

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 61

Short Title: Omnibus Gun Changes. (Public)

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

Referred to: Judiciary, if favorable, Finance, if favorable, Rules, Calendar, and Operations of
the House

February 14, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE MULTIPLE CHANGES TO THE STATE LAWS REGARDING
3 FIREARMS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. CARRY MODIFICATIONS**

7 **SECTION 1.1.** Chapter 14 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 54C.

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

11 "Part 1. Carrying Handguns.

12 **"§ 14-415.35. Carrying handguns.**

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

15 (b) Prohibition on Carrying Handgun on Posted Private Property. – A person shall not
16 carry a handgun on another person's private property if notice is given that carrying a handgun
17 on the premises is prohibited by either the posting of a conspicuous notice or statement by the
18 person in legal possession or control of the premises. This subsection does not apply to a law
19 enforcement officer who is discharging the officer's official duties or a licensed bail bondsman
20 while performing that bondsman's duties.

21 (c) Prohibition on Consuming Alcohol When Carrying Concealed Handgun. – It is
22 unlawful for a person to carry a concealed handgun while consuming alcohol or at any time while
23 the person has remaining in the person's body any alcohol or in the person's blood a controlled
24 substance previously consumed, but a person does not violate this condition if a controlled
25 substance in the person's blood was lawfully obtained and taken in therapeutically appropriate
26 amounts or if the person is on the person's own property.

27 (d) Offense. – It is unlawful for a person who meets any of the following criteria to carry
28 a concealed handgun:

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

31 (2) Is under indictment or a finding of probable cause exists for a felony.

32 (3) Has been adjudicated guilty in any court of a felony, unless (i) the felony is
33 an offense that pertains to antitrust violations, unfair trade practices, or



- 1 restraints of trade or (ii) the person's firearms rights have been restored
2 pursuant to G.S. 14-415.4.
- 3 (4) Is a fugitive from justice.
- 4 (5) Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,
5 stimulant, or narcotic drug, or any other controlled substance as defined in 21
6 U.S.C. § 802.
- 7 (6) Is currently, or has been previously adjudicated by a court to be, a danger to
8 self or others due to mental illness or lack of mental capacity. Receipt of
9 previous consultative services or outpatient treatment alone shall not
10 disqualify any citizen under this subdivision. Further, a person shall not be
11 ineligible under this subdivision if the person's rights have been restored under
12 G.S. 14-409.42.
- 13 (7) Is or has been discharged from the Armed Forces of the United States under
14 conditions other than honorable.
- 15 (8) Except as provided in subdivision (9), (10), or (11) of this section, within the
16 three years prior to the date on which the person is carrying the concealed
17 handgun, is or has been adjudicated guilty of or received a prayer for judgment
18 continued or suspended sentence for one or more crimes of violence
19 constituting a misdemeanor, including, but not limited to, a violation of a
20 misdemeanor under Article 8 of Chapter 14 of the General Statutes except for
21 a violation of G.S. 14-33(a), or a violation of a misdemeanor under
22 G.S. 14-226.1, 14-258.1, 14-269.2, former 14-269.3, former 14-269.4,
23 14-269.6, 14-277, 14-277.1, former 14-277.2, 14-283 except for a violation
24 involving fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1),
25 14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,
26 14-415.21(b), 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, or 14-415.39.
- 27 (9) Is or has been adjudicated guilty of or received a prayer for judgment
28 continued or suspended sentence for one or more crimes of violence
29 constituting a misdemeanor under G.S. 14-33(c)(1), 14-33(c)(2), 14-33(c)(3),
30 14-33(d), 14-277.3A, 14-318.2, 14-134.3, 50B-4.1, or former 14-277.3.
- 31 (10) Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a
32 result of a conviction of a misdemeanor crime of domestic violence.
- 33 (11) Has been adjudicated guilty of or received a prayer for judgment continued or
34 suspended sentence for one or more crimes involving an assault of or a threat
35 to assault a law enforcement officer, probation or parole officer, person
36 employed at a State or local detention facility, firefighter, emergency medical
37 technician, medical responder, or emergency department personnel.
- 38 (12) Has had entry of a prayer for judgment continued for a criminal offense that
39 would make it unlawful under this section for the person to carry a concealed
40 handgun.
- 41 (13) Is free on bond or personal recognizance pending trial, appeal, or sentencing
42 for a crime that would make it unlawful under this section for the person to
43 carry a concealed handgun.
- 44 (14) Has been convicted of an impaired driving offense under G.S. 20-138.1,
45 20-138.2, or 20-138.3 within three years prior to the date on which the person
46 is carrying the concealed handgun.
- 47 (e) Valid Identification Required; Disclosure to Law Enforcement Officer When
48 Carrying Concealed. – When carrying a concealed handgun, a person shall also carry valid
49 identification and shall disclose to any law enforcement officer that the person is carrying a
50 concealed handgun when approached or addressed by the officer and shall display the proper
51 identification upon the request of a law enforcement officer.

