

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 746

Short Title: NC Constitutional Carry Act. (Public)

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

Referred to: Judiciary I

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO PROTECT A PERSON'S RIGHT TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT, TO PURCHASE A HANDGUN WITHOUT A PISTOL PURCHASE PERMIT, AND TO CONTINUE ALLOWING PERSONS TO ACQUIRE A CONCEALED HANDGUN PERMIT FOR THE PURPOSES OF RECIPROCITY OR FOR ANY OTHER REASON DESIRED.

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:



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

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

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

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

- 1 (1) The deadly weapon is a handgun;
2 (2) ~~The defendant is a military permittee as defined under G.S. 14-415.10(2a);~~
3 ~~and~~
4 (3) ~~The defendant provides to the court proof of deployment as defined under~~
5 ~~G.S. 14-415.10(3a).~~

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

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

15 **SECTION 2.** The following statutes are repealed: G.S. 14-269.3, 14-269.4, and
16 14-277.2.

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

19 "Article 54C.

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

21 "Part 1. Carrying Handguns.

22 **"§ 14-415.35. Carrying handguns.**

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

25 (b) Carrying Handgun. – Any person who is a citizen of the United States and is at least
26 18 years old may carry a handgun, openly or concealed, without a concealed handgun permit in
27 this State unless provided otherwise by State law or by 18 U.S.C. § 922 or any other federal
28 law.

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

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

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

- 42 (1) Is ineligible to own, possess, or receive a firearm under the provisions of
43 State or federal law.
44 (2) Is under indictment or against whom a finding of probable cause exists for a
45 felony.
46 (3) Has been adjudicated guilty in any court of a felony, unless (i) the felony is
47 an offense that pertains to antitrust violations, unfair trade practices, or
48 restraints of trade or (ii) the person's firearms rights have been restored
49 pursuant to G.S. 14-415.4.
50 (4) Is a fugitive from justice.

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

- 1 (1) Unless provided otherwise by State law, a violation of subsection (c) of this
2 section is an infraction and a person found responsible for the infraction may
3 be required to pay a fine of up to five hundred dollars (\$500.00).
4 (2) A violation of subsection (d) of this section is a Class 1 misdemeanor.
5 (3) A violation of subsection (e) of this section is a Class 2 misdemeanor for a
6 first offense and is a Class H felony for a second or subsequent offense.
7 (4) A violation of subsection (f) of this section is an infraction and shall be
8 punished in accordance with G.S. 14-3.1.

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

10 **"§ 14-415.36. Unlawful to carry firearms into any assembly that charges a fee or any**
11 **establishment where alcoholic beverages are sold and consumed when firearm**
12 **prohibition is posted.**

13 (a) It is a Class 1 misdemeanor for a person to carry a firearm openly or concealed into
14 any assembly where a fee is charged for admission if notice is given that carrying a firearm on
15 the premises is prohibited by either the posting of a conspicuous notice or statement by the
16 person in legal possession or control of the premises.

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

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

- 22 (1) The owner or lessee of the premises or business establishment.
23 (2) A person participating in the event, if the person is carrying a firearm with
24 the permission of the owner, lessee, or person or organization sponsoring the
25 event.
26 (3) A person registered or hired as a security guard by the owner, lessee, or
27 person or organization sponsoring the event.
28 (4) A person exempted by G.S. 14-415.41.

29 **"§ 14-415.37. No firearms or other weapons on the premises of the State Capitol,**
30 **Executive Mansion, or Western Residence of the Governor.**

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

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

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

- 39 (1) A person exempted by G.S. 14-415.41.
40 (2) A person who has a firearm in a closed compartment or container within the
41 person's locked vehicle or in a locked container securely affixed to the
42 person's vehicle. A person may unlock the vehicle to enter or exit the
43 vehicle, provided the firearm remains in the closed compartment at all times
44 and the vehicle is locked immediately following the entrance or exit.

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

46 **"§ 14-415.38. No firearms or other weapons in courthouses or buildings housing any**
47 **court of the General Court of Justice.**

48 (a) It is unlawful for any person to possess, or carry, whether openly or concealed, a
49 firearm or any other deadly weapon not used solely for instructional or officially sanctioned
50 ceremonial purposes in any building housing any court of the General Court of Justice. If a
51 court is housed in a building containing nonpublic uses in addition to the court, then this

1 prohibition shall apply only to that portion of the building used for court purposes while the
2 building is being used for court purposes.

