

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 699  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10293-LH-121A (03/11)

Short Title: Gun Rights and Privacy Act.

(Public)

Sponsors: Representative Pittman.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT NO STATE OR LOCAL OFFICIAL, AGENT, OR EMPLOYEE SHALL KNOWINGLY AND WILLFULLY ORDER ANOTHER STATE OR LOCAL OFFICIAL, AGENT, OR EMPLOYEE TO ENFORCE A FEDERAL LAW UPON A PERSONAL FIREARM, FIREARM ACCESSORY, OR AMMUNITION, UNLESS COMPLYING WITH A COURT ORDER; TO REPEAL THE PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND MAKE VARIOUS CONFORMING CHANGES; TO RETAIN THE CONCEALED HANDGUN PERMIT FOR THE CONVENIENCE OF RECIPROCITY WHEN TRAVELING IN OTHER STATES AND TO MAKE THE PURCHASE OF A FIREARM MORE EFFICIENT; AND TO PROHIBIT HEALTH CARE PROVIDERS FROM QUESTIONING COMPETENT PATIENTS ABOUT LAWFUL ACTIVITY RELATED TO FIREARMS AND AMMUNITION.

The General Assembly of North Carolina enacts:

**PART I. GUN RIGHTS AND PRIVACY ACT**

**SECTION 1.(a)** This act shall be known as the Gun Rights and Privacy Act.

**SECTION 1.(b)** It is the intent of the General Assembly in enacting this section to protect North Carolina law enforcement officers from being directed, through federal executive orders, agency orders, statutes, laws, rules, or regulations enacted or promulgated on or after the effective date of this section, to violate their oath of office and North Carolina citizens' rights under Section 30, Article I, of the Constitution of the State of North Carolina. This section provides that no North Carolina law enforcement official shall knowingly and willingly order an action that is contrary to the provisions of Section 30, Article I, of the Constitution of the State of North Carolina. The General Assembly does not intend to affect a North Carolina law enforcement officer who assists federal agents on drug or gang enforcement activities. The General Assembly intends to create a penalty for an official, agent or employee of the State of North Carolina or a political subdivision thereof that orders an unlawful confiscation without penalizing officers that follow orders. North Carolina law enforcement officers are partners with North Carolina citizens in protecting the rights as outlined in both the United States Constitution and the Constitution of the State of North Carolina.

**SECTION 1.(c)** Article 53B of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-409.41. Prohibition of regulation of certain firearms.**

**(a) Other than to comply with an order of the court, it is unlawful for a State or local official, agent, or employee knowingly and willfully to order another State or local official,**



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1 agent, or employee to enforce any executive order, agency order, law, rule or regulation of the  
2 United States government as provided in subsection (b) of this section upon a personal firearm,  
3 a firearm accessory, or ammunition. A violation of this section shall be punishable as follows:

4 (1) For a first violation, the person shall be liable for a civil penalty not to  
5 exceed one thousand dollars (\$1,000). The clear proceeds of civil penalties  
6 assessed pursuant to this subsection shall be remitted to the Civil Penalty and  
7 Forfeiture Fund in accordance with G.S. 115C-457.2.

8 (2) For a second or subsequent violation, the person shall be guilty of a Class 2  
9 misdemeanor.

10 (b) No federal executive order, agency order, law, statute, rule or regulation issued,  
11 enacted, or promulgated on or after December 1, 2015, shall be knowingly and willfully  
12 ordered to be enforced by any State or local official, agent or employee if contrary to the  
13 provisions of Section 30 of Article I of the Constitution of the State of North Carolina.

14 (c) Nothing in this section shall be construed to affect the law of search and seizure as  
15 set forth in Section 20 of Article I of the Constitution of the State of North Carolina or as set  
16 forth in the fourth, fifth and fourteenth amendments to the United States Constitution.  
17 Notwithstanding any other provision in this section, no private cause of action exists under this  
18 section.

19 (d) For purposes of this section, "enforcement" shall not be construed to include the  
20 performance of any act solely for the purpose of facilitating the transfer of firearms under  
21 federal law. Any order of enforcement not excluded by the provisions of this subsection that  
22 occurs on and after December 1, 2015, is a breach of the oath of office of the State or local  
23 official, agent or employee."

## 24 **PART II. REPEAL PROHIBITION ON CARRYING CONCEALED WEAPONS**

25 **SECTION 2.** The following statutes are repealed: G.S. 14-269, 14-269.3, 14-269.4,  
26 and 14-277.2.

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

29 "Article 54C.

30 "Carrying Concealed Weapons.

31 "**§ 14-415.35. Carrying concealed weapons.**

32 (a) Carrying Concealed Weapon. – Any person who is a citizen of the United States and  
33 is at least 21 years old may carry a concealed weapon in this State unless provided otherwise by  
34 law.

35 (b) Offense. – It is unlawful for a person who meets any of the following criteria to  
36 carry a concealed weapon:

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

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

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

45 (4) Is a fugitive from justice.

46 (5) Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,  
47 stimulant, or narcotic drug, or any other controlled substance as defined in  
48 21 U.S.C. § 802.

49 (6) Is currently, or has been previously adjudicated by a court or  
50 administratively determined by a governmental agency whose decisions are  
51

1 subject to judicial review to be, lacking mental capacity or mentally ill.  
2 Receipt of previous consultative services or outpatient treatment alone shall  
3 not disqualify any citizen under this subdivision.

4 (7) Is or has been discharged from the Armed Forces of the United States under  
5 conditions other than honorable.

