

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 69

Short Title: Constitutional Carry Act. (Public)

Sponsors: Representatives Pittman, Speciale, Boswell, and Adams (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I, if favorable, Finance

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO MAKE IT LAWFUL TO CARRY A CONCEALED HANDGUN IN NORTH CAROLINA WITHOUT A CONCEALED HANDGUN PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269 reads as rewritten:

"§ 14-269. Carrying concealed weapons.

(a) ~~It shall be~~ Except as provided otherwise by law, it is unlawful for any person willfully and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises. For purposes of this section, the term "weapon" does not include a firearm.

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

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

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

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

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

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

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

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



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

1 or an unlawful controlled substance or while alcohol or an unlawful controlled
2 substance remains in the person's body. The clerk of court or register of deeds
3 shall secure the weapon in a locked compartment when the weapon is not on
4 the person of the clerk of court or register of deeds. This subdivision does not
5 apply to assistants, deputies, or other employees of the clerk of court or register
6 of ~~deeds; deeds.~~

7 (5) Sworn law-enforcement officers, when off-duty, provided that an officer does
8 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; 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 concealed~~
17 ~~handgun permit issued in accordance with Article 54B of this Chapter or~~
18 ~~considered valid under G.S. 14-415.24, Department~~ and has in the person's
19 possession written proof of the designation by the Secretary of the Department,
20 provided that the person shall not carry a concealed weapon at any time while
21 consuming alcohol or an unlawful controlled substance or while alcohol or an
22 unlawful controlled substance remains in the person's body.

23 (8) Any person who is an administrative law judge described in Article 60 of
24 Chapter 7A of the General ~~Statutes and who has a concealed handgun permit~~
25 ~~issued in accordance with Article 54B of this Chapter or considered valid under~~
26 ~~G.S. 14-415.24, Statutes;~~ provided that the person shall not carry a concealed
27 weapon at any time while consuming alcohol or an unlawful controlled
28 substance or while alcohol or an unlawful controlled substance remains in the
29 person's body.

30 (9) State correctional officers, when off-duty, provided that an officer does not
31 carry a concealed weapon while consuming alcohol or an unlawful controlled
32 substance or while alcohol or an unlawful controlled substance remains in the
33 officer's body. If the concealed weapon is a handgun, the correctional officer
34 must meet the firearms training standards of the Division of Adult Correction of
35 the Department of Public Safety.

36 (b1) It is a defense to a prosecution under this section that:

37 ~~(1) The weapon was not a firearm;~~

38 (2) The defendant was engaged in, or on the way to or from, an activity in which
39 the defendant legitimately used the weapon;

40 (3) The defendant possessed the weapon for that legitimate use; and

41 (4) The defendant did not use or attempt to use the weapon for an illegal purpose.

42 The burden of proving this defense is on the defendant.

43 ~~(b2) It is a defense to a prosecution under this section that:~~

44 ~~(1) The deadly weapon is a handgun;~~

45 ~~(2) The defendant is a military permittee as defined under G.S. 14-415.10(2a); and~~

46 ~~(3) The defendant provides to the court proof of deployment as defined under G.S.~~
47 ~~14-415.10(3a).~~

48 (c) ~~Any~~ Except as provided otherwise by law, any person violating the provisions of
49 subsection (a) of this section shall be guilty of a Class 2 misdemeanor. ~~Any person violating the~~
50 ~~provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the first~~

1 ~~offense and a Class H felony for a second or subsequent offense. A violation of subsection (a1) of~~
2 ~~this section punishable under G.S. 14-415.21(a) is not punishable under this section.~~

3 (c1) Any person participating in, affiliated with, or present as a spectator at a parade or
4 funeral who violates G.S. 14-269 by willfully or intentionally possessing or having immediate
5 access to any dangerous weapon is guilty of a Class 1 misdemeanor.

6 The provisions of this subsection do not apply to persons authorized by State or federal law to
7 carry dangerous weapons in the performance of their duties or to any person who obtains a permit
8 to carry a dangerous weapon at a parade or funeral procession from the sheriff or police chief,
9 whichever is appropriate, of the locality where the parade or funeral procession is to take place.

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

14 **SECTION 2.** The following statutes are repealed: G.S. 14-269.3, 14-269.4, and
15 14-277.2.