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

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

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

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

10 (4) A person who has a firearm in a closed compartment or container within the
11 person's locked vehicle or in a locked container securely affixed to the
12 person's vehicle. A person may unlock the vehicle to enter or exit the vehicle
13 provided the firearm remains in the closed compartment at all times and the
14 vehicle is locked immediately following the entrance or exit.

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

16 **"§ 14-415.39. Firearms and other weapons prohibited at parades, funeral processions,**
17 **picket lines, and certain demonstrations.**

18 (a) It is unlawful for any person participating in, affiliated with, or present as a
19 spectator at any parade or funeral procession to willfully or intentionally possess or have
20 immediate access to a firearm or any other dangerous weapon if notice is given that carrying a
21 firearm on the premises is prohibited by either the posting of a conspicuous notice or statement
22 by the person in legal possession or control of the premises. It shall be presumed that any rifle
23 or gun carried on a rack in a pickup truck at a holiday parade or in a funeral procession does not
24 violate this subsection. A violation of this subsection is a Class 1 misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

49 **"§ 14-415.41. Exceptions to statutes restricting concealed carry.**

50 The provisions of G.S. 14-415.36, 14-415.37, 14-415.38, 14-415.39, and 14-415.40 do not
51 apply to any of the following:

- 1 (1) Officers and enlisted personnel of the Armed Forces of the United States
2 when in discharge of their official duties as such and acting under orders
3 requiring them to carry arms and weapons.
- 4 (2) Civil and law enforcement officers of the United States.
- 5 (3) Officers and soldiers of the militia and the National Guard when called into
6 actual service.
- 7 (4) A member of the North Carolina National Guard who has been designated in
8 writing by the Adjutant General, State of North Carolina, and is acting in the
9 discharge of his or her official duties.
- 10 (5) 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.
- 13 (6) Any person who is a district attorney, an assistant district attorney, or an
14 investigator employed by the office of a district attorney in this State. The
15 district attorney, assistant district attorney, or investigator shall secure the
16 weapon in a locked compartment when the weapon is not on the person of
17 the district attorney, assistant district attorney, or investigator.
18 Notwithstanding the provisions of this subsection, a district attorney may
19 carry a concealed weapon while in a courtroom.
- 20 (7) Any person who is a qualified retired law enforcement officer as defined in
21 G.S. 14-415.10.
- 22 (8) Detention personnel or correctional officers employed by the State or a unit
23 of local government who park a vehicle in a space that is authorized for their
24 use in the course of their duties may transport a firearm to the parking space
25 and store that firearm in the vehicle parked in the parking space, provided
26 that (i) the firearm is in a closed compartment or container within the locked
27 vehicle or (ii) the firearm is in a locked container securely affixed to the
28 vehicle.
- 29 (9) Any person who is a North Carolina district court judge, North Carolina
30 superior court judge, or a North Carolina magistrate. The judge or magistrate
31 shall secure the weapon in a locked compartment when the weapon is not on
32 the person of the judge or magistrate.
- 33 (10) Any person who is serving as a clerk of court or as a register of deeds in this
34 State. The clerk of court or register of deeds shall secure the weapon in a
35 locked compartment when the weapon is not on the person of the clerk of
36 court or register of deeds. This subdivision does not apply to assistants,
37 deputies, or other employees of the clerk of court or register of deeds.
- 38 (11) Sworn law enforcement officers.
- 39 (12) State probation or parole certified officers, when off-duty.
- 40 (13) A person employed by the Department of Public Safety who has been
41 designated in writing by the Secretary of the Department and has in the
42 person's possession written proof of the designation by the Secretary of the
43 Department.
- 44 (14) Any person who is an administrative law judge described in Article 60 of
45 Chapter 7A of the General Statutes.
- 46 (15) State correctional officers, when off-duty; however, the correctional officer
47 must meet the firearms training standards of the Division of Adult
48 Correction of the Department of Public Safety.