6 (8) Is or has been adjudicated guilty of or received a prayer for judgment  
7 continued or suspended sentence for one or more crimes of violence  
8 constituting a misdemeanor, including, but not limited to, a violation of a  
9 misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a  
10 violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1,  
11 14-269.2, 14-415.36, 14-415.37, 14-415.38, 14-269.6, 14-276.1, 14-277,  
12 14-277.1, 14-415.39, 14-277.3A, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1)  
13 or (2), 14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former  
14 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b), 14-415.26(d), or former  
15 14-277.3.

16 (9) Has had entry of a prayer for judgment continued for a criminal offense that  
17 would make it unlawful under this section for the person to carry a  
18 concealed weapon.

19 (10) Is free on bond or personal recognizance pending trial, appeal, or sentencing  
20 for a crime that would make it unlawful under this section for the person to  
21 carry a concealed weapon.

22 (11) Has been convicted of an impaired driving offense under G.S. 20-138.1,  
23 20-138.2, or 20-138.3 within three years prior to the date on which the  
24 person is carrying the weapon.

25 (c) Valid Identification Required; Disclosure to Law Enforcement Officer When  
26 Carrying Concealed. – When carrying a concealed weapon, a person shall also carry valid  
27 identification and shall disclose to any law enforcement officer that the person is carrying a  
28 concealed weapon when approached or addressed by the officer, and shall display the proper  
29 identification upon the request of a law enforcement officer.

30 (d) Penalty. – Any person who violates subsection (b) of this section is guilty of a Class  
31 2 misdemeanor for a first offense and is guilty of a Class H felony for a second or subsequent  
32 offense. Any person who violates subsection (c) of this section commits an infraction and shall  
33 be punished in accordance with G.S. 14-3.1.

34 **"§ 14-415.36. Unlawful to carry concealed weapons into assemblies and establishments**  
35 **where alcoholic beverages are sold and consumed when property owner posts**  
36 **that no concealed carry is allowed.**

37 (a) It is a Class 1 misdemeanor for a person to carry a concealed weapon into any of the  
38 following:

39 (1) An assembly where a fee has been charged for admission thereto if notice is  
40 given that carrying a concealed weapon on the premises is prohibited by  
41 either the posting of a conspicuous notice or statement by the person in legal  
42 possession or control of the premises.

43 (2) Any establishment in which alcoholic beverages are sold and consumed if  
44 notice is given that carrying a concealed handgun on the premises is  
45 prohibited by either the posting of a conspicuous notice or statement by the  
46 person in legal possession or control of the premises.

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

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

49 (2) A person participating in the event, if the person is carrying a gun, rifle, or  
50 pistol with the permission of the owner, lessee, or person or organization  
51 sponsoring the event.

- 1           (3)    A person registered or hired as a security guard by the owner, lessee, or  
2           person or organization sponsoring the event.
- 3           (4)    Officers and enlisted personnel of the Armed Forces of the United States  
4           when in discharge of their official duties as such and acting under orders  
5           requiring them to carry arms and weapons.
- 6           (5)    Civil and law enforcement officers of the United States.
- 7           (6)    Officers and soldiers of the militia and the National Guard when called into  
8           actual service.
- 9           (7)    Officers of the State, or of any county, city, town, or company police agency  
10          charged with the execution of the laws of the State, when acting in the  
11          discharge of their official duties.
- 12          (8)    Any person who is a district attorney, an assistant district attorney, or an  
13          investigator employed by the office of a district attorney; provided that the  
14          person shall not carry a concealed weapon at any time while consuming  
15          alcohol or an unlawful controlled substance or while alcohol or an unlawful  
16          controlled substance remains in the person's body.
- 17          (9)    Any person who is a qualified retired law enforcement officer as defined in  
18          G.S. 14-415.10.
- 19          (10)   Detention personnel or correctional officers employed by the State or a unit  
20          of local government who park a vehicle in a space that is authorized for their  
21          use in the course of their duties may transport a firearm to the parking space  
22          and store that firearm in the vehicle parked in the parking space, provided  
23          that (i) the firearm is in a closed compartment or container within the locked  
24          vehicle, or (ii) the firearm is in a locked container securely affixed to the  
25          vehicle.
- 26          (11)   Any person who is a North Carolina district court judge, North Carolina  
27          superior court judge, or a North Carolina magistrate; provided that the  
28          person shall not carry a concealed weapon at any time while consuming  
29          alcohol or an unlawful controlled substance or while alcohol or an unlawful  
30          controlled substance remains in the person's body.
- 31          (12)   Any person who is serving as a clerk of court or as a register of deeds;  
32          provided that the person shall not carry a concealed weapon at any time  
33          while consuming alcohol or an unlawful controlled substance or while  
34          alcohol or an unlawful controlled substance remains in the person's body.  
35          This subdivision does not apply to assistants, deputies, or other employees of  
36          the clerk of court or register of deeds.
- 37          (13)   Sworn law enforcement officers, when off duty; provided that an officer  
38          does not 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.
- 41          (14)   State probation or parole-certified officers, when off duty; provided that an  
42          officer does not carry a concealed weapon while consuming alcohol or an  
43          unlawful controlled substance or while alcohol or an unlawful controlled  
44          substance remains in the officer's body.

