a manner dangerous to public safety and that the granting of the relief would or  
51 would not be contrary to the public interest. The court shall include in its order the specific

1 findings of fact on which it bases its decision. In making its determination, the court shall  
2 consider the circumstances regarding the firearm disabilities from which relief is sought, the  
3 petitioner's mental health and criminal history records, the petitioner's reputation, developed at  
4 a minimum through character witness statements, testimony, or other character evidence, and  
5 any changes in the petitioner's condition or circumstances since the original determination or  
6 finding relevant to the relief sought. The decision of the district court may be appealed to the  
7 superior court for a hearing de novo. After a denial by the superior court, the applicant must  
8 wait a minimum of one year before reapplying. Attorneys designated by the Attorney General  
9 shall be available to represent the State, or assist in the representation of the State, in a  
10 restoration proceeding when requested to do so by a district attorney and approved by the  
11 Attorney General. An attorney so designated shall have all the powers of the district attorney  
12 under this section.

13 (d) Upon a judicial determination to grant a petition under this section, the clerk of  
14 superior court in the county where the petition was granted shall forward the order to the  
15 National Instant Criminal Background Check System (NICS) for updating of the respondent's  
16 record."

17 **SECTION 10.** G.S. 14-415.3 is amended by adding a new subsection to read:

18 "(c) The provisions of this section shall not apply to a person whose rights have been  
19 restored pursuant to G.S. 122C-54.1."

20 **SECTION 11.** G.S. 14-415.12(c) reads as rewritten:

21 "(c) An applicant shall not be ineligible to receive a concealed carry permit under  
22 subdivision (6) of subsection (b) of this section because of an adjudication of mental incapacity  
23 or illness or an involuntary commitment to mental health services if the individual's rights have  
24 been restored under G.S. 122C-54.1."

25 **SECTION 12.** G.S. 14-415.17 reads as rewritten:

26 "**§ 14-415.17. Permit; sheriff to retain and make available to law enforcement agencies a**  
27 **list of permittees; confidentiality of list and permit application**  
28 **information; availability to law enforcement agencies.**

29 (a) The permit shall be in a certificate form, as prescribed by the Administrative Office  
30 of the Courts, that is approximately the size of a North Carolina drivers license. It shall bear the  
31 signature, name, address, date of birth, and the drivers license identification number used in  
32 applying for the permit.

33 (b) The sheriff shall maintain a listing, including the identifying information, of those  
34 persons who are issued a permit. ~~The permit information shall be available upon request to all~~  
35 ~~State and local law enforcement agencies.~~ Within five days of the date a permit is issued, the  
36 sheriff shall send a copy of the permit to the State Bureau of Investigation. ~~The State Bureau of~~  
37 ~~Investigation shall make this information available to law enforcement officers and clerks of~~  
38 ~~court on a statewide system.~~

39 (c) Except as provided otherwise by this subsection, the list of permit holders and the  
40 information collected by the sheriff to process an application for a permit are confidential and  
41 are not a public record under G.S. 132-1. The sheriff shall make the list of permit holders and  
42 the permit information available upon request to all State and local law enforcement agencies.  
43 The State Bureau of Investigation shall make the list of permit holders and the information  
44 collected by the sheriff to process an application for a permit available to law enforcement  
45 officers and clerks of court on a statewide system."

46 **SECTION 13.** G.S. 14-406 reads as rewritten:

47 "**§ 14-406. Dealer to keep record of sales; confidentiality of records.**

48 (a) Every dealer in pistols and other weapons mentioned in this Article shall keep an  
49 accurate record of all sales thereof, including the name, place of residence, date of sale, etc., of  
50 each person, firm, or corporation to whom or which such sales are made, ~~which record shall be~~  
51 ~~open to the inspection of any duly constituted State, county or police officer, within this~~



1 ~~State-made.~~ The records maintained by a dealer pursuant to this section are confidential and are  
2 not a public record under G.S. 132-1; provided, however, that the dealer shall make the records  
3 available upon request to all State and local law enforcement agencies.