49 "§ 14-415.42. Carrying handgun on premises of State-owned rest areas and within State
50 Parks System.

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

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

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

8 "**§ 14-269.1. Confiscation and disposition of deadly weapons.**

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

14 "

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

16 "**§ 14-269.2. Weapons on campus or other educational property.**

17 ...

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

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

23 (1a) A person exempted by the provisions of ~~G.S. 14-269(b)~~ of G.S. 14-415.41.

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

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

29 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
30 property in Johnston County owned by Johnston Community College when
31 used with the written permission of Johnston Community College or for
32 hunting purposes on other educational property when used with the written
33 permission of the governing body of the school that controls the educational
34 property.

35 (5) A person registered under Chapter 74C of the General Statutes as an armed
36 armored car service guard or an armed courier service guard when acting in
37 the discharge of the guard's duties and with the permission of the college or
38 university.

39 (6) A person registered under Chapter 74C of the General Statutes as an armed
40 security guard while on the premises of a hospital or health care facility
41 located on educational property when acting in the discharge of the guard's
42 duties with the permission of the college or university.

43 (7) A volunteer school safety resource officer providing security at a school
44 pursuant to an agreement as provided in G.S. 115C-47(61) and either
45 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety
46 resource officer is acting in the discharge of the person's official duties and
47 is on the educational property of the school that the officer was assigned to
48 by the head of the appropriate local law enforcement agency.

49 ...

50 (i) The provisions of this section shall not apply to an employee of an institution of
51 higher education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational

1 institution who resides on the campus of the institution at which the person is employed when
2 all of the following criteria are met:

- 3 (1) The employee's residence is a detached, single-family dwelling in which
4 only the employee and the employee's immediate family reside.
- 5 (2) The institution is either:
 - 6 a. An institution of higher education as defined by G.S. 116-143.1.
 - 7 b. A nonpublic post-secondary educational institution that has not
8 specifically prohibited the possession of a handgun pursuant to this
9 subsection.
- 10 (3) The weapon is a handgun.
- 11 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~

- 12 a. ~~If the employee has a concealed handgun permit that is valid under
13 Article 54B of this Chapter, or who is exempt from obtaining a
14 permit pursuant to that Article, the handgun may be The handgun is
15 on the premises of the employee's residence or in a closed
16 compartment or container within the employee's locked vehicle that
17 is located in a parking area of the educational property of the
18 institution at which the person is employed and resides. Except for
19 direct transfer between the residence and the vehicle, the handgun
20 must remain at all times either on the premises of the employee's
21 residence or in the closed compartment of the employee's locked
22 vehicle. The employee may unlock the vehicle to enter or exit, but
23 must lock the vehicle immediately following the entrance or exit if
24 the handgun is in the vehicle.~~
- 25 b. ~~If the employee is not authorized to carry a concealed handgun
26 pursuant to Article 54B of this Chapter, the handgun may be on the
27 premises of the employee's residence, and may only be in the
28 employee's vehicle when the vehicle is occupied by the employee
29 and the employee is immediately leaving the campus or is driving
30 directly to their residence from off campus. The employee may
31 possess the handgun on the employee's person outside the premises
32 of the employee's residence when making a direct transfer of the
33 handgun from the residence to the employee's vehicle when the
34 employee is immediately leaving the campus or from the employee's
35 vehicle to the residence when the employee is arriving at the
36 residence from off campus.~~

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

- 40 (1) The employee's residence is a detached, single-family dwelling in which
41 only the employee and the employee's immediate family reside.
- 42 (2) The school is either:
 - 43 a. A public school which provides residential housing for enrolled
44 students.
 - 45 b. A nonpublic school which provides residential housing for enrolled
46 students and has not specifically prohibited the possession of a
47 handgun pursuant to this subsection.
- 48 (3) The weapon is a handgun.
- 49 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~
 - 50 a. ~~If the employee has a concealed handgun permit that is valid under
51 Article 54B of this Chapter, or who is exempt from obtaining a~~

1 ~~permit pursuant to that Article, the handgun may be~~ The handgun is
 2 on the premises of the employee's residence or in a closed
 3 compartment or container within the employee's locked vehicle that
 4 is located in a parking area of the educational property of the school
 5 at which the person is employed and resides. Except for direct
 6 transfer between the residence and the vehicle, the handgun must
 7 remain at all times either on the premises of the employee's residence
 8 or in the closed compartment of the employee's locked vehicle. The
 9 employee may unlock the vehicle to enter or exit, but must lock the
 10 vehicle immediately following the entrance or exit if the handgun is
 11 in the vehicle.