45    **"§ 14-415.37. No weapons on the premises of the State Capitol, Executive Mansion, or**  
46    **Western Residence of the Governor.**

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

51          (b)    This section shall not 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) Officers of the State, or of any county, city, town, or company police agency  
8 charged with the execution of the laws of the State, when acting in the  
9 discharge of their official duties.  
10          (5) Detention personnel or correctional officers employed by the State or a unit  
11 of local government who park a vehicle in a space that is authorized for their  
12 use in the course of their duties may transport a firearm to the parking space  
13 and store that firearm in the vehicle parked in the parking space, provided  
14 that (i) the firearm is in a closed compartment or container within the locked  
15 vehicle, or (ii) the firearm is in a locked container securely affixed to the  
16 vehicle.  
17          (6) Sworn law enforcement officers, when off duty; provided that an officer  
18 does not carry a concealed weapon while consuming alcohol or an unlawful  
19 controlled substance or while alcohol or an unlawful controlled substance  
20 remains in the officer's body.  
21          (7) State probation or parole-certified officers, when off duty; provided that an  
22 officer does not carry a concealed weapon while consuming alcohol or an  
23 unlawful controlled substance or while alcohol or an unlawful controlled  
24 substance remains in the officer's body.

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

26 **"§ 14-415.38. Weapons in courthouses.**

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

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

- 34           (1) Officers and enlisted personnel of the Armed Forces of the United States  
35 when in discharge of their official duties as such and acting under orders  
36 requiring them to carry arms and weapons.  
37           (2) Civil and law enforcement officers of the United States.  
38           (3) Officers and soldiers of the militia and the National Guard when called into  
39 actual service.  
40           (4) Officers of the State, or of any county, city, town, or company police agency  
41 charged with the execution of the laws of the State, when acting in the  
42 discharge of their official duties.  
43           (5) Any district court judge or superior court judge who carries or possesses a  
44 concealed handgun in a building housing a court of the General Court of  
45 Justice if the judge is in the building to discharge his or her official duties.  
46           (6) Any person who is a district attorney, an assistant district attorney, or an  
47 investigator employed by the office of a district attorney; provided that the  
48 person shall not carry a concealed weapon at any time while in a courtroom.  
49 The district attorney, assistant district attorney, or investigator shall secure  
50 the weapon in a locked compartment when the weapon is not on the person  
51 of the district attorney, assistant district attorney, or investigator.

- 1           (7)    Any person who is a qualified retired law enforcement officer as defined in  
2           G.S. 14-415.10.
- 3           (8)    Detention personnel or correctional officers employed by the State or a unit  
4           of local government who park a vehicle in a space that is authorized for their  
5           use in the course of their duties may transport a firearm to the parking space  
6           and store that firearm in the vehicle parked in the parking space, provided  
7           that (i) the firearm is in a closed compartment or container within the locked  
8           vehicle, or (ii) the firearm is in a locked container securely affixed to the  
9           vehicle.
- 10          (9)    Any person who is serving as a clerk of court or as a register of deeds. The  
11          clerk of court or register of deeds shall secure the weapon in a locked  
12          compartment when the weapon is not on the person of the clerk of court or  
13          register of deeds. This subdivision does not apply to assistants, deputies, or  
14          other employees of the clerk of court or register of deeds.
- 15          (10)   Sworn law enforcement officers, when off duty.
- 16          (11)   State probation or parole-certified officers, when off duty.
- 17          (12)   Any person in a building housing a court of the General Court of Justice in  
18          possession of a weapon for evidentiary purposes, to deliver it to a law  
19          enforcement agency, or for purposes of registration.
- 20          (13)   Firearms in a courthouse, carried by detention officers employed by and  
21          authorized by the sheriff to carry firearms.
- 22          (14)   Any magistrate who carries or possesses a concealed handgun in any portion  
23          of a building housing a court of the General Court of Justice other than a  
24          courtroom itself unless the magistrate is presiding in that courtroom, if the  
25          magistrate (i) is in the building to discharge the magistrate's official duties,  
26          (ii) has successfully completed a one-time weapons retention training  
27          substantially similar to that provided to certified law enforcement officers in  
28          North Carolina, and (iii) secures the weapon in a locked compartment when  
29          the weapon is not on the magistrate's person.
- 30          (15)   A person who has a firearm in a closed compartment or container within the  
31          person's locked vehicle or in a locked container securely affixed to the  
32          person's vehicle. A person may unlock the vehicle to enter or exit the  
33          vehicle, provided the firearm remains in the closed compartment at all times  
34          and the vehicle is locked immediately following the entrance or exit.

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

36          **"§ 14-415.39. Weapons prohibited at parades and funeral services when property owner**  
37          **posts that no concealed carry is allowed.**

38          (a)    It is unlawful for any person participating in, affiliated with, or present as a  
39          spectator at any parade or funeral procession to carry a concealed weapon on any premises  
40          where the person in legal possession or control of the premises has posted a conspicuous notice  
41          prohibiting the carrying of a concealed weapon on the premises in accordance with  
42          G.S. 14-415.11(c).

43          (b)    It is presumed that any rifle or gun carried on a rack in a pickup truck at a holiday  
44          parade or in a funeral procession does not violate the terms of this act.

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

- 46           (1)    A person authorized by State or federal law to carry dangerous weapons in  
47           the performance of their duties.
- 48           (2)    Any person who obtains a permit to carry a dangerous weapon at a parade or  
49           funeral procession from the sheriff or police chief, whichever is appropriate,  
50           of the locality where the parade or funeral procession is to take place.