16 **SECTION 3.** Chapter 14 of the General Statutes is amended by adding a new Article
17 to read:

18 "Article 54C.

19 "Carrying Concealed Handguns and Restrictions on Carrying Weapons in Certain Locations.

20 "Part 1. Carrying Concealed Handguns.

21 **"§ 14-415.35. Carrying concealed handguns.**

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

24 (b) Carrying Concealed Handgun. – Any person who is a citizen of the United States and
25 is at least 18 years old may carry a concealed handgun in this State unless provided otherwise by
26 State law or by 18 U.S.C. § 922 or any other federal law.

27 (c) Prohibition on Carrying Concealed on Posted Private Property. – A person shall not
28 carry a concealed handgun on another person's private property if notice is given that carrying a
29 concealed handgun on the premises is prohibited by either the posting of a conspicuous notice or
30 statement by the person in legal possession or control of the premises. This subsection does not
31 apply to a law enforcement officer who is discharging the officer's official duties.

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

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

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

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

44 (3) Has been adjudicated guilty in any court of a felony, unless (i) the felony is an
45 offense that pertains to antitrust violations, unfair trade practices, or restraints
46 of trade, or (ii) the person's firearms rights have been restored pursuant to
47 G.S. 14-415.4.

48 (4) Is a fugitive from justice.

49 (5) Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,
50 stimulant, or narcotic drug, or any other controlled substance as defined in 21
51 U.S.C. § 802.

- 1 (6) Is currently, or has been previously adjudicated by a court or administratively
2 determined by a governmental agency whose decisions are subject to judicial
3 review to be, a danger to self or others due to mental illness or lack of mental
4 capacity. Receipt of previous consultative services or outpatient treatment alone
5 shall not disqualify any citizen under this subdivision. Further, a person shall
6 not be ineligible under this subdivision if the person's rights have been restored
7 under G.S. 14-409.42.
- 8 (7) Has been dishonorably discharged from the Armed Forces of the United States.
- 9 (8) Except as provided in subdivision (9), (10), or (11) of this section, is or has
10 been adjudicated guilty of or received a prayer for judgment continued or
11 suspended sentence for one or more crimes of violence constituting a
12 misdemeanor, including, but not limited to, a violation of a misdemeanor under
13 Article 8 of Chapter 14 of the General Statutes except for a violation of
14 G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1, 4-258.1,
15 14-269.2, 14-269.6, 14-277, 14-277.1, 14-283 except for a violation involving
16 fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1), 14-288.6,
17 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,
18 14-415.21(b), 14-415.26(d) within three years prior to the date on which the
19 application is submitted, 14-415.36, 14-415.37, 14-415.38, or 14-415.39.
- 20 (9) Is or has been adjudicated guilty of or received a prayer for judgment continued
21 or suspended sentence for one or more crimes of violence constituting a
22 misdemeanor under G.S. 14-33(c)(1), 14-33(c)(2), 14-33(c)(3), 14-33(d),
23 14-277.3A, 14-318.2, 14-134.3, 50B-4.1, or former G.S. 14-277.3.
- 24 (10) Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a
25 result of a conviction of a misdemeanor crime of domestic violence.
- 26 (11) Has been adjudicated guilty of or received a prayer for judgment continued or
27 suspended sentence for one or more crimes involving an assault or a threat to
28 assault a law enforcement officer, probation or parole officer, person employed
29 at a State or local detention facility, firefighter, emergency medical technician,
30 medical responder, or emergency department personnel.
- 31 (12) Has had entry of a prayer for judgment continued for a criminal offense that
32 would make it unlawful under this section for the person to carry a concealed
33 weapon.
- 34 (13) Is free on bond or personal recognizance pending trial, appeal, or sentencing for
35 a crime that would make it unlawful under this section for the person to carry a
36 concealed weapon.
- 37 (14) Has been convicted of an impaired driving offense under G.S. 20-138.1,
38 20-138.2, or 20-138.3 within three years prior to the date on which the person is
39 carrying the weapon.
- 40 (f) Valid Identification Required; Disclosure to Law Enforcement Officer When Carrying
41 Concealed. – When carrying a concealed handgun, a person shall also carry valid identification
42 and shall disclose to any law enforcement officer that the person is carrying a concealed handgun
43 when approached or addressed by the officer and shall display the proper identification upon the
44 request of a law enforcement officer.
- 45 (g) Penalty. – Any person who violates this section shall be punished as follows:
- 46 (1) A violation of subsection (e) of this section is a Class 2 misdemeanor for a first
47 offense and is a Class H felony for a second or subsequent offense.
- 48 (2) A violation of subsection (f) of this section is an infraction and shall be
49 punished in accordance with G.S. 14-3.1.
- 50 (3) A violation of subsection (c) or (d) of this section is a Class 1 misdemeanor.