12 ~~b. If the employee is not authorized to carry a concealed handgun~~
 13 ~~pursuant to Article 54B of this Chapter, the handgun may be on the~~
 14 ~~premises of the employee's residence, and may only be in the~~
 15 ~~employee's vehicle when the vehicle is occupied by the employee~~
 16 ~~and the employee is immediately leaving the campus or is driving~~
 17 ~~directly to their residence from off campus. The employee may~~
 18 ~~possess the handgun on the employee's person outside the premises~~
 19 ~~of the employee's residence when making a direct transfer of the~~
 20 ~~handgun from the residence to the employee's vehicle when the~~
 21 ~~employee is immediately leaving the campus or from the employee's~~
 22 ~~vehicle to the residence when the employee is arriving at the~~
 23 ~~residence from off campus.~~

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

- 27 (1) The person has a handgun in a closed compartment or container within the
 28 person's locked vehicle or in a locked container securely affixed to the
 29 person's vehicle and only unlocks the vehicle to enter or exit the vehicle
 30 while the firearm remains in the closed compartment at all times and
 31 immediately locks the vehicle following the entrance or exit.
- 32 (2) The person has a handgun concealed on the person and the person remains in
 33 the locked vehicle and only unlocks the vehicle to allow the entrance or exit
 34 of another person.
- 35 (3) The person is within a locked vehicle and removes the handgun from
 36 concealment only for the amount of time reasonably necessary to do either
 37 of the following:
 38 a. Move the handgun from concealment on the person to a closed
 39 compartment or container within the vehicle.
 40 b. Move the handgun from within a closed compartment or container
 41 within the vehicle to concealment on the person.

42"

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

44 **"§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**
 45 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

46 ...

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

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

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

1 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

2 ...

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

4 ...

- 5 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or
6 ~~14-288.8–14-288.8~~, firearms, and any other object capable of inflicting
7 serious bodily injury or death when used as a weapon.

8"

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

10 **"§ 14-409.40. Statewide uniformity of local regulation.**

11 ...

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

21"

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

23 **"§ 14-415.4. Restoration of firearms rights.**

24 ...

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

- 27 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's
28 custody, care, or control a firearm under the provisions of any law in North
29 Carolina other than G.S. 14-415.1.
- 30 (2) The petitioner is under indictment for a felony or a finding of probable cause
31 exists against the petitioner for a felony.
- 32 (3) The petitioner is a fugitive from justice.
- 33 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or
34 any depressant, stimulant, or narcotic drug, or any other controlled substance
35 as defined in 21 U.S.C. § 802.
- 36 (5) The petitioner is or has been dishonorably discharged from the Armed
37 Forces of the United States.
- 38 (6) The petitioner is or has been adjudicated guilty of or received a prayer for
39 judgment continued or suspended sentence for one or more crimes of
40 violence constituting a misdemeanor, including a misdemeanor under Article
41 8 of Chapter 14 of the General Statutes, or a misdemeanor under
42 G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4,~~ 14-269.6,
43 14-276.1, 14-277, 14-277.1, ~~14-277.2,~~ 14-277.3, 14-281.1, 14-283,
44 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former 14-288.12,
45 former 14-288.13, former 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b),
46 or 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, 14-415.39, or a
47 substantially similar out-of-state or federal offense.

48"

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

51 **"§ 14-415.10A. Purpose.**

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

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

8 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

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

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

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

24 (1) ~~Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2.~~ G.S. 14-269.2,
25 14-415.36, and 14-415.39.

26 (2) ~~Areas prohibited by G.S. 14-269.4, except as allowed under G.S.~~
27 ~~14-269.4(6).~~ An area prohibited by G.S. 14-415.37, except that a person may
28 have a concealed handgun if it is in a closed compartment or container
29 within the person's locked vehicle or in a locked container securely affixed
30 to the person's vehicle. A person may unlock the vehicle to enter or exit the
31 vehicle, provided the firearm remains in the closed compartment at all times
32 and the vehicle is locked immediately following the entrance or exit.