- 1           (3)     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           (4)     Civil and law enforcement officers of the United States.  
5           (5)     Officers and soldiers of the militia and the National Guard when called into  
6           actual service.  
7           (6)     Officers of the State, or of any county, city, town, or company police agency  
8           charged with the execution of the laws of the State, when acting in the  
9           discharge of their official duties.  
10          (7)     Any person who is a district attorney, an assistant district attorney, or an  
11          investigator employed by the office of a district attorney; provided that the  
12          person shall not carry a concealed weapon at any time while consuming  
13          alcohol or an unlawful controlled substance or while alcohol or an unlawful  
14          controlled substance remains in the person's body.  
15          (8)     Any person who is a qualified retired law enforcement officer as defined in  
16          G.S. 14-415.10.  
17          (9)     Detention personnel or correctional officers employed by the State or a unit  
18          of local government who park a vehicle in a space that is authorized for their  
19          use in the course of their duties may transport a firearm to the parking space  
20          and store that firearm in the vehicle parked in the parking space, provided  
21          that (i) the firearm is in a closed compartment or container within the locked  
22          vehicle, or (ii) the firearm is in a locked container securely affixed to the  
23          vehicle.  
24          (10)    Any person who is a North Carolina district court judge, North Carolina  
25          superior court judge, or a North Carolina magistrate; provided that the  
26          person shall not carry a concealed weapon at any time while consuming  
27          alcohol or an unlawful controlled substance or while alcohol or an unlawful  
28          controlled substance remains in the person's body.  
29          (11)    Any person who is serving as a clerk of court or as a register of deeds;  
30          provided that the person shall not carry a concealed weapon at any time  
31          while consuming alcohol or an unlawful controlled substance or while  
32          alcohol or an unlawful controlled substance remains in the person's body.  
33          This subdivision does not apply to assistants, deputies, or other employees of  
34          the clerk of court or register of deeds.  
35          (12)    Sworn law enforcement officers, when off duty; provided that an officer  
36          does not carry a concealed weapon while consuming alcohol or an unlawful  
37          controlled substance or while alcohol or an unlawful controlled substance  
38          remains in the officer's body.  
39          (13)    State probation or parole-certified officers, when off duty; provided that an  
40          officer does not carry a concealed weapon while consuming alcohol or an  
41          unlawful controlled substance or while alcohol or an unlawful controlled  
42          substance remains in the officer's body.  
43          (d)     A violation of this section is a Class 1 misdemeanor.  
44          **§ 14-415.40. Unlawful to carry a concealed weapon into certain areas.**  
45          (a)     It is unlawful to carry a concealed weapon into the following areas unless provided  
46          otherwise by law:  
47                  (1)     In an area prohibited by rule adopted under G.S. 120-32.1.  
48                  (2)     In any area prohibited by 18 U.S.C. § 922 or any other federal law.  
49                  (3)     In a law enforcement or correctional facility.

- 1           (4)    On any private premises where notice that carrying a concealed handgun is  
2           prohibited by the posting of a conspicuous notice or statement by the person  
3           in legal possession or control of the premises.
- 4       (b)    This section shall not apply to any of the following:
- 5           (1)    Officers and enlisted personnel of the Armed Forces of the United States  
6           when in discharge of their official duties as such and acting under orders  
7           requiring them to carry arms and weapons.
- 8           (2)    Civil and law enforcement officers of the United States.
- 9           (3)    Officers and soldiers of the militia and the National Guard when called into  
10          actual service.
- 11          (4)    Officers of the State, or of any county, city, town, or company police agency  
12          charged with the execution of the laws of the State, when acting in the  
13          discharge of their official duties.
- 14          (5)    Any person who is a district attorney, an assistant district attorney, or an  
15          investigator employed by the office of a district attorney; provided that the  
16          person shall not carry a concealed weapon at any time while in a courtroom  
17          or while consuming alcohol or an unlawful controlled substance or while  
18          alcohol or an unlawful controlled substance remains in the person's body.  
19          The district attorney, assistant district attorney, or investigator shall secure  
20          the weapon in a locked compartment when the weapon is not on the person  
21          of the district attorney, assistant district attorney, or investigator.
- 22          (6)    Any person who is a qualified retired law enforcement officer as defined in  
23          G.S. 14-415.10.
- 24          (7)    Detention personnel or correctional officers employed by the State or a unit  
25          of local government who park a vehicle in a space that is authorized for their  
26          use in the course of their duties may transport a firearm to the parking space  
27          and store that firearm in the vehicle parked in the parking space, provided  
28          that (i) the firearm is in a closed compartment or container within the locked  
29          vehicle, or (ii) the firearm is in a locked container securely affixed to the  
30          vehicle.
- 31          (8)    Any person who is a North Carolina district court judge, North Carolina  
32          superior court judge, or a North Carolina magistrate; provided that the  
33          person shall not carry a concealed weapon at any time while consuming  
34          alcohol or an unlawful controlled substance or while alcohol or an unlawful  
35          controlled substance remains in the person's body. The judge or magistrate  
36          shall secure the weapon in a locked compartment when the weapon is not on  
37          the person of the judge or magistrate.
- 38          (9)    Any person who is serving as a clerk of court or as a register of deeds;  
39          provided that the person shall not carry a concealed weapon at any time  
40          while consuming alcohol or an unlawful controlled substance or while  
41          alcohol or an unlawful controlled substance remains in the person's body.  
42          The clerk of court or register of deeds shall secure the weapon in a locked  
43          compartment when the weapon is not on the person of the clerk of court or  
44          register of deeds. This subdivision does not apply to assistants, deputies, or  
45          other employees of the clerk of court or register of deeds.
- 46          (10)   Sworn law enforcement officers, when off duty; provided that an officer  
47          does not carry a concealed weapon while consuming alcohol or an unlawful  
48          controlled substance or while alcohol or an unlawful controlled substance  
49          remains in the officer's body.
- 50          (11)   State probation or parole-certified officers, when off duty; provided that an  
51          officer does not carry a concealed weapon while consuming alcohol or an



1 unlawful controlled substance or while alcohol or an unlawful controlled  
2 substance remains in the officer's body.