1 (f) Penalty. – Any person who violates this section shall be punished as follows:

2 (1) Unless provided otherwise by State law, a violation of subsection (b) of this
3 section is an infraction and a person found responsible for the infraction may
4 be required to pay a fine of up to five hundred dollars (\$500.00).

5 (2) A violation of subsection (c) of this section is a Class 1 misdemeanor.

6 (3) A violation of subsection (d) of this section is a Class 2 misdemeanor for a
7 first offense and is a Class H felony for a second or subsequent offense.

8 (4) A violation of subsection (e) of this section is an infraction and shall be
9 punished in accordance with G.S. 14-3.1.

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

11 "§ 14-415.36. Reserved.

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

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

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

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

22 (1) The Governor and the Governor's immediate family if the property is the
23 Executive Mansion or the Western Residence of the Governor.

24 (2) A person exempted by G.S. 14-415.41.

25 (3) A person with a permit that is valid under Article 54B of this Chapter, or who
26 is exempt from obtaining a permit pursuant to G.S. 14-415.25, who has a
27 firearm in a closed compartment or container within the person's locked
28 vehicle or in a locked container securely affixed to the person's vehicle. A
29 person may unlock the vehicle to enter or exit the vehicle provided the firearm
30 remains in the closed compartment at all times and the vehicle is locked
31 immediately following the entrance or exit.

32 (d) A violation of this section is an infraction.

33 "§ 14-415.38. No firearms or other weapons in courthouses or buildings housing any court
34 of the General Court of Justice.

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

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

42 (1) Subject to any additional requirements of this subsection, any person
43 exempted by G.S. 14-415.41.

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

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

49 (4) Any district court judge or superior court judge who carries or possesses a
50 concealed handgun in a building housing a court of the General Court of
51 Justice if the judge is in the building to discharge his or her official duties and

1 the judge has a concealed handgun permit that is valid under Article 54B of
2 this Chapter.

3 (5) Any magistrate who carries or possesses a concealed handgun in any portion
4 of a building housing a court of the General Court of Justice other than a
5 courtroom itself unless the magistrate is presiding in that courtroom, if the
6 magistrate (i) is in the building to discharge the magistrate's official duties,
7 (ii) has a concealed handgun permit that is valid under Article 54B of this
8 Chapter, (iii) has successfully completed a one-time weapons retention
9 training substantially similar to that provided to certified law enforcement
10 officers in North Carolina, and (iv) secures the weapon in a locked
11 compartment when the weapon is not on the magistrate's person.

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

19 (c) A violation of this section is an infraction.

20 **§ 14-415.39. Firearms and other weapons prohibited at picket lines and certain**
21 **demonstrations.**

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

27 (b) For the purposes of this section, the term "dangerous weapon" shall include those
28 weapons specified in G.S. 14-269, 14-269.2, 14-284.1, 14-288.8, or 14-415.35 or any other
29 object capable of inflicting serious bodily injury or death when used as a weapon.

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

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

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

34 (3) Any person who obtains a permit to carry a dangerous weapon at a picket line
35 or demonstration from the sheriff or police chief, whichever is appropriate, of
36 the locality where the picket line or demonstration is to take place.

37 **§ 14-415.40. Unlawful to carry a handgun into certain areas.**

38 (a) It is unlawful to carry a handgun into the following areas unless provided otherwise
39 by law:

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

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

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

43 (b) This section does not apply to any person exempted by G.S. 14-415.27.

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

45 **§ 14-415.41. Exceptions to statutes restricting firearms and other weapons.**

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

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

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

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

1 (14) Any person who is an administrative law judge described in Article 60 of
2 Chapter 7A of the General Statutes and who has a concealed handgun permit
3 that is valid under Article 54B of this Chapter.

4 (15) State correctional officers, when off duty. If the concealed weapon is a
5 handgun, the correctional officer must meet the firearms training standards of
6 the Division of Adult Correction of the Department of Public Safety.

7 "**§ 14-415.42. Carrying handgun on premises of State-owned rest areas and within State**
8 **Parks System.**

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

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

15 **SECTION 1.2.(a)** G.S. 14-269.3 is recodified as G.S. 14-415.36 under Article 54C
16 of Chapter 14 of the General Statutes, as enacted by Section 1.3 of this act.

17 **SECTION 1.2.(b)** G.S. 14-269.3, recodified as G.S. 14-415.36 by subsection (a) of
18 this section, reads as rewritten:

19 "**§ 14-415.36. Carrying weapons into assemblies and establishments where alcoholic**
20 **beverages are sold and consumed.**

21 (a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any assembly
22 where a fee has been charged for admission thereto, or into any establishment in which alcoholic
23 beverages are sold and consumed. Any person violating the provisions of this section shall be
24 guilty of a Class 1 misdemeanor.

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

26 (1) A person exempted ~~from the provisions of G.S. 14-269.~~ by G.S. 14-415.41.

27 (2) The owner or lessee of the premises or business establishment.

28 (3) A person participating in the event, if the person is carrying a gun, rifle, or
29 pistol with the permission of the owner, lessee, or person or organization
30 sponsoring the event.