4 (b) Repealed by Session Laws 2011-56, s. 3, effective April 28, 2011."

5 **SECTION 14.** G.S. 14-269.4 reads as rewritten:

6 "**§ 14-269.4. Weapons on certain State property and in courthouses.**

7 It shall be unlawful for any person to possess, or carry, whether openly or concealed, any  
8 deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in  
9 the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or  
10 on the grounds of any of these buildings, and in any building housing any court of the General  
11 Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the  
12 court, then this prohibition shall apply only to that portion of the building used for court  
13 purposes while the building is being used for court purposes.

14 This section shall not apply to any of the following:

15 ...

16 (6) A person with a permit issued in accordance with Article 54B of this  
17 ~~Chapter or Chapter,~~ with a permit considered valid under  
18 G.S. 14-415.24~~G.S. 14-415.24,~~ or who is exempt from obtaining a permit  
19 pursuant to G.S. 14-415.25, who has a firearm in a closed compartment or  
20 container within the person's locked vehicle or in a locked container securely  
21 affixed to the person's vehicle. A person may unlock the vehicle to enter or  
22 exit the vehicle provided the firearm remains in the closed compartment at  
23 all times and the vehicle is locked immediately following the entrance or  
24 exit.

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

27 **SECTION 15.** G.S. 14-277.2 is amended by adding a new subsection to read:

28 "(d) The provisions of this section shall not apply to concealed carry of a handgun at a  
29 parade or funeral procession by a person with a valid permit issued in accordance with Article  
30 54B of this Chapter, with a permit considered valid under G.S. 14-415.24, or who is exempt  
31 from obtaining a permit pursuant to G.S. 14-415.25. This subsection shall not be construed to  
32 permit a person to carry a concealed handgun on any premises where the person in legal  
33 possession or control of the premises has posted a conspicuous notice prohibiting the carrying  
34 of a concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

35 **SECTION 16.** G.S. 14-415.21 reads as rewritten:

36 "**§ 14-415.21. Violations of this Article punishable as an infraction.**

37 (a) A person who has been issued a valid permit who is found to be carrying a  
38 concealed handgun without the permit in the person's possession or who fails to disclose to any  
39 law enforcement officer that the person holds a valid permit and is carrying a concealed  
40 handgun, as required by G.S. 14-415.11, shall be guilty of an infraction and shall be punished  
41 in accordance with G.S. 14-3.1. In lieu of paying a fine the person may surrender the permit.

42 (a1) A person who has been issued a valid permit who is found to be carrying a  
43 concealed handgun in violation of subdivision (c)(8) or subsection (c2) of G.S. 14-415.11 shall  
44 be guilty of a Class 1 misdemeanor.

45 (b) A person who violates the provisions of this Article other than as set forth in  
46 subsection (a) or (a1) of this section is guilty of a Class 2 misdemeanor."

47 **SECTION 17.** The following statutes are repealed: G.S. 14-402, 14-403, 14-404,  
48 14-405, and 14-407.1.

49 **SECTION 18.** G.S. 14-315(b1) reads as rewritten:

50 "(b1) Defense. – It shall be a defense to a violation of this section if all of the following  
51 conditions are met:

- 1           (1) ~~The person shows that the minor produced an apparently valid permit to~~  
2           ~~receive the weapon, if such a permit would be required under G.S. 14-402 or~~  
3           ~~G.S. 14-409.1 for transfer of the weapon to an adult.~~  
4           (2) The person reasonably believed that the minor was not a minor.  
5           (3) The person either:  
6           a. Shows that the minor produced a drivers license, a special  
7           identification card issued under G.S. 20-37.7, a military identification  
8           card, or a passport, showing the minor's age to be at least the required  
9           age for purchase and bearing a physical description of the person  
10          named on the card reasonably describing the minor; or  
11          b. Produces evidence of other facts that reasonably indicated at the time  
12          of sale that the minor was at least the required age."