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

1 **"§ 14-415.36. Unlawful to carry firearms into any establishment where alcoholic beverages**
2 **are sold and consumed when firearm prohibition is posted.**

3 (a) It is a Class 1 misdemeanor for a person to carry a firearm openly or concealed into any
4 establishment in which alcoholic beverages are sold and consumed if notice is given that carrying
5 a firearm on the premises is prohibited by either the posting of a conspicuous notice or statement
6 by the person in legal possession or control of the premises.

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

8 (1) The owner or lessee of the premises or business establishment.

9 (2) A person registered or hired as a security guard by the owner, lessee, or person
10 or organization sponsoring the event.

11 (3) Any law enforcement officer who is discharging the officer's official duties.

12 **"§ 14-415.37. No firearms or other weapons on the premises of the State Capitol, Executive**
13 **Mansion, or Western Residence of the Governor.**

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

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

21 (c) This section does not apply to any person exempted by G.S. 14-415.41.

22 (d) A violation of this section is a Class 1 misdemeanor.

23 **"§ 14-415.38. No firearms or other weapons in courthouses or buildings housing any court**
24 **of the General Court of Justice.**

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

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

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

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

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

38 (4) A person who has a firearm in a closed compartment or container within the
39 person's locked vehicle or in a locked container securely affixed to the person's
40 vehicle. A person may unlock the vehicle to enter or exit the vehicle, provided
41 the firearm remains in the closed compartment at all times and the vehicle is
42 locked immediately following the entrance or exit.

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

44 **"§ 14-415.39. Firearms and other weapons prohibited at picket lines and certain**
45 **demonstrations.**

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

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

- 1 (1) Any person exempted by G.S. 14-415.41.
- 2 (2) Any person authorized by State or federal law to carry dangerous weapons in
3 the performance of his or her duties.
- 4 (3) Any person who obtains a permit to carry a dangerous weapon at a picket line
5 or demonstration from the sheriff or police chief, whichever is appropriate, of
6 the locality where the picket line or demonstration is to take place.

7 **"§ 14-415.40. Unlawful to carry a concealed handgun into certain areas.**

8 (a) It is unlawful to carry a concealed handgun into the following areas unless provided
9 otherwise by law:

- 10 (1) In an area prohibited by rule adopted under G.S. 120-32.1.
 - 11 (2) In any area prohibited by 18 U.S.C. § 922 or any other federal law.
 - 12 (3) In a law enforcement or correctional facility.
- 13 (b) This section does not apply to any person exempted by G.S. 14-415.41.
14 (c) A violation of this section is a Class 1 misdemeanor.

15 **"§ 14-415.41. Exceptions to statutes restricting concealed carry.**

16 The provisions of G.S. 14-415.37, 14-415.38, 14-415.39, and 14-415.40 do not apply to any of
17 the following:

- 18 (1) Officers and enlisted personnel of the Armed Forces of the United States when
19 in discharge of their official duties as such and acting under orders requiring
20 them to carry arms and weapons.
- 21 (2) Civil and law enforcement officers of the United States.
- 22 (3) Officers and soldiers of the militia and the National Guard when called into
23 actual service.
- 24 (4) A member of the North Carolina National Guard who has been designated in
25 writing by the Adjutant General, State of North Carolina, and is acting in the
26 discharge of his or her official duties.
- 27 (5) Officers of the State, or of any county, city, town, or company police agency
28 charged with the execution of the laws of the State, when acting in the
29 discharge of their official duties.
- 30 (6) Any person who is a district attorney, an assistant district attorney, or an
31 investigator employed by the office of a district attorney in this State. The
32 district attorney, assistant district attorney, or investigator shall secure the
33 weapon in a locked compartment when the weapon is not on the person of the
34 district attorney, assistant district attorney, or investigator. Notwithstanding the
35 provisions of this subsection, a district attorney may carry a concealed weapon
36 while in a courtroom.
- 37 (7) Any person who is a qualified retired law enforcement officer as defined in
38 G.S. 14-415.10.
- 39 (8) Detention personnel or correctional officers employed by the State or a unit of
40 local government who park a vehicle in a space that is authorized for their use
41 in the course of their duties may transport a firearm to the parking space and
42 store that firearm in the vehicle parked in the parking space, provided that (i)
43 the firearm is in a closed compartment or container within the locked vehicle or
44 (ii) the firearm is in a locked container securely affixed to the vehicle.
- 45 (9) Any person who is a North Carolina district court judge, North Carolina
46 superior court judge, or a North Carolina magistrate. The judge or magistrate
47 shall secure the weapon in a locked compartment when the weapon is not on
48 the person of the judge or magistrate.
- 49 (10) Any person who is serving as a clerk of court or as a register of deeds in this
50 State. The clerk of court or register of deeds shall secure the weapon in a locked
51 compartment when the weapon is not on the person of the clerk of court or