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

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

5 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

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

11 ...."

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

13 **"§ 14-269.2. Weapons on campus or other educational property.**

14 ...

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

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

20 (1a) ~~A person exempted by the provisions of G.S. 14-269(b).~~

21 (1b) Officers and enlisted personnel of the Armed Forces of the United States  
22 when in discharge of their official duties as such and acting under orders  
23 requiring them to carry arms and weapons.

24 (1c) Civil and law enforcement officers of the United States.

25 (1d) Officers and soldiers of the militia and the National Guard when called into  
26 actual service.

27 (1e) 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 (1f) Any person who is a qualified retired law enforcement officer as defined in  
31 G.S. 14-415.10.

32 (1g) Detention personnel or correctional officers employed by the State or a unit  
33 of local government who park a vehicle in a space that is authorized for their  
34 use in the course of their duties may transport a firearm to the parking space  
35 and store that firearm in the vehicle parked in the parking space, provided  
36 that (i) the firearm is in a closed compartment or container within the locked  
37 vehicle, or (ii) the firearm is in a locked container securely affixed to the  
38 vehicle.

39 (1h) Sworn law enforcement officers, when off duty; provided that an officer  
40 does not carry a concealed weapon while consuming alcohol or an unlawful  
41 controlled substance or while alcohol or an unlawful controlled substance  
42 remains in the officer's body.

43 (1i) State probation or parole-certified officers, when off duty; provided that an  
44 officer does not carry a concealed weapon while consuming alcohol or an  
45 unlawful controlled substance or while alcohol or an unlawful controlled  
46 substance remains in the officer's body.

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

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

- 1 (4) Weapons used for hunting purposes on the Howell Woods Nature Center  
2 property in Johnston County owned by Johnston Community College when  
3 used with the written permission of Johnston Community College or for  
4 hunting purposes on other educational property when used with the written  
5 permission of the governing body of the school that controls the educational  
6 property.
- 7 (5) A person registered under Chapter 74C of the General Statutes as an armed  
8 armored car service guard or an armed courier service guard when acting in  
9 the discharge of the guard's duties and with the permission of the college or  
10 university.
- 11 (6) A person registered under Chapter 74C of the General Statutes as an armed  
12 security guard while on the premises of a hospital or health care facility  
13 located on educational property when acting in the discharge of the guard's  
14 duties with the permission of the college or university.
- 15 (7) A volunteer school safety resource officer providing security at a school  
16 pursuant to an agreement as provided in G.S. 115C-47(61) and either  
17 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety  
18 resource officer is acting in the discharge of the person's official duties and  
19 is on the educational property of the school that the officer was assigned to  
20 by the head of the appropriate local law enforcement agency.

21 ...

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

- 26 (1) The employee's residence is a detached, single-family dwelling in which  
27 only the employee and the employee's immediate family reside.
- 28 (2) The institution is either:
- 29 a. An institution of higher education as defined by G.S. 116-143.1.
- 30 b. A nonpublic post-secondary educational institution that has not  
31 specifically prohibited the possession of a handgun pursuant to this  
32 subsection.
- 33 (3) The weapon is a handgun.
- 34 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~
- 35 a. ~~If the employee has a concealed handgun permit that is valid under~~  
36 ~~Article 54B of this Chapter, or who is exempt from obtaining a~~  
37 ~~permit pursuant to that Article, the handgun may be~~ The handgun is  
38 on the premises of the employee's residence or in a closed  
39 compartment or container within the employee's locked vehicle that  
40 is located in a parking area of the educational property of the  
41 institution at which the person is employed and resides. Except for  
42 direct transfer between the residence and the vehicle, the handgun  
43 must remain at all times either on the premises of the employee's  
44 residence or in the closed compartment of the employee's locked  
45 vehicle. The employee may unlock the vehicle to enter or exit, but  
46 must lock the vehicle immediately following the entrance or exit if  
47 the handgun is in the vehicle.
- 48 b. ~~If the employee is not authorized to carry a concealed handgun~~  
49 ~~pursuant to Article 54B of this Chapter, the handgun may be on the~~  
50 ~~premises of the employee's residence, and may only be in the~~  
51 ~~employee's vehicle when the vehicle is occupied by the employee~~

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

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

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

14 (2) The school is either:

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

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

20 (3) The weapon is a handgun.

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

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

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

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

1 firearm remains in the closed compartment at all times and the vehicle is locked immediately  
2 following the entrance or exit."

3 **SECTION 6.** G.S. 14-288.8 reads as rewritten:

4 "**§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**  
5 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

6 (a) Except as otherwise provided in this section, it is unlawful for any person to  
7 manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase,  
8 deliver or give to another, or acquire any weapon of mass death and destruction.

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

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

13 a. Officers and enlisted personnel of the Armed Forces of the United  
14 States when in discharge of their official duties as such and acting  
15 under orders requiring them to carry arms and weapons.