13           **SECTION 19.** G.S. 20-187.2(a) reads as rewritten:

14           "(a) Surviving spouses, or in the event such members die unsurvived by a spouse,  
15           surviving children of members of North Carolina State, city and county law-enforcement  
16           agencies killed in the line of duty or who are members of such agencies at the time of their  
17           deaths, and retiring members of such agencies shall receive upon request and at no cost to  
18           them, the badge worn or carried by such deceased or retiring member. The governing body of a  
19           law-enforcement agency may, in its discretion, also award to a retiring member or surviving  
20           relatives as provided herein, upon request, the service side arm of such deceased or retiring  
21           members, at a price determined by such governing body, ~~upon securing a permit as required by~~  
22           ~~G.S. 14-402 et seq. or 14-409.1 et seq., upon determining that the person receiving the weapon~~  
23           ~~is not ineligible to own, possess, or receive a firearm under the provisions of State or federal~~  
24           ~~law, or without such permit provided the weapon shall have if the weapon has been rendered~~  
25           incapable of being fired. Governing body shall mean for county and local alcohol beverage  
26           control officers, the county or local board of alcoholic control; for all other law-enforcement  
27           officers with jurisdiction limited to a municipality or town, the city or town council; for all  
28           other law-enforcement officers with countywide jurisdiction, the board of county  
29           commissioners; for all State law-enforcement officers, the head of the department."

30           **SECTION 20.** G.S. 14-415.18 reads as rewritten:

31           "**§ 14-415.18. Revocation or suspension of permit.**

32           (a) The sheriff of the county where the permit was issued or the sheriff of the county  
33           where the person resides may revoke a permit subsequent to a hearing for any of the following  
34           reasons:

- 35           (1) Fraud or intentional and material misrepresentation in the obtaining of a  
36           permit.  
37           (2) Misuse of a permit, including lending or giving a permit or a duplicate  
38           permit to another person, materially altering a permit, or using a permit with  
39           the intent to unlawfully cause harm to a person or property. It shall not be  
40           considered misuse of a permit to provide a duplicate of the permit to a  
41           vender for record-keeping purposes.  
42           (3) The doing of an act or existence of a condition which would have been  
43           grounds for the denial of the permit by the sheriff.  
44           (4) The violation of any of the terms of this Article.  
45           (5) ~~The applicant is adjudicated guilty of or receives a prayer for judgment~~  
46           ~~continued for a crime which would have disqualified the applicant from~~  
47           ~~initially receiving a permit.~~

48           A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district  
49           court judge of the district in which the applicant resides. The determination by the court, on  
50           appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal.

1        (a1) The sheriff of the county where the permit was issued or the sheriff of the county  
2 where the person resides shall revoke a permit of any permittee who is adjudicated guilty of or  
3 receives a prayer for judgment continued for a crime which would have disqualified the  
4 permittee from initially receiving a permit. Upon determining that a permit should be revoked  
5 pursuant to this subsection, the sheriff shall provide written notice to the permittee, pursuant to  
6 the provisions of G.S. 1A-1, Rule 4(j), that the permit is revoked upon the service of the notice.  
7 The notice shall provide the permittee with information on the process to appeal the revocation.

8        Upon receipt of the written notice of revocation, the permittee shall surrender the permit to  
9 the sheriff. Any law enforcement officer serving the notice is authorized to take immediate  
10 possession of the permit from the permittee. If the notice is served by means other than by a  
11 law enforcement officer, the permittee shall surrender the permit to the sheriff no later than 48  
12 hours after service of the notice.

13        A permittee may appeal the revocation of a permit pursuant to this subsection by petitioning  
14 a district court judge of the district in which the permittee resides. The determination by the  
15 court, on appeal, shall be limited to whether the permittee was adjudicated guilty of or received  
16 a prayer for judgment continued for a crime which would have disqualified the permittee from  
17 initially receiving a permit. Revocation of the permit is not stayed pending appeal.