1 register of deeds. This subdivision does not apply to assistants, deputies, or
 2 other employees of the clerk of court or register of deeds.

3 (11) Sworn law enforcement officers.

4 (12) State probation or parole certified officers, when off-duty.

5 (13) A person employed by the Department of Public Safety who has been
 6 designated in writing by the Secretary of the Department and has in the person's
 7 possession written proof of the designation by the Secretary of the Department.

8 (14) Any person who is an administrative law judge described in Article 60 of
 9 Chapter 7A of the General Statutes.

10 (15) State correctional officers, when off-duty; however, the correctional officer
 11 must meet the firearms training standards of the Division of Adult Correction of
 12 the Department of Public Safety."

13 **SECTION 4.** G.S. 14-269.1 reads as rewritten:

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

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

20"

21 **SECTION 5.** G.S. 14-269.2 reads as rewritten:

22 **"§ 14-269.2. Weapons on campus or other educational property.**

23 ...

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

25 (1) A weapon used solely for educational or school-sanctioned ceremonial
 26 purposes, or used in a school-approved program conducted under the
 27 supervision of an adult whose supervision has been approved by the school
 28 authority.

29 (1a) ~~A person exempted by the provisions of G.S. 14-269(b).~~ A person exempted by
 30 the provisions of G.S. 14-415.41(1), (2), (3), (5), (8), (11), (12), or (13).

31 (1b) A person exempted by the provisions of G.S. 14-415.41(4), (6), (7), (9), (10),
 32 (13), or (14), provided the person has the firearm or other weapon in a closed
 33 compartment or container within the person's locked vehicle or in a locked
 34 container securely affixed to the person's vehicle. A person may unlock the
 35 vehicle to enter or exit the vehicle; provided the firearm or other weapon
 36 remains in the closed compartment at all times and the vehicle is locked
 37 immediately following the entrance or exit.

38 (2) Firefighters, emergency service personnel, North Carolina Forest Service
 39 personnel, detention officers employed by and authorized by the sheriff to carry
 40 firearms, and any private police employed by a school, when acting in the
 41 discharge of their official duties.

42 (3) Home schools as defined in G.S. 115C-563(a).

43 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
 44 property in Johnston County owned by Johnston Community College when
 45 used with the written permission of Johnston Community College or for
 46 hunting purposes on other educational property when used with the written
 47 permission of the governing body of the school that controls the educational
 48 property.

49 (5) A person registered under Chapter 74C of the General Statutes as an armed
 50 armored car service guard or an armed courier service guard when acting in the