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

33 (5) A person carrying a handgun if the person has a valid concealed handgun
34 permit ~~issued in accordance with that is valid under~~ Article 54B of this
35 Chapter, ~~has a concealed handgun permit considered valid under G.S.~~
36 ~~14-415.24, Chapter~~ or is exempt from obtaining a permit pursuant to
37 G.S. 14-415.25. This subdivision shall not be construed to permit a person to
38 carry a handgun on any premises where the person in legal possession or
39 control of the premises has posted a conspicuous notice prohibiting the
40 carrying of a concealed handgun on the premises in accordance with
41 G.S. 14-415.11(c)."

42 **SECTION 1.3.** The following statutes are repealed: G.S. 14-269.4 and
43 G.S. 14-277.2.

44 **SECTION 1.4.** Article 54B of Chapter 14 of the General Statutes is amended by
45 adding a new section to read:

46 "**§ 14-415.10A. Purpose.**

47 While G.S. 14-415.35 makes it lawful to carry a concealed handgun in this State without
48 obtaining a concealed handgun permit, there are some locations where additional education and
49 training are necessary to ensure public safety; therefore, a concealed handgun permit may be
50 required to carry a concealed handgun in those locations. Additionally, it is often convenient to
51 have a concealed handgun permit for the purpose of reciprocity when traveling in another state,

1 to make the purchase of a firearm more efficient, or for various other reasons. For these reasons,
2 the State of North Carolina shall continue to make a concealed handgun permit available to any
3 person who applies for and is eligible to receive a concealed handgun permit pursuant to this
4 Article."

5 **SECTION 1.5.(a)** The North Carolina Criminal Justice Education and Training
6 Standards Commission shall include all changes related to the possession and carrying of
7 handguns enacted by this act into the general guidelines for approved firearms safety and training
8 courses to ensure that changes in law in this area are included in those courses prior to December
9 1, 2019.

10 **SECTION 1.5.(b)** This section becomes effective July 1, 2019.

12 **PART II. CLARIFYING CHANGES TO CARRY MODIFICATIONS**

13 **SECTION 2.1.** G.S. 14-269 reads as rewritten:

14 **"§ 14-269. Carrying concealed weapons.**

15 (a) ~~It shall be~~ Except as provided otherwise by law, it is unlawful for any person willfully
16 and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung
17 shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, gun, or other deadly weapon of
18 like kind, except when the person is on the person's own premises. For purposes of this section,
19 the terms "weapon" and "gun" do not include a handgun as defined in G.S. 14-415.35.

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

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

23 (2) ~~The deadly weapon is a handgun, the person has a concealed handgun permit~~
24 ~~issued in accordance with Article 54B of this Chapter or considered valid~~
25 ~~under G.S. 14-415.24, and the person is carrying the concealed handgun in~~
26 ~~accordance with the scope of the concealed handgun permit as set out in G.S.~~
27 ~~14-415.11(c).~~

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

31 (a2) ~~This prohibition does not apply to a person who has a concealed handgun permit~~
32 ~~issued in accordance with Article 54B of this Chapter, has a concealed handgun permit~~
33 ~~considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S.~~
34 ~~14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the~~
35 ~~person's locked vehicle, and the vehicle is in a parking area that is owned or leased by State~~
36 ~~government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun~~
37 ~~remains in the closed compartment at all times and the vehicle is locked immediately following~~
38 ~~the entrance or exit.~~

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

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

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

44 (3) Officers and soldiers of the militia and the National Guard when called into
45 actual ~~service;~~ service.

46 (3a) A member of the North Carolina National Guard who has been designated in
47 writing by the Adjutant General, State of North Carolina, who has a concealed
48 handgun permit ~~issued in accordance with that is valid under Article 54B of~~
49 ~~this Chapter or considered valid under G.S. 14-415.24, Chapter,~~ and is acting
50 in the discharge of his or her official duties, provided that the member does
51 not carry a concealed weapon while consuming alcohol or an unlawful