16 b. Civil and law enforcement officers of the United States.

17 c. Officers and soldiers of the militia and the National Guard when  
18 called into actual service.

19 d. Officers of the State, or of any county, city, town, or company police  
20 agency charged with the execution of the laws of the State, when  
21 acting in the discharge of their official duties.

22 e. Any person who is a district attorney, an assistant district attorney, or  
23 an investigator employed by the office of a district attorney; provided  
24 that the person shall not carry a concealed weapon at any time while  
25 in a courtroom or while consuming alcohol or an unlawful controlled  
26 substance or while alcohol or an unlawful controlled substance  
27 remains in the person's body. The district attorney, assistant district  
28 attorney, or investigator shall secure the weapon in a locked  
29 compartment when the weapon is not on the person of the district  
30 attorney, assistant district attorney, or investigator.

31 f. Any person who is a qualified retired law enforcement officer as  
32 defined in G.S. 14-415.10.

33 g. Detention personnel or correctional officers employed by the State or  
34 a unit of local government who park a vehicle in a space that is  
35 authorized for their use in the course of their duties may transport a  
36 firearm to the parking space and store that firearm in the vehicle  
37 parked in the parking space, provided that (i) the firearm is in a  
38 closed compartment or container within the locked vehicle, or (ii) the  
39 firearm is in a locked container securely affixed to the vehicle.

40 h. Any person who is a North Carolina district court judge, North  
41 Carolina superior court judge, or a North Carolina magistrate;  
42 provided that the person shall not carry a concealed weapon at any  
43 time while consuming alcohol or an unlawful controlled substance or  
44 while alcohol or an unlawful controlled substance remains in the  
45 person's body. The judge or magistrate shall secure the weapon in a  
46 locked compartment when the weapon is not on the person of the  
47 judge or magistrate.

48 i. Any person who is serving as a clerk of court or as a register of  
49 deeds; provided that the person shall not carry a concealed weapon at  
50 any time while consuming alcohol or an unlawful controlled  
51 substance or while alcohol or an unlawful controlled substance

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

6 j. Sworn law enforcement officers, when off duty; provided that an  
 7 officer does not carry a concealed weapon while consuming alcohol  
 8 or an unlawful controlled substance or while alcohol or an unlawful  
 9 controlled substance remains in the officer's body.

10 k. State probation or parole-certified officers, when off duty; provided  
 11 that an officer does not carry a concealed weapon while consuming  
 12 alcohol or an unlawful controlled substance or while alcohol or an  
 13 unlawful controlled substance remains in the officer's body.

14 (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or  
 15 destructive devices validly licensed under the laws of the United States or  
 16 the State of North Carolina, while lawfully engaged in activities authorized  
 17 under their licenses.

18 (3) Persons under contract with the United States, the State of North Carolina, or  
 19 any agency of either government, with respect to any activities lawfully  
 20 engaged in under their contracts.

21 (4) Inventors, designers, ordnance consultants and researchers, chemists,  
 22 physicists, and other persons lawfully engaged in pursuits designed to  
 23 enlarge knowledge or to facilitate the creation, development, or manufacture  
 24 of weapons of mass death and destruction intended for use in a manner  
 25 consistent with the laws of the United States and the State of North Carolina.

26 (5) Persons who lawfully possess or own a weapon as defined in subsection (c)  
 27 of this section in compliance with 26 U.S.C. Chapter 53, §§ 5801-5871.  
 28 Nothing in this subdivision shall limit the discretion of the sheriff in  
 29 executing the paperwork required by the United States Bureau of Alcohol,  
 30 Tobacco and Firearms for such person to obtain the weapon.

31 ...."

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

33 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

34 ...

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

36 ...

37 (5) Weapon. – Those weapons specified in ~~G.S. 14-269,~~  
 38 ~~14-269.2,~~G.S. 14-269.2, 14-284.1, or 14-288.8 and any other object capable  
 39 of inflicting serious bodily injury or death when used as a weapon.

40 ...."

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

42 **"§ 14-409.40. Statewide uniformity of local regulation.**

43 ...

44 (f) Nothing contained in this section prohibits municipalities or counties from  
 45 application of their authority under G.S. 153A-129, 160A-189, ~~14-269,~~14-269.2, ~~14-269.3,~~  
 46 ~~14-269.4,~~ ~~14-277.2,~~ ~~14-415.35,~~ 14-415.36, 14-415.38, ~~14-415.39,~~ 14-415.11, 14-415.23,  
 47 including prohibiting the possession of firearms in public-owned buildings, on the grounds or  
 48 parking areas of those buildings, or in public parks or recreation areas, except nothing in this  
 49 subsection shall prohibit a person from storing a firearm within a motor vehicle while the  
 50 vehicle is on these grounds or areas. Nothing contained in this section prohibits municipalities

1 or counties from exercising powers provided by law in states of emergency declared under  
 2 Article 1A of Chapter 166A of the General Statutes.

3 ...."

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

5 "**§ 14-415.4. Restoration of firearms rights.**

6 ...