- 1 discharge of the guard's duties and with the permission of the college or
2 university.
- 3 (6) A person registered under Chapter 74C of the General Statutes as an armed
4 security guard while on the premises of a hospital or health care facility located
5 on educational property when acting in the discharge of the guard's duties with
6 the permission of the college or university.
- 7 (7) A volunteer school safety resource officer providing security at a school
8 pursuant to an agreement as provided in G.S. 115C-47(61) and either
9 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety
10 resource officer is acting in the discharge of the person's official duties and is
11 on the educational property of the school that the officer was assigned to by the
12 head of the appropriate local law enforcement agency.
- 13 ...
- 14 (i) The provisions of this section shall not apply to an employee of an institution of higher
15 education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational institution who
16 resides on the campus of the institution at which the person is employed when all of the following
17 criteria are met:
- 18 (1) The employee's residence is a detached, single-family dwelling in which only
19 the employee and the employee's immediate family reside.
- 20 (2) The institution is either:
- 21 a. An institution of higher education as defined by G.S. 116-143.1.
- 22 b. A nonpublic post-secondary educational institution that has not
23 specifically prohibited the possession of a handgun pursuant to this
24 subsection.
- 25 (3) The weapon is a handgun.
- 26 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~
- 27 a. ~~If the employee has a concealed handgun permit that is valid under~~
28 ~~Article 54B of this Chapter, or who is exempt from obtaining a permit~~
29 ~~pursuant to that Article, the handgun may be~~ The handgun is on the
30 premises of the employee's residence or in a closed compartment or
31 container within the employee's locked vehicle that is located in a
32 parking area of the educational property of the institution at which the
33 person is employed and resides. Except for direct transfer between the
34 residence and the vehicle, the handgun must remain at all times either
35 on the premises of the employee's residence or in the closed
36 compartment of the employee's locked vehicle. The employee may
37 unlock the vehicle to enter or exit, but must lock the vehicle
38 immediately following the entrance or exit if the handgun is in the
39 vehicle.
- 40 b. ~~If the employee is not authorized to carry a concealed handgun pursuant~~
41 ~~to Article 54B of this Chapter, the handgun may be on the premises of~~
42 ~~the employee's residence, and may only be in the employee's vehicle~~
43 ~~when the vehicle is occupied by the employee and the employee is~~
44 ~~immediately leaving the campus or is driving directly to their residence~~
45 ~~from off campus. The employee may possess the handgun on the~~
46 ~~employee's person outside the premises of the employee's residence~~
47 ~~when making a direct transfer of the handgun from the residence to the~~
48 ~~employee's vehicle when the employee is immediately leaving the~~
49 ~~campus or from the employee's vehicle to the residence when the~~
50 ~~employee is arriving at the residence from off campus.~~

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

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

6 (2) The school is either:

7 a. A public school which provides residential housing for enrolled
8 students.

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

12 (3) The weapon is a handgun.

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

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

27 b. ~~If the employee is not authorized to carry a concealed handgun pursuant~~
28 ~~to Article 54B of this Chapter, the handgun may be on the premises of~~
29 ~~the employee's residence, and may only be in the employee's vehicle~~
30 ~~when the vehicle is occupied by the employee and the employee is~~
31 ~~immediately leaving the campus or is driving directly to their residence~~
32 ~~from off campus. The employee may possess the handgun on the~~
33 ~~employee's person outside the premises of the employee's residence~~
34 ~~when making a direct transfer of the handgun from the residence to the~~
35 ~~employee's vehicle when the employee is immediately leaving the~~
36 ~~campus or from the employee's vehicle to the residence when the~~
37 ~~employee is arriving at the residence from off campus.~~

38 (k) The provisions of this section shall not apply to a person ~~who has a concealed handgun~~
39 ~~permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit~~
40 ~~pursuant to that Article, if when any of the following conditions are met:~~

41 (1) The person has a handgun in a closed compartment or container within the
42 person's locked vehicle or in a locked container securely affixed to the person's
43 vehicle and only unlocks the vehicle to enter or exit the vehicle while the
44 firearm remains in the closed compartment at all times and immediately locks
45 the vehicle following the entrance or exit.

46 (2) The person has a handgun concealed on the person and the person remains in
47 the locked vehicle and only unlocks the vehicle to allow the entrance or exit of
48 another person.

49 (3) The person is within a locked vehicle and removes the handgun from
50 concealment only for the amount of time reasonably necessary to do either of
51 the following:

- 1 a. Move the handgun from concealment on the person to a closed
2 compartment or container within the vehicle.
3 b. Move the handgun from within a closed compartment or container
4 within the vehicle to concealment on the person.

5"

6 **SECTION 6.** G.S. 14-288.8(b)(1) reads as rewritten:

7 **"§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**
8 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

9 ...

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

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

14"

15 **SECTION 7.** G.S. 14-401.24 reads as rewritten:

16 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

17 ...

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

19 ...

- 20 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or
21 ~~14-288.8~~ 14-288.8, firearms, and any other object capable of inflicting serious
22 bodily injury or death when used as a weapon.

23"

24 **SECTION 8.** G.S. 14-409.40 reads as rewritten:

25 **"§ 14-409.40. Statewide uniformity of local regulation.**

26 ...