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

- 1 register of deeds. This subdivision does not apply to assistants, deputies, or
 2 other employees of the clerk of court or register of ~~deeds;~~deeds.
- 3 (5) Sworn law-enforcement officers, when off-duty, provided that an officer does
 4 not carry a concealed weapon while consuming alcohol or an unlawful
 5 controlled substance or while alcohol or an unlawful controlled substance
 6 remains in the officer's ~~body;~~body.
- 7 (6) State probation or parole certified officers, when off-duty, provided that an
 8 officer does not carry a concealed weapon while consuming alcohol or an
 9 unlawful controlled substance or while alcohol or an unlawful controlled
 10 substance remains in the officer's body.
- 11 (7) A person employed by the Department of Public Safety who has been
 12 designated in writing by the Secretary of the Department, who has a concealed
 13 handgun permit ~~issued in accordance with that is valid under Article 54B of~~
 14 ~~this Chapter or considered valid under G.S. 14-415.24, Chapter,~~ and has in the
 15 person's possession written proof of the designation by the Secretary of the
 16 Department, provided that the person shall not carry a concealed weapon at
 17 any time while consuming alcohol or an unlawful controlled substance or
 18 while alcohol or an unlawful controlled substance remains in the person's
 19 body.
- 20 (8) Any person who is an administrative law judge described in Article 60 of
 21 Chapter 7A of the General Statutes and who has a concealed handgun permit
 22 ~~issued in accordance with that is valid under Article 54B of this Chapter or~~
 23 ~~considered valid under G.S. 14-415.24, Chapter,~~ provided that the person shall
 24 not carry a concealed weapon at any time while consuming alcohol or an
 25 unlawful controlled substance or while alcohol or an unlawful controlled
 26 substance remains in the person's body.
- 27 (9) State correctional officers, when off-duty, provided that an officer does not
 28 carry a concealed weapon while consuming alcohol or an unlawful controlled
 29 substance or while alcohol or an unlawful controlled substance remains in the
 30 officer's body. ~~If the concealed weapon is a handgun, the correctional officer~~
 31 ~~must meet the firearms training standards of the Division of Adult Correction~~
 32 ~~and Juvenile Justice of the Department of Public Safety.~~
- 33 (b1) It is a defense to a prosecution under this section ~~that~~if all of the following apply:
 34 (1) The weapon was not a ~~firearm;~~handgun.
 35 (2) The defendant was engaged in, or on the way to or from, an activity in which
 36 the defendant legitimately used the ~~weapon;~~weapon.
 37 (3) The defendant possessed the weapon for that legitimate ~~use;~~and use.
 38 (4) The defendant did not use or attempt to use the weapon for an illegal purpose.
- 39 The burden of proving this defense is on the defendant.
- 40 (b2) ~~It is a defense to a prosecution under this section that:~~
 41 (1) ~~The deadly weapon is a handgun;~~
 42 (2) ~~The defendant is a military permittee as defined under G.S. 14-415.10(2a);~~
 43 ~~and~~
 44 (3) ~~The defendant provides to the court proof of deployment as defined under G.S.~~
 45 ~~14-415.10(3a).~~
- 46 (c) ~~Any~~Except as provided otherwise by law, any person violating the provisions of
 47 subsection (a) of this section shall be guilty of a Class 2 misdemeanor. ~~Any person violating the~~
 48 ~~provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the first~~
 49 ~~offense and a Class H felony for a second or subsequent offense. A violation of subsection (a1)~~
 50 ~~of this section punishable under G.S. 14-415.21(a) is not punishable under this section.~~

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

5 **SECTION 2.2.** G.S. 14-269.1 reads as rewritten:

6 "**§ 14-269.1. Confiscation and disposition of deadly weapons.**

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

13"

14 **SECTION 2.3.** G.S. 14-269.2(g) reads as rewritten:

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),~~ G.S. 14-415.41.
- 21 (2) Firefighters, emergency service personnel, North Carolina Forest Service
22 personnel, detention officers employed by and authorized by the sheriff to
23 carry firearms, and any private police employed by a school, when acting in
24 the discharge of their official duties.
- 25 (3) Home schools as defined in G.S. 115C-563(a).
- 26 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
27 property in Johnston County owned by Johnston Community College when
28 used with the written permission of Johnston Community College or for
29 hunting purposes on other educational property when used with the written
30 permission of the governing body of the school that controls the educational
31 property.
- 32 (5) A person registered under Chapter 74C of the General Statutes as an armed
33 armored car service guard or an armed courier service guard when acting in
34 the discharge of the guard's duties and with the permission of the college or
35 university.
- 36 (6) A person registered under Chapter 74C of the General Statutes as an armed
37 security guard while on the premises of a hospital or health care facility
38 located on educational property when acting in the discharge of the guard's
39 duties with the permission of the college or university.
- 40 (7) A volunteer school safety resource officer providing security at a school
41 pursuant to an agreement as provided in G.S. 115C-47(61) and either
42 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety
43 resource officer is acting in the discharge of the person's official duties and is
44 on the educational property of the school that the officer was assigned to by
45 the head of the appropriate local law enforcement agency."

46 **SECTION 2.4.** G.S. 14-288.8(b)(1) reads as rewritten:

47 "**§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**
48 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

49 ...

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

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

4 **SECTION 2.5.** G.S. 14-401.24 reads as rewritten:

5 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

6 ...

- 7 (c) The following definitions apply to this section:

8 ...

- 9 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, ~~or~~
10 ~~14-288.8~~ 14-288.8, or 14-415.35 and any other object capable of inflicting
11 serious bodily injury or death when used as a weapon.

12"

13 **SECTION 2.6.** G.S. 14-409.40 reads as rewritten:

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

15 ...

16 (f) Nothing contained in this section prohibits municipalities or counties from application
17 of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, ~~14-269.3, 14-269.4,~~
18 ~~14-277.2,~~ 14-415.11, 14-415.23, 14-415.35, 14-415.36, 14-415.38, or 14-415.39, including
19 prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas
20 of those buildings, or in public parks or recreation areas, except nothing in this subsection shall
21 prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these
22 grounds or areas. Nothing contained in this section prohibits municipalities or counties from
23 exercising powers provided by law in states of emergency declared under Article 1A of Chapter
24 166A of the General Statutes.

