

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 958  
Committee Substitute Favorable 4/30/97  
Senate Judiciary Committee Substitute Adopted 5/29/97  
Fourth Edition Engrossed 6/5/97

Short Title: Concealed Handgun Laws Amend.

(Public)

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Sponsors:

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Referred to:

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April 16, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED  
3 HANDGUN PERMIT LAWS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-269(b) reads as rewritten:

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

7 (1) Officers and enlisted personnel of the armed forces of the United States  
8 when in discharge of their official duties as such and acting under orders  
9 requiring them to carry arms and weapons;

10 (2) Civil and law enforcement officers of the United States while in the  
11 discharge of their official duties;

12 (3) Officers and soldiers of the militia and the national guard when called  
13 into actual service;

14 (4) Officers of the State, or of any county, city, or town, charged with the  
15 execution of the laws of the State, when acting in the discharge of their  
16 official duties;

17 (5) Sworn law-enforcement officers, when off-duty, if:

- 1 a. Written regulations authorizing the carrying of concealed  
2 weapons have been filed with the clerk of superior court in the  
3 county where the law-enforcement unit is located by the sheriff  
4 or chief of police or other superior officer in charge; and  
5 b. Such regulations specifically prohibit the carrying of concealed  
6 weapons while the officer is consuming or under the influence of  
7 alcoholic beverages."

8 Section 2. G.S. 14-269.2(g) reads as rewritten:

9 "(g) This section shall not apply to:

- 10 (1) A weapon used solely for educational or school-sanctioned ceremonial  
11 purposes, or used in a school-approved program conducted under the  
12 supervision of an adult whose supervision has been approved by the  
13 school authority;

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

- 15 ~~(2) Armed forces personnel, officers and soldiers of the militia and national~~  
16 ~~guard, law enforcement personnel, fire fighters, Firefighters, emergency~~  
17 ~~service personnel, North Carolina Forest Service personnel, and any~~  
18 ~~private police employed by an educational institution, when acting in~~  
19 ~~the discharge of their official duties; or~~

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

21 Section 3. G.S. 14-269.4 reads as rewritten:

22 **"§ 14-269.4. Weapons on State property and in courthouses.**

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

31 This section shall not apply to:

- 32 ~~(1) Officers and enlisted personnel of the armed forces when in the~~  
33 ~~discharge of their official duties as such and acting under orders~~  
34 ~~requiring them to carry arms and weapons;~~

35 (1a) A person exempted by the provisions of G.S. 14-269(b),

- 36 ~~(2) Civil officers of the United States while in the discharge of their official~~  
37 ~~duties;~~

- 38 ~~(3) Officers and soldiers of the militia and the State guard when on duty or~~  
39 ~~called into service;~~

- 40 ~~(4) Officers or employees of the State, or any county, city, or town charged~~  
41 ~~with the execution of the laws of the State, when acting in the discharge~~  
42 ~~of their official duties if authorized by law to carry weapons;~~

1 (4a) Any person in a building housing a court of the General Court of Justice  
2 in possession of a weapon for evidentiary purposes, to deliver it to a  
3 law-enforcement agency, or for purposes of registration,

4 (5) State-owned rest areas, rest stops along the highways, and State-owned  
5 hunting and fishing reservations.

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

8 Section 4. G.S. 14-277.2(c) reads as rewritten:

9 "(c) The provisions of this section shall not apply to a person exempted by the  
10 provisions of G.S. 14-269(b) or to persons authorized by State or federal law to carry  
11 dangerous weapons in the performance of their duties or to any person who obtains a  
12 permit to carry a dangerous weapon at a parade, funeral procession, picket line, or  
13 demonstration from the sheriff or police chief, whichever is appropriate, of the locality  
14 where such parade, funeral procession, picket line, or demonstration is to take place."

15 Section 5. G.S. 14-415.22 reads as rewritten:

16 **"§ 14-415.22. Construction of Article.**

17 This Article shall not be construed to require a person who may carry a concealed  
18 handgun under the provisions of G.S. 14-269(b) to obtain a concealed handgun permit.  
19 The provisions of this Article shall not apply to a person who may lawfully carry a  
20 concealed weapon or handgun pursuant to G.S. 14-269(b). A person who may lawfully  
21 carry a concealed weapon or handgun pursuant to G.S. 14-269(b) shall not be prohibited  
22 from carrying the concealed weapon or handgun on property on which a notice is posted  
23 prohibiting the carrying of a concealed handgun, unless otherwise prohibited by statute."

24 Section 6. G.S. 14-415.11(c) reads as rewritten:

25 "(c) A permit does not authorize a person to carry a concealed handgun in the areas  
26 prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and 14-277.2, in an area prohibited by  
27 rule adopted under G.S. 120-32.1, in any area prohibited by 18 U.S.C. § 922 or any other  
28 federal law, in a law enforcement or correctional facility, in a building housing only State  
29 or federal offices, in an office of the State or federal government that is not located in a  
30 building exclusively occupied by the State or federal government, a financial institution,  
31 or on any other ~~premises~~ premises, except state-owned rest areas or state-owned rest stops  
32 along the highways, where notice that carrying a concealed handgun is prohibited by the  
33 posting of a conspicuous notice or statement by the person in legal possession or control  
34 of the premises. It shall be unlawful for a person, with or without a permit, to carry a  
35 concealed handgun while consuming alcohol or at any time while the person has  
36 remaining in his body any alcohol or in his blood a controlled substance previously  
37 consumed, but a person does not violate this condition if a controlled substance in his  
38 blood was lawfully obtained and taken in therapeutically appropriate amounts."

39 Section 7. This act is effective when it becomes law.