27 (f) Nothing contained in this section prohibits municipalities or counties from application
28 of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, ~~14-269.3, 14-269.4,~~
29 ~~14-277.2,~~ 14-415.11, 14-415.23, 14-415.35, 14-415.36, 14-415.38, or 14-415.39, including
30 prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas
31 of those buildings, or in public parks or recreation areas, except nothing in this subsection shall
32 prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these
33 grounds or areas. Nothing contained in this section prohibits municipalities or counties from
34 exercising powers provided by law in states of emergency declared under Article 1A of Chapter
35 166A of the General Statutes.

36"

37 **SECTION 9.** G.S. 14-415.4 reads as rewritten:

38 **"§ 14-415.4. Restoration of firearms rights.**

39 ...

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

- 42 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's
43 custody, care, or control a firearm under the provisions of any law in North
44 Carolina other than G.S. 14-415.1.
45 (2) The petitioner is under indictment for a felony or a finding of probable cause
46 exists against the petitioner for a felony.
47 (3) The petitioner is a fugitive from justice.
48 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or any
49 depressant, stimulant, or narcotic drug, or any other controlled substance as
50 defined in 21 U.S.C. § 802.

- 1 (5) The petitioner is or has been dishonorably discharged from the Armed Forces
2 of the United States.
- 3 (6) The petitioner is or has been adjudicated guilty of or received a prayer for
4 judgment continued or suspended sentence for one or more crimes of violence
5 constituting a misdemeanor, including a misdemeanor under Article 8 of
6 Chapter 14 of the General Statutes, or a misdemeanor under G.S. 14-225.2,
7 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4, 14-269.6,~~ 14-276.1, 14-277,
8 14-277.1, ~~14-277.2, 14-277.3,~~ 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or
9 (2), 14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former
10 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b), or 14-415.26(d), 14-415.36,
11 14-415.37, 14-415.38, 14-415.39, or a substantially similar out-of-state or
12 federal offense.

13"

14 **SECTION 10.** Article 54B of Chapter 14 of the General Statutes is amended by
15 adding a new section to read:

16 "**§ 14-415.10A. Purpose.**

17 While G.S. 14-415.35 makes it lawful to carry a concealed weapon in this State without
18 obtaining a concealed handgun permit, it is often convenient to have a concealed handgun permit
19 for the purpose of reciprocity when traveling in another state, to make the purchase of a firearm
20 more efficient, or for various other reasons. Therefore, the State of North Carolina shall continue
21 to make a concealed handgun permit available to any person who applies for and is eligible to
22 receive a concealed handgun permit pursuant to this Article."

23 **SECTION 11.** G.S. 14-415.11 reads as rewritten:

24 "**§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

25 (a) Any person who has a concealed handgun permit may carry a concealed handgun
26 unless otherwise specifically prohibited by law. The person shall carry the permit together with
27 valid identification whenever the person is carrying a concealed handgun, shall disclose to any law
28 enforcement officer that the person holds a valid permit and is carrying a concealed handgun when
29 approached or addressed by the officer, and shall display both the permit and the proper
30 identification upon the request of a law enforcement officer. ~~In addition to these requirements, a~~
31 ~~military permittee whose permit has expired during deployment may carry a concealed handgun~~
32 ~~during the 90 days following the end of deployment and before the permit is renewed provided the~~
33 ~~permittee also displays proof of deployment to any law enforcement officer.~~

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

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

- 39 (1) Areas prohibited by ~~G.S. 14-269.2, 14-269.3, and 14-277.2.~~G.S. 14-269.2,
40 14-415.36, and 14-415.39.
- 41 (2) Areas prohibited by ~~G.S. 14-269.4, except as allowed under G.S.~~
42 ~~14-269.4(6).~~G.S. 14-415.37 and G.S. 14-415.38, except that a person may have
43 a concealed handgun if it is in a closed compartment or container within the
44 person's locked vehicle or in a locked container securely affixed to the person's
45 vehicle. A person may unlock the vehicle to enter or exit the vehicle, provided
46 the firearm remains in the closed compartment at all times and the vehicle is
47 locked immediately following the entrance or exit.
- 48 (3) In an area prohibited by rule adopted under G.S. 120-32.1.
- 49 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.
- 50 (5) In a law enforcement or correctional facility.
- 51 (6) In a building housing only State or federal offices.