25"

26 **SECTION 2.7.** G.S. 14-415.4 reads as rewritten:

27 **"§ 14-415.4. Restoration of firearms rights.**

28 ...

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

- 31 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's
32 custody, care, or control a firearm under the provisions of any law in North
33 Carolina other than G.S. 14-415.1.
34 (2) The petitioner is under indictment for a felony or a finding of probable cause
35 exists against the petitioner for a felony.
36 (3) The petitioner is a fugitive from justice.
37 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or
38 any depressant, stimulant, or narcotic drug, or any other controlled substance
39 as defined in 21 U.S.C. § 802.
40 (5) The petitioner is or has been dishonorably discharged from the Armed Forces
41 of the United States.
42 (6) The petitioner is or has been adjudicated guilty of or received a prayer for
43 judgment continued or suspended sentence for one or more crimes of violence
44 constituting a misdemeanor, including a misdemeanor under Article 8 of
45 Chapter 14 of the General Statutes, or a misdemeanor under G.S. 14-225.2,
46 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4, 14-269.6,~~ 14-276.1,
47 14-277, 14-277.1, ~~14-277.2,~~ 14-277.3, 14-281.1, 14-283, 14-288.2,
48 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former 14-288.12, former
49 14-288.13, former 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b), or
50 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, 14-415.39, or a substantially
51 similar out-of-state or federal offense.

...."

SECTION 2.8. G.S. 14-415.11 reads as rewritten:

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

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

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

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

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

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

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

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

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

(5) In a law enforcement or correctional facility.

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

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

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

~~(e1) Any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of a park within the State Parks System as defined in G.S. 143B-135.44.~~

~~(e2) It shall be unlawful for a person, with or without a permit, to carry a concealed handgun while consuming alcohol or at any time while the person has remaining in the person's body any alcohol or in the person's blood a controlled substance previously consumed, but a person does not violate this condition if a controlled substance in the person's blood was lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the person's own property.~~

~~(e3) As provided in G.S. 14-269.4(5), it shall be lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned rest~~

1 area, at any State owned rest stop along the highways, and at any State owned hunting and
 2 fishing reservation.

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

9 **SECTION 2.9.** G.S. 14-415.12(b)(8) reads as rewritten:

10 "(8) Except as provided in subdivision (8a), (8b), or (8c) of this section, within the
 11 three years prior to the date on which the application is submitted, is or has
 12 been adjudicated guilty of or received a prayer for judgment continued or
 13 suspended sentence for one or more crimes of violence constituting a
 14 misdemeanor, including but not limited to, a violation of a misdemeanor under
 15 Article 8 of Chapter 14 of the General Statutes except for a violation of
 16 G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1, 4-258.1,
 17 14-269.2, former 14-269.3, former 14-269.4, 14-269.6, 14-277, 14-277.1,
 18 former 14-277.2, 14-283 except for a violation involving fireworks exempted
 19 under G.S. 14-414, 14-288.2, 14-288.4(a)(1), 14-288.6, 14-288.9, former
 20 14-288.12, former 14-288.13, former 14-288.14, 14-415.21(b), ~~or~~
 21 ~~14-415.26(d) within three years prior to the date on which the application is~~
 22 ~~submitted.~~ 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, or 14-415.39."

23 **SECTION 2.10.** G.S. 14-415.22 is repealed.

24 **SECTION 2.11.** G.S. 74E-6 reads as rewritten:

25 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

26 ...

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

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

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

40"

41 **SECTION 2.12.** G.S. 74G-6 reads as rewritten:

42 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

43 ...

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

48"

49 **SECTION 2.13.** G.S. 106-503.2 reads as rewritten:

50 **"§ 106-503.2. Regulation of firearms at State Fair.**

51 ...

1 (b) Notwithstanding subsection (a) of this section, any prohibition under this section shall
 2 not apply to the following persons:

3 (1) Any person exempted by ~~G.S. 14-269(b)(1), (2), (3), (4), or~~
 4 ~~(5)~~ G.S. 14-415.41(1), (2), (3), (5), or (11).

5 (2) Any person who has a concealed handgun permit that is valid under Article
 6 54B of ~~this Chapter~~, Chapter 14 of the General Statutes, or who is exempt
 7 from obtaining a permit pursuant to that Article, who has a handgun in a closed
 8 compartment or container within the person's locked vehicle or in a locked
 9 container securely affixed to the person's vehicle. A person may unlock the
 10 vehicle to enter or exit the vehicle provided the firearm remains in the closed
 11 compartment at all times and the vehicle is locked immediately following the
 12 entrance or exit."

13 **SECTION 2.14.** G.S. 113-136 reads as rewritten:

14 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**
 15 **inspection by inspectors and protectors.**

16 ...

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

24"

25
 26 **PART III. STANDARDIZE AND ENSURE UNIFORMITY OF CONCEALED**
 27 **HANDGUN PERMIT APPLICATIONS AND MAKE CONFORMING CHANGES**

28 **SECTION 3.1.** G.S. 14-415.10 reads as rewritten:

29 **"§ 14-415.10. Definitions.**

30 The following definitions apply to this Article:

31 ...