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

- 9 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's  
 10 custody, care, or control a firearm under the provisions of any law in North  
 11 Carolina other than G.S. 14-415.1.
- 12 (2) The petitioner is under indictment for a felony or a finding of probable cause  
 13 exists against the petitioner for a felony.
- 14 (3) The petitioner is a fugitive from justice.
- 15 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or  
 16 any depressant, stimulant, or narcotic drug, or any other controlled substance  
 17 as defined in 21 U.S.C. § 802.
- 18 (5) The petitioner is or has been dishonorably discharged from the Armed  
 19 Forces of the United States.
- 20 (6) The petitioner is or has been adjudicated guilty of or received a prayer for  
 21 judgment continued or suspended sentence for one or more crimes of  
 22 violence constituting a misdemeanor, including a misdemeanor under Article  
 23 8 of Chapter 14 of the General Statutes, or a misdemeanor under  
 24 G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4, 14-415.36,~~  
 25 ~~14-415.37, 14-415.38, 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2,~~  
 26 ~~14-269.39, 14-277.3, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2),~~  
 27 ~~14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,~~  
 28 ~~14-288.20A, 14-318.2, 14-415.21(b), or 14-415.26(d), or a substantially~~  
 29 similar out-of-state or federal offense.

30 ...."

31  
 32 **PART III. AMENDMENTS TO CONCEALED HANDGUN PERMIT**

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

35 "**§ 14-415.10A. Purpose.**

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

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

43 "**§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

44 (a) Any person who has a concealed handgun permit may carry a concealed handgun  
 45 unless otherwise specifically prohibited by law. The person shall carry the permit together with  
 46 valid identification whenever the person is carrying a concealed handgun, shall disclose to any  
 47 law enforcement officer that the person holds a valid permit and is carrying a concealed  
 48 handgun when approached or addressed by the officer, and shall display both the permit and the  
 49 proper identification upon the request of a law enforcement officer. ~~In addition to these~~  
 50 ~~requirements, a military permittee whose permit has expired during deployment may carry a~~  
 51 ~~concealed handgun during the 90 days following the end of deployment and before the permit~~

1 is renewed provided the permittee also displays proof of deployment to any law enforcement  
2 officer.

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

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

8 (1) Areas prohibited by G.S. 14-269.2, ~~14-269.3~~, and ~~14-277.2~~; 14-415.36.

9 (2) Areas prohibited by ~~G.S. 14-269.4~~, G.S. 14-269.38, except as allowed under  
10 ~~G.S. 14-269.4(6)~~; G.S. 14-415.38(16).

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

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

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

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

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

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

20 (c1) Any person who has a concealed handgun permit may carry a concealed handgun on  
21 the grounds or waters of a park within the State Parks System as defined in G.S. 113-44.9.

22 (c2) It shall be unlawful for a person, with or without a permit, to carry a concealed  
23 handgun while consuming alcohol or at any time while the person has remaining in the person's  
24 body any alcohol or in the person's blood a controlled substance previously consumed, but a  
25 person does not violate this condition if a controlled substance in the person's blood was  
26 lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the  
27 person's own property.

28 (c3) As provided in ~~G.S. 14-269.4(5)~~, G.S. 14-415.38(15), it shall be lawful for a person  
29 to carry any firearm openly, or to carry a concealed handgun with a concealed carry permit, at  
30 any State-owned rest area, at any State-owned rest stop along the highways, and at any  
31 State-owned hunting and fishing reservation.

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

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

39 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

40 ...

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

42 ...

43 (8) Is or has been adjudicated guilty of or received a prayer for judgment  
44 continued or suspended sentence for one or more crimes of violence  
45 constituting a misdemeanor, including but not limited to, a violation of a  
46 misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a  
47 violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1,  
48 14-269.2, ~~14-269.3~~, ~~14-269.4~~, 14-415.36, 14-415.37, 14-415.38, 14-269.6,  
49 14-276.1, 14-277, 14-277.1, ~~14-277.2~~, 14-415.39, 14-277.3A, 14-281.1,  
50 14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former

1 14-288.12, former 14-288.13, former 14-288.14, 14-288.20A, 14-318.2,  
 2 14-415.21(b), 14-415.26(d), or former G.S. 14-277.3.

3 ...."

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

5 **SECTION 14.** G.S. 15A-1343 reads as rewritten:

6 **"§ 15A-1343. Conditions of probation.**

7 ...  
 8 (b) Regular Conditions. – As regular conditions of probation, a defendant must:

9 ...  
 10 (5) Possess no firearm, explosive device or other deadly weapon ~~listed in~~  
 11 ~~G.S. 14-269~~ without the written permission of the court.

12 ...  
 13 (14) Submit to warrantless searches by a law enforcement officer of the  
 14 probationer's person and of the probationer's vehicle, upon a reasonable  
 15 suspicion that the probationer is engaged in criminal activity or is in  
 16 possession of a firearm, explosive device, or other deadly weapon ~~listed in~~  
 17 ~~G.S. 14-269~~ without written permission of the court.

18 ...."

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

20 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

21 ...  
 22 (c) All Company Police. – Company police officers, while in the performance of their  
 23 duties of employment, have the same powers as municipal and county police officers to make  
 24 arrests for both felonies and misdemeanors and to charge for infractions on any of the  
 25 following:

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

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

36 ...."

37 **SECTION 16.** G.S. 74G-6 reads as rewritten:

38 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

39 ...  
 40 (d) Concealed Weapons. – Campus police officers shall have, if duly authorized by  
 41 their campus police agency and by the sheriff of the county in which the campus police agency  
 42 is located, the authority to carry concealed weapons pursuant to and in conformity with  
 43 ~~G.S. 14-269(b)(5)~~ G.S. 14-415.35.

44 ...."