- 1 (7) In an office of the State or federal government that is not located in a building
- 2 exclusively occupied by the State or federal government.
- 3 (8) On any private premises where notice that carrying a concealed handgun is
- 4 prohibited by the posting of a conspicuous notice or statement by the person in
- 5 legal possession or control of the premises.
- 6 (c1) Any person who has a concealed handgun permit may carry a concealed handgun on
- 7 the grounds or waters of a park within the State Parks System as defined in G.S. 143B-135.44.
- 8 (c2) It shall be unlawful for a person, with or without a permit, to carry a concealed
- 9 handgun while consuming alcohol or at any time while the person has remaining in the person's
- 10 body any alcohol or in the person's blood a controlled substance previously consumed, but a
- 11 person does not violate this condition if a controlled substance in the person's blood was lawfully
- 12 obtained and taken in therapeutically appropriate amounts or if the person is on the person's own
- 13 property.
- 14 (c3) ~~As provided in G.S. 14-269.4(5), it~~ It shall be lawful for a person to carry any firearm
- 15 openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned rest
- 16 area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing
- 17 reservation.
- 18 (d) A person who is issued a permit shall notify the sheriff who issued the permit of any
- 19 change in the person's permanent address within 30 days after the change of address. If a permit is
- 20 lost or destroyed, the person to whom the permit was issued shall notify the sheriff who issued the
- 21 permit of the loss or destruction of the permit. A person may obtain a duplicate permit by
- 22 submitting to the sheriff a notarized statement that the permit was lost or destroyed and paying the
- 23 required duplicate permit fee."

24 **SECTION 12.** G.S. 14-415.12 reads as rewritten:
 25 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

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

- 28 ...
- 29 (6) Is currently, or has been previously adjudicated by a court or administratively
- 30 determined by a governmental agency whose decisions are subject to judicial
- 31 review to be, ~~lacking mental capacity or mentally ill,~~ a danger to self or others
- 32 due to mental illness or lack of mental capacity. Receipt of previous
- 33 consultative services or outpatient treatment alone shall not disqualify an
- 34 applicant under this subdivision.
- 35 (7) Is or has been ~~discharged from the Armed Forces of the United States under~~
- 36 ~~conditions other than honorable,~~ dishonorably discharged from the Armed
- 37 Forces of the United States.
- 38 (8) Except as provided in subdivision (8a), (8b), or (8c) of this section, is or has
- 39 been adjudicated guilty of or received a prayer for judgment continued or
- 40 suspended sentence for one or more crimes of violence constituting a
- 41 misdemeanor, including but not limited to, a violation of a misdemeanor under
- 42 Article 8 of Chapter 14 of the General Statutes except for a violation of
- 43 G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1, 4-258.1,
- 44 14-269.2, ~~14-269.3, 14-269.4,~~ 14-415.36, 14-415.37, 14-415.38, 14-269.6,
- 45 14-277, 14-277.1, ~~14-277.2,~~ 14-415.39, 14-283 except for a violation involving
- 46 fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1), 14-288.6,
- 47 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,
- 48 14-415.21(b), or 14-415.26(d) within three years prior to the date on which the
- 49 application is submitted.

50"
 51 **SECTION 13.** G.S. 14-415.22 is repealed.

1 **SECTION 14.** G.S. 74E-6 reads as rewritten:

2 "**§ 74E-6. Oaths, powers, and authority of company police officers.**

3 ...

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

7 (1) Real property owned by or in the possession and control of their employer.

8 (2) Real property owned by or in the possession and control of a person who has
9 contracted with the employer to provide on-site company police security
10 personnel services for the property.

11 (3) Any other real property while in continuous and immediate pursuit of a person
12 for an offense committed upon property described in subdivisions (1) or (2) of
13 this subsection.

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

17 "

18 **SECTION 15.** G.S. 74G-6 reads as rewritten:

19 "**§ 74G-6. Oaths, powers, and authority of campus police officers.**

20 ...

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

25 "

26 **SECTION 16.** G.S. 113-136 reads as rewritten:

27 "**§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**
28 **inspection by inspectors and protectors.**

29 ...

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

36 "

37 **SECTION 17.** This act becomes effective December 1, 2017, and applies to offenses
38 committed on or after that date.