32 (4) Qualified former sworn law enforcement officer. – An individual who retired
 33 from service as a law enforcement officer with a local, State, campus police,
 34 or company police agency in North Carolina, other than for reasons of mental
 35 disability, who has been retired as a sworn law enforcement officer ~~two-five~~
 36 years or less from the date of the permit application, and who satisfies all of
 37 the following:

38 a. Immediately before retirement, the individual was a qualified law
 39 enforcement officer with a local, State, or company police agency in
 40 North Carolina.

41 b. The individual has a nonforfeitable right to benefits under the
 42 retirement plan of the local, State, or company police agency as a law
 43 enforcement officer; or has 20 or more aggregate years of law
 44 enforcement service and has retired from a company police agency
 45 that does not have a retirement plan; or has 20 or more aggregate years
 46 of part-time or auxiliary law enforcement service.

47 c. The individual is not prohibited by State or federal law from receiving
 48 a firearm.

49 (4a) Qualified retired correctional officer. – An individual who retired from service
 50 as a State correctional officer, other than for reasons of mental disability, who

1 has been retired as a correctional officer ~~two~~five years or less from the date
2 of the permit application and who meets all of the following criteria:

- 3 a. Immediately before retirement, the individual met firearms training
4 standards of the Division of Adult Correction of the Department of
5 Public Safety and was authorized by the Division of Adult Correction
6 of the Department of Public Safety to carry a handgun in the course of
7 assigned duties.
8 b. The individual retired in good standing and was never a subject of a
9 disciplinary action by the Division of Adult Correction of the
10 Department of Public Safety that would have prevented the individual
11 from carrying a handgun.
12 c. The individual has a vested right to benefits under the Teachers' and
13 State Employees' Retirement System of North Carolina established
14 under Article 1 of Chapter 135 of the General Statutes.
15 d. The individual is not prohibited by State or federal law from receiving
16 a firearm.

17 (4b) Qualified retired law enforcement officer. – An individual who meets the
18 definition of "qualified retired law enforcement officer" contained in section
19 926C of Title 18 of the United States Code.

20 (4c) Qualified retired probation or parole certified officer. – An individual who
21 retired from service as a State probation or parole certified officer, other than
22 for reasons of mental disability, who has been retired as a probation or parole
23 certified officer ~~two~~five years or less from the date of the permit application
24 and who meets all of the following criteria:

- 25 a. Immediately before retirement, the individual met firearms training
26 standards of the Division of Adult Correction of the Department of
27 Public Safety and was authorized by the Division of Adult Correction
28 of the Department of Public Safety to carry a handgun in the course of
29 duty.
30 b. The individual retired in good standing and was never a subject of a
31 disciplinary action by the Division of Adult Correction of the
32 Department of Public Safety that would have prevented the individual
33 from carrying a handgun.
34 c. The individual has a vested right to benefits under the Teachers' and
35 State Employees' Retirement System of North Carolina established
36 under Article 1 of Chapter 135 of the General Statutes.
37 d. The individual is not prohibited by State or federal law from receiving
38 a firearm.

39 (5) Qualified sworn law enforcement officer. – A law enforcement officer
40 employed by a local, State, campus police, or company police agency in North
41 Carolina who satisfies all of the following:

- 42 a. The individual is authorized by the agency to carry a handgun in the
43 course of duty.
44 b. The individual is not the subject of a disciplinary action by the agency
45 that prevents the carrying of a handgun.
46 c. The individual meets the requirements established by the agency
47 regarding handguns."

48 **SECTION 3.2.** G.S. 14-415.12 reads as rewritten:

49 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

50 (a) The sheriff shall issue a permit to an applicant if the applicant qualifies under the
51 following criteria:

- 1 (1) The applicant is a citizen of the United States or has been lawfully admitted
- 2 for permanent residence as defined in 8 U.S.C. § 1101(a)(20), and has been a
- 3 resident of the State 30 days or longer immediately preceding the filing of the
- 4 application.
- 5 (2) The applicant is 21 years of age or older.
- 6 (3) The applicant does not suffer from a ~~physical or mental infirmity that prevents~~
- 7 ~~the safe handling of a handgun currently diagnosed and ongoing mental~~
- 8 ~~disorder, as defined by the most recent edition of the Diagnostic and Statistical~~
- 9 ~~Manual of Mental Disorders (DSM), that the sheriff determines would~~
- 10 ~~reasonably prevent the safe handling of a handgun. Previous treatment for~~
- 11 ~~transient disorders shall not be disqualifying.~~
- 12 ...
- 13 (b) The sheriff shall deny a permit to an applicant who:
- 14 ...
- 15 (6) Is currently, or has been previously adjudicated by a court ~~or administratively~~
- 16 ~~determined by a governmental agency whose decisions are subject to judicial~~
- 17 ~~review to be, lacking mental capacity or mentally ill, a danger to self or others~~
- 18 ~~due to mental illness or lack of mental capacity. Receipt of previous~~
- 19 ~~consultative services or outpatient treatment alone shall not disqualify an~~
- 20 ~~applicant under this subdivision.~~
- 21 (7) Is or has been discharged from the Armed Forces of the United States under
- 22 conditions other than honorable.
- 23"