18        (b) The court may suspend a permit as part of and for the duration of any orders  
19 permitted under Chapter 50B of the General Statutes."

20        **SECTION 21.** G.S. 14-269(b) is amended by adding the following new  
21 subdivisions to read:

22        "(4d) Any person who is a North Carolina district court judge, North Carolina  
23 superior court judge, or a North Carolina magistrate and who has a  
24 concealed handgun permit issued in accordance with Article 54B of this  
25 Chapter or considered valid under G.S. 14-415.24; provided that the person  
26 shall not carry a concealed weapon at any time while consuming alcohol or  
27 an unlawful controlled substance or while alcohol or an unlawful controlled  
28 substance remains in the person's body. The judge or magistrate shall secure  
29 the weapon in a locked compartment when the weapon is not on the person  
30 of the judge or magistrate;

31        (4e) Any person who is serving as a clerk of court or as a register of deeds and  
32 who has a concealed handgun permit issued in accordance with Article 54B  
33 of this Chapter or considered valid under G.S. 14-415.24; provided that the  
34 person shall not carry a concealed weapon at any time while consuming  
35 alcohol or an unlawful controlled substance or while alcohol or an unlawful  
36 controlled substance remains in the person's body. The clerk of court or  
37 register of deeds shall secure the weapon in a locked compartment when the  
38 weapon is not on the person of the clerk of court or register of deeds. This  
39 subdivision does not apply to assistants, deputies, or other employees of the  
40 clerk of court or register of deeds;"

41        **SECTION 22.** G.S. 14-415.27 reads as rewritten:

42        "~~§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys,~~  
43 ~~and investigators employed by office of the district attorney~~certain persons.

44        Notwithstanding G.S. 14-415.11(c), any ~~person who is a district attorney, an assistant~~  
45 ~~district attorney, or an investigator employed by the office of a district attorney and of the~~  
46 following persons who has a concealed handgun permit issued pursuant to this Article or that is  
47 considered valid under G.S. 14-415.24 is not subject to the area prohibitions set out in  
48 G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c)  
49 unless otherwise prohibited by federal ~~law-law~~:

50        (1) A district attorney.

51        (2) An assistant district attorney.

- (3) An investigator employed by the office of a district attorney.
- (4) A North Carolina district or superior court judge.
- (5) A magistrate.
- (6) A person who is elected and serving as a clerk of court.
- (7) A person who is elected and serving as a register of deeds."

**SECTION 23.** G.S. 113-291.1(c) reads as rewritten:

"(c) It is a Class 1 misdemeanor for any person taking wildlife to have in ~~his~~the person's possession any:

- (1) ~~Firearm equipped with a silencer or any device designed to silence, muffle, or minimize the report of the firearm. The firearm is considered equipped with the silencer or device whether it is attached to the firearm or separate but reasonably accessible for attachment during the taking of the wildlife.~~
- (2) Weapon of mass death and destruction as defined in G.S. 14-288.8, other than a suppressor or other device designed to muffle or minimize the report of a firearm that is lawfully possessed by a person in compliance with 26 U.S.C. Chapter 53 §§ 5801-5871.

The Wildlife Resources Commission may prohibit individuals training dogs or taking particular species from carrying axes, saws, tree-climbing equipment, and other implements that may facilitate the unlawful taking of wildlife, except tree-climbing equipment may be carried and used by persons lawfully taking raccoons and opossums during open season."