33 (2a) An area prohibited by G.S. 14-415.38, except that a person may have a
34 concealed handgun if it is in a closed compartment or container within the
35 person's locked vehicle or in a locked container securely affixed to the
36 person's vehicle. A person may unlock the vehicle to enter or exit the
37 vehicle, provided the firearm remains in the closed compartment at all times
38 and the vehicle is locked immediately following the entrance or exit.

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

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

41 (5) In a law enforcement or correctional facility.

42 (6) In a building housing only State or federal offices.

43 (7) In an office of the State or federal government that is not located in a
44 building exclusively occupied by the State or federal government.

45 (8) On any private premises where notice that carrying a concealed handgun is
46 prohibited by the posting of a conspicuous notice or statement by the person
47 in legal possession or control of the premises.

48 (c1) Any person who has a concealed handgun permit may carry a concealed handgun on
49 the grounds or waters of a park within the State Parks System as defined in G.S. 143B-135.44.

50 (c2) It shall be unlawful for a person, with or without a permit, to carry a concealed
51 handgun while consuming alcohol or at any time while the person has remaining in the person's

1 body any alcohol or in the person's blood a controlled substance previously consumed, but a
 2 person does not violate this condition if a controlled substance in the person's blood was
 3 lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the
 4 person's own property.

5 (c3) ~~As provided in G.S. 14-269.4(5),~~ As provided in G.S. 14-415.42, it shall be lawful
 6 for a person to carry any firearm openly, or to carry a concealed handgun with a concealed
 7 carry permit, at any State-owned rest area, at any State-owned rest stop along the highways,
 8 and at any State-owned hunting and fishing reservation.

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

15 **SECTION 12.** G.S. 14-415.12 reads as rewritten:

16 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

17 ...

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

19 ...

20 (6) ~~Is currently, or has been previously adjudicated by a court or~~
 21 ~~administratively determined by a governmental agency whose decisions are~~
 22 ~~subject to judicial review to be, lacking mental capacity or mentally ill. a~~
 23 danger to self or others due to mental illness or lack of mental capacity.

24 Receipt of previous consultative services or outpatient treatment alone shall
 25 not disqualify an applicant under this subdivision.

26 (7) ~~Is or has been discharged from the Armed Forces of the United States under~~
 27 ~~conditions other than honorable. dishonorably discharged from the Armed~~
 28 Forces of the United States.

29 (8) Except as provided in subdivision (8a), (8b), or (8c) of this section, is or has
 30 been adjudicated guilty of or received a prayer for judgment continued or
 31 suspended sentence for one or more crimes of violence constituting a
 32 misdemeanor, including but not limited to, a violation of a misdemeanor
 33 under Article 8 of Chapter 14 of the General Statutes except for a violation
 34 of G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1,
 35 4-258.1, 14-269.2, ~~14-269.3, 14-269.4, 14-415.36, 14-415.37, 14-415.38,~~
 36 14-269.6, 14-277, 14-277.1, ~~14-277.2, 14-415.39,~~ 14-283 except for a
 37 violation involving fireworks exempted under G.S. 14-414, 14-288.2,
 38 14-288.4(a)(1), 14-288.6, 14-288.9, former 14-288.12, former 14-288.13,
 39 former 14-288.14, 14-415.21(b), or 14-415.26(d) within three years prior to
 40 the date on which the application is submitted.

41"

42 **SECTION 13.** G.S. 14-415.22 is repealed.

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

44 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

45 ...

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

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

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

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

10 "

11 **SECTION 15.** G.S. 74G-6 reads as rewritten:
 12 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

13 ...

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

18 "

19 **SECTION 16.** G.S. 113-136 reads as rewritten:
 20 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**
 21 **inspection by inspectors and protectors.**

22 ...

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

30 "

31 **SECTION 17.** G.S. 14-402 through G.S. 14-405 and G.S. 14-407.1 are repealed.

32 **SECTION 18.** This act becomes effective December 1, 2017, and applies to
 33 offenses committed on or after that date.