SECTION 3.3. G.S. 14-415.13(a) reads as rewritten:

- 25 "(a) A person shall apply to the sheriff of the county in which the person resides to obtain
- 26 a concealed handgun permit. The applicant shall submit to the sheriff all of the following:
- 27 (1) An application, completed under oath, on a form provided by the sheriff, and
- 28 such application form must be provided by the sheriff electronically. The
- 29 sheriff shall not request employment information, character affidavits,
- 30 additional background checks, photographs, or other information unless
- 31 specifically permitted by this Article. A sheriff may schedule appointments
- 32 for concealed handgun applications provided the appointments are scheduled
- 33 for 15 business days or less from the date on which the applicant informs the
- 34 sheriff that the applicant possesses all documentation necessary for the
- 35 application.
- 36 (2) A nonrefundable permit fee.
- 37 (3) A full set of fingerprints of the applicant administered by the sheriff.
- 38 (4) An original certificate of completion of an approved course, adopted and
- 39 distributed by the North Carolina Criminal Justice Education and Training
- 40 Standards Commission, signed by the certified instructor of the course
- 41 attesting to the successful completion of the course by the applicant which
- 42 shall verify that the applicant is competent with a handgun and knowledgeable
- 43 about the laws governing the carrying of a concealed handgun and the use of
- 44 deadly force.
- 45 (5) A release, in a form to be prescribed by the Administrative Office of the
- 46 Courts, that authorizes and requires disclosure to the sheriff of any of the
- 47 following records concerning the mental health or capacity of the applicant to
- 48 be used for the sole purpose of determining whether the applicant is
- 49 disqualified for a permit under the provisions of G.S.
- 50 14-415.12.G.S. 14-415.12:

- a. Records concerning an applicant's currently diagnosed and ongoing mental disorder, as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).
- b. Records showing that the applicant is currently, or has been previously, adjudicated by a court to be a danger to self or others due to mental illness or lack of mental capacity.

This provision does not prohibit submitting information related to involuntary commitment to the National Instant Criminal Background Check System (NICS)."

SECTION 3.4. G.S. 14-415.15(a) reads as rewritten:

"(a) Except as permitted under subsection (b) of this section, within ~~45~~90 days after receipt of the items listed in G.S. 14-415.13 from an applicant, ~~and receipt of the required records concerning the mental health or capacity of the applicant,~~ the sheriff shall either issue or deny the permit. The sheriff may conduct any investigation necessary to determine the qualification or competency of the person applying for the permit, including record checks. The sheriff shall make the request for any records concerning the mental health or capacity of the applicant within 10 days of receipt of the items listed in G.S. 14-415.13. If the sheriff has not received the required records concerning mental health or capacity of the applicant after 45 days of the request, then the sheriff shall request the records again. No person, company, mental health provider, or governmental entity may charge additional fees to the applicant for background checks conducted under this subsection. A permit shall not be denied unless the applicant is determined to be ineligible pursuant to G.S. 14-415.12."

SECTION 3.5. G.S. 14-415.19(a) reads as rewritten:

"(a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer to be remitted or credited by the county finance officer in accordance with the provisions of this section. Except as otherwise provided by this section, the permit fees are as follows:

Application fee	\$80.00 <u>\$81.00</u>
Renewal fee	\$75.00
Duplicate permit fee	\$15.00

The county finance officer shall remit ~~forty five dollars (\$45.00)~~forty-six dollars (\$46.00) of each new application fee and forty dollars (\$40.00) of each renewal fee assessed under this subsection to the North Carolina Department of Public Safety for the costs of State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article. The remaining thirty-five dollars (\$35.00) of each application or renewal fee shall be used by the sheriff to pay the costs of administering this Article and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only."

SECTION 3.6. This part becomes effective October 1, 2019, and applies to permit applications submitted on or after that date.

PART IV. CONCEALED CARRY IN STATE LEGISLATIVE BUILDINGS

SECTION 4.1. G.S. 120-32.1 is amended by adding the following new subsections to read:

"(c2) No rule adopted under this section shall prohibit a legislator, a legislative employee, or a qualified former sworn law enforcement officer who has a concealed handgun permit considered valid under Article 54B of Chapter 14 of the General Statutes or a current sworn law enforcement officer from carrying a concealed handgun on the premises of the State legislative buildings and grounds. The Legislative Services Commission may adopt a rule requiring a

1 legislator, a legislative employee, a qualified former sworn law enforcement officer, or a current
2 sworn law enforcement officer to provide notice to the Chief of the General Assembly Special
3 Police, or the Chief's designee, before carrying the handgun on the premises of the State
4 legislative buildings and grounds; however, once initial notice is provided as required by this
5 subsection, no subsequent notification shall be required. The Legislative Services Commission
6 may also adopt rules establishing a procedure for such notification.