**SECTION 24.** G.S. 14-415.10 reads as rewritten:

**"§ 14-415.10. Definitions.**

The following definitions apply to this Article:

- ...
- (4a) Qualified retired law enforcement officer. – An individual who meets the definition of "qualified retired law enforcement officer" contained in section 926C of Title 18 of the United States Code.~~all of the following qualifications:~~
  - a. ~~Retired in good standing from service with a public agency located in the United States as a law enforcement officer, other than for reasons of mental instability.~~
  - b. ~~Prior to retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of, any person for any violation of law, and had statutory powers of arrest.~~
  - e. ~~Prior to retirement, was regularly employed as a law enforcement officer for a total of 15 years or more, or retired after completing probationary periods of service due to a service-connected disability, as determined by the agency.~~
  - d. ~~Has a vested right to benefits under the retirement plan of the agency.~~

...."  
**SECTION 25.** G.S. 14-269(b) reads as rewritten:

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

- ...
- (4b) Any person who is a qualified retired law enforcement officer as defined in G.S. 14-415.10 and meets ~~all~~any one of the following conditions:
  - a. ~~Is a qualified retired law enforcement officer as defined in G.S. 14-415.10.~~
  - b.a. Is the holder of a concealed handgun permit in accordance with Article 54B of this Chapter.

- 1                    b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.  
2                    c. Is certified by the North Carolina Criminal Justice Education and  
3                    Training Standards Commission pursuant to G.S. 14-415.26;

4                    ...."

5                    **SECTION 26.** Chapter 14 of the General Statutes is amended by adding a new  
6 Article to read:

7                    "Article 3D.

8                    "Armed Habitual Felon.

9                    **"§ 14-7.35. Definitions.**

10                    The following definitions apply in this Article:

- 11                    (1) "Convicted." – The person has been adjudged guilty of or has entered a plea  
12                    of guilty or no contest to the firearm-related felony.  
13                    (2) "Firearm-related felony." – Any felony committed by a person in which the  
14                    person used or displayed a firearm while committing the felony.  
15                    (3) "Status offender." – A person who is an armed habitual felon as described in  
16                    G.S. 14-7.36.

17                    **"§ 14-7.36. Armed habitual felon.**

18                    Any person who has been convicted of or pled guilty to one or more prior firearm-related  
19                    felony offenses in any federal court or state court in the United States, or combination thereof,  
20                    is guilty of the status offense of armed habitual felon and may be charged with that status  
21                    offense pursuant to this Article.

22                    This Article does not apply to a second firearm-related felony unless it is committed after  
23                    the conviction of a firearm-related felony in which evidence of the person's use, display, or  
24                    threatened use or display of a firearm was needed to prove an element of the felony or was  
25                    needed to establish the requirement for an enhanced or aggravated sentence. For purposes of  
26                    this Article, firearm-related felonies committed before the person is 18 years of age shall not  
27                    constitute more than one firearm-related felony. Any firearm-related felony to which a pardon  
28                    has been extended shall not, for the purposes of this Article, constitute a firearm-related felony.

29                    **"§ 14-7.37. Punishment.**

30                    When any person is charged with a firearm-related felony and is also charged with being a  
31                    status offender, the person must, upon conviction, be sentenced and punished as a status  
32                    offender as provided by this Article.

33                    **"§ 14-7.38. Charge of status offense as an armed habitual felon.**

34                    (a) The district attorney, in the district attorney's discretion, may charge a person as a  
35                    status offender pursuant to this Article. To sustain a conviction of a person as a status offender,  
36                    the person must be charged separately for the principal firearm-related felony and for the status  
37                    offense of armed habitual felon. The indictment charging the defendant as a status offender  
38                    shall be separate from the indictment charging the person with the principal firearm-related  
39                    felony.

40                    (b) An indictment that charges a person with being a status offender must set forth all of  
41                    the following information regarding the prior firearm-related felony:

- 42                    (1) The date the offense was committed.  
43                    (2) The name of the state or other sovereign against whom the offense was  
44                    committed.  
45                    (3) The dates that the plea of guilty was entered into or conviction returned in  
46                    the offense.  
47                    (4) The identity of the court in which the plea or conviction took place.

48                    (c) No defendant charged with being a status offender in a bill of indictment shall be  
49                    required to go to trial on the charge within 20 days of the finding of a true bill by the grand  
50                    jury; provided, the defendant may waive this 20-day period.