45 **SECTION 17.** G.S. 113-136 reads as rewritten:

46 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow  
 47 inspection by inspectors and protectors.**

48 ...  
 49 (d) Inspectors and protectors are additionally authorized to arrest without warrant under  
 50 the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or  
 51 in their presence, and for other offenses evincing a flouting of their authority as enforcement



1 officers or constituting a threat to public peace and order which would tend to subvert the  
2 authority of the State if ignored. In particular, they are authorized, subject to the direction of the  
3 administrative superiors, to arrest for violations of G.S. 14-223, 14-225, ~~14-269~~, 14-415.35, and  
4 14-277.

5 ...."

#### 7 PART IV. GUN OWNER PRIVACY ACT

8 SECTION 18.(a) Chapter 90 of the General Statutes is amended by adding a new  
9 Article to read:

##### 10 "Article 11.

##### 11 "Preserving Firearms Privacy for Patients.

##### 12 "§ 90-21.75. Findings and intent.

13 (a) Findings. – The General Assembly makes all of the following findings:

- 14 (1) That individuals have a right under the United States Constitution and the  
15 North Carolina Constitution to keep and bear arms, which arms include  
16 firearms and their ammunition.
- 17 (2) That an individual's decision to exercise this right is a private matter.
- 18 (3) That lawfully possessed, stored, and used firearms and ammunition are not a  
19 threat to the public health.
- 20 (4) That health care providers do not have any special expertise in the safe  
21 storage or use of firearms and ammunition merely by virtue of their status as  
22 health care providers. To the extent that health care providers have general  
23 advice to impart concerning firearms and ammunition, they may do so  
24 without knowing whether any particular patient actually possesses or uses  
25 these items.
- 26 (5) That health care providers do not need to know whether a patient lawfully  
27 possesses or uses firearms and ammunition unless the patient (i) specifically  
28 exhibits symptoms of illness or injury that the health care provider could  
29 reasonably attribute to the possession or use of firearms and ammunition or  
30 (ii) has expressed a desire to harm self or others.
- 31 (6) That a patient should not be compelled to participate in a health care  
32 provider's gathering of statistical or demographic information about the use,  
33 storage, and possession of firearms and ammunition for research or other  
34 purposes not directly related to the patient's own health.

35 (b) Intent. – It is the intent of the General Assembly to ensure that (i) every patient may  
36 obtain health care free from discrimination based on knowledge of, or unwarranted inquiry  
37 into, constitutionally protected conduct involving firearms and ammunition and (ii) health care  
38 providers may still obtain information about patient activities with respect to firearms and  
39 ammunition when directly relevant to the patient's own health care.

##### 40 "§ 90-21.76. Definitions.

41 The following definitions apply in this section:

- 42 (1) Health care provider. – Without limitation, any person who, pursuant to the  
43 provisions of Chapter 90 of the General Statutes, is licensed or is otherwise  
44 registered or certified to engage in the practice of or otherwise performs  
45 duties associated with any of the following: medicine, surgery, dentistry,  
46 pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic,  
47 radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia,  
48 laboratory analysis, rendering assistance to a physician, dental hygiene,  
49 psychiatry, psychology; or a hospital.
- 50 (2) Patient. – Means a person under the care of or who seeks professional  
51 services from a health care provider.

1 **"§ 90-21.77. Prohibited questionnaires about firearms and ammunition; exception.**

2 A health care provider is prohibited from asking a patient or the patient's parent, guardian,  
3 or custodian to complete a questionnaire or other written form about the patient's lawful  
4 ownership, possession, handling, storage, maintenance of, or other conduct involving, firearms  
5 and ammunition, unless the patient has been adjudicated incompetent due to mental illness.

6 **"§ 90-21.78. Prohibited disclosure of verbal inquiries about firearms and ammunition;**  
7 **exception.**

8 Confidentiality of Verbal Inquiries About Firearms and Ammunition. – A health care  
9 provider is prohibited from disclosing to any government official or agency the response of a  
10 patient, or the patient's parent, guardian, or custodian, to verbal inquiries about the patient's  
11 lawful ownership, possession, handling, storage, maintenance of, or other conduct involving,  
12 firearms and ammunition, unless the patient has been adjudicated incompetent due to mental  
13 illness.

14 **"§ 90-21.79. Fines.**

15 The health care provider's licensing board may impose a fine on any health care provider  
16 that violates any provision of this Article. The fine shall not exceed two hundred fifty dollars  
17 (\$250.00) for nonwillful violations and shall not exceed five hundred dollars (\$500.00) for  
18 willful violations. Each intentional and willful violation of this Article constitutes a separate  
19 violation and is subject to a separate fine.

20 **"§ 90-21.80. Disciplinary action.**

21 Violation of this Article is a ground for disciplinary action against the health care provider  
22 by the health care provider's licensing board or other regulatory authority."

23 **SECTION 18.(b)** This section becomes effective December 1, 2015, and applies to  
24 violations occurring on or after that date.  
25

26 **PART V. SEVERABILITY CLAUSE**

27 **SECTION 19.** If any section or provision of this act is declared unconstitutional or  
28 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
29 the part so declared to be unconstitutional or invalid.  
30

31 **PART VI. EFFECTIVE DATE**

32 **SECTION 20.** Unless provided otherwise, this act becomes effective December 1,  
33 2015, and applies to offenses committed on or after that date. Prosecutions for offenses  
34 committed before the effective date of this act are not abated or affected by this act, and the  
35 statutes that would be applicable but for this act remain applicable to those prosecutions.