51                    **"§ 14-7.39. Evidence of prior convictions of firearm-related felonies.**

1 In all cases in which a person is charged under the provisions of this Article with being a  
2 status offender, the record of prior conviction of the firearm-related felony shall be admissible  
3 in evidence, but only for the purpose of proving that the person has been convicted of a former  
4 firearm-related felony. A prior conviction may be proved by stipulation of the parties or by the  
5 original or a certified copy of the court record of the prior conviction. The original or certified  
6 copy of the court record, bearing the same name as that by which the defendant is charged,  
7 shall be prima facie evidence that the defendant named therein is the same as the defendant  
8 before the court and shall be prima facie evidence of the facts set out therein.

9 **"§ 14-7.40. Verdict and judgment.**

10 (a) When an indictment charges a person with a firearm-related felony as provided by  
11 this Article and an indictment also charges that the person is a status offender, the defendant  
12 shall be tried for the principal firearm-related felony as provided by law. The indictment that  
13 the person is a status offender shall not be revealed to the jury unless the jury shall find that the  
14 defendant is guilty of the principal firearm-related felony with which the defendant is charged.

15 (b) If the jury finds the defendant guilty of the principal firearm-related felony, and it is  
16 found as provided in this section that (i) the person committed the felony by using, displaying,  
17 or threatening the use or display of a firearm or deadly weapon and (ii) the person actually  
18 possessed the firearm or deadly weapon about his or her person, the bill of indictment charging  
19 the defendant as a status offender may be presented to the same jury. Except that the same jury  
20 may be used, the proceedings shall be as if the issue of status offender were a principal charge.

21 (c) If the jury finds that the defendant is a status offender, the trial judge shall enter  
22 judgment according to the provisions of this Article. If the jury finds that the defendant is not a  
23 status offender, the trial judge shall pronounce judgment on the principal firearm-related felony  
24 offense as provided by law.

25 **"§ 14-7.41. Sentencing of armed habitual felon.**

26 (a) A person who is convicted of a firearm-related felony and is also convicted of the  
27 status offense must, upon conviction or plea of guilty under indictment as provided in this  
28 Article, be sentenced as a Class C felon (except where the felon has been sentenced as a Class  
29 A, B1, or B2 felon). However, in no case shall the person receive a minimum term of  
30 imprisonment of less than 120 months. The court may not suspend the sentence and may not  
31 place the person sentenced on probation.

32 (b) In determining the prior record level, any conviction used to establish a person's  
33 status as an armed habitual felon shall not be used. Sentences imposed under this Article shall  
34 run consecutively with and shall commence at the expiration of any sentence being served by  
35 the person sentenced under this section.

36 (c) A conviction as a status offender under this Article shall not constitute commission  
37 of a felony for the purpose of either Article 2A or Article 2B of Chapter 14 of the General  
38 Statutes.

39 (d) A sentence imposed under this Article may not be enhanced pursuant to G.S. 15A-  
40 1340.16A."

41 **SECTION 27.** Article 86 Chapter 15A of the General Statutes is amended by  
42 adding a new section to read:

43 **"§ 15A-1382.2. Sentencing court to include in judgment whether firearm was used.**

44 When a person is found guilty of a felony offense, the presiding judge shall determine  
45 whether the defendant used or displayed a firearm while committing the felony. If the judge  
46 determines that the defendant used or displayed a firearm while committing the felony, the  
47 sentencing court shall include that fact when entering the judgment that imposes the sentence  
48 for the felony conviction."

49 **SECTION 28.** Sections 1 through 6, 14 through 18, 21, 23, 25, and 26 of this act  
50 become effective October 1, 2013, and apply to offenses committed on or after that date.

- 1 Section 27 of this act becomes effective October 1, 2013, and applies to any judgment entered  
2 for a felony conviction on or after that date.
- 3 Prosecutions for offenses committed before the effective date of this act are not  
4 abated or affected by this act, and the statutes that would be applicable but for this act remain  
5 applicable to those prosecutions. The remainder of this act becomes effective October 1, 2013.