7 (c3) Notwithstanding subsection (c2) of this section, the Legislative Services Commission
8 may adopt a rule prohibiting or regulating the carrying of a firearm openly or concealed in the
9 Gallery of the State legislative building."

10 **SECTION 4.2.** G.S. 14-415.11(c)(3) reads as rewritten:

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

13 ...

14 (3) In an area prohibited by rule adopted under ~~G.S. 120-32.1~~G.S. 120-32.1,
15 except that a legislator, legislative employee, or qualified former sworn law
16 enforcement officer with a concealed handgun permit valid under Article 54B
17 of this Chapter may carry a concealed handgun on the premises of the State
18 legislative buildings and grounds as defined in G.S. 120-32.1(d); provided, he
19 or she complies with any notice requirement adopted by the Legislative
20 Services Commission."

21 **SECTION 4.3.** This part becomes effective December 1, 2019.

23 **PART V. CHANGES TO WEAPONS ON EDUCATIONAL PROPERTY**

24 **SECTION 5.1.** G.S. 14-269.2 reads as rewritten:

25 **"§ 14-269.2. Weapons on campus or other educational property.**

26 (a) The following definitions apply to this section:

27 (1) Educational property. – Any school building or bus, school campus, grounds,
28 recreational area, athletic field, or other property owned, used, or operated by
29 any board of education or school board of trustees, or directors for the
30 administration of any school.

31 (1a) Employee. – A person employed by a local board of education or school
32 whether the person is an adult or a minor.

33 (1b) School. – A public or private school, community college, college, or
34 university.

35 (1c) School operating hours. – Any time when curricular or extracurricular
36 activities are taking place on the premises and any time when the premises are
37 being used for educational, instructional, or school-sponsored activities.

38 (2) Student. – A person enrolled in a school or a person who has been suspended
39 or expelled within the last five years from a school, whether the person is an
40 adult or a minor.

41 (3) Switchblade knife. – A knife containing a blade that opens automatically by
42 the release of a spring or a similar contrivance.

43 (3a) Volunteer school safety resource officer. – A person who volunteers as a
44 school safety resource officer as provided by G.S. 162-26 or
45 G.S. 160A-288.4.

46 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this
47 section.

48 (b) It shall be a Class I felony for any person knowingly to possess or carry, whether
49 openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property
50 or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered
51 under some other provision of law providing greater punishment, any person who willfully

1 discharges a firearm of any kind on educational property is guilty of a Class F felony. However,
2 this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

3 (b1) It shall be a Class G felony for any person to possess or carry, whether openly or
4 concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in
5 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by
6 a school. This subsection shall not apply to fireworks.

7 (b2) Restrictions on extracurricular activities listed in subsection (b) of this section do not
8 apply if both of the following criteria are met:

9 (1) The person is not a participant in, or chaperone or spectator of, the
10 extracurricular activity.

11 (2) The extracurricular activity is conducted in a public place, including, but not
12 limited to, a restaurant, public park, or museum.

13 ...

14 (k1) The provisions of this section shall not apply to a person in a vehicle on a road not
15 maintained by the school that crosses the educational property if the person has a weapon,
16 including an open or concealed handgun, within the locked vehicle , and the person remains
17 within the locked vehicle while crossing the educational property and only unlocks the vehicle
18 to allow the entrance or exit of another person.

19 (k2) The provisions of this section shall not apply to a person who has a concealed handgun
20 permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit
21 pursuant to that Article, if all of the following conditions apply:

22 (1) The person possesses and carries a handgun on educational property other than
23 an institution of higher education, as defined by G.S. 116-143.1, or a
24 nonpublic, postsecondary educational institution.

25 (2) The educational property is the location of both a school and a building that is
26 a place of religious worship, as defined in G.S. 14-54.1. For the purposes of
27 this subsection, property owned by a local board of education or board of
28 county commissioners shall not be construed as a building that is a place of
29 religious worship, as defined in G.S. 14-54.1.

30 (3) The weapon is a handgun.

31 (4) The handgun is only possessed and carried on educational property outside of
32 the school operating hours.

33 (l) It is an affirmative defense to a prosecution under subsection (b) or (f) of this section
34 that the person was authorized to have a concealed handgun in a locked vehicle pursuant to
35 subsection (k) of this section and removed the handgun from the vehicle only in response to a
36 threatening situation in which deadly force was justified pursuant to G.S. 14-51.3."

37 **SECTION 5.2.** This part becomes effective December 1, 2019, and applies to
38 offenses committed on or after that date.

40 PART VI. PISTOL PERMIT/MENTAL HEALTH RECORD TO SHERIFF

41 **SECTION 6.1.** G.S. 14-404 reads as rewritten:

42 "**§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; sheriff's**
43 **fee.**

44 ...

45 (e1) The application for a permit shall be on a form created by the State Bureau of
46 Investigation in consultation with the North Carolina Sheriffs' Association. This application shall
47 be used by all sheriffs and must be provided by the sheriff both electronically and in paper form.
48 Only the following shall be required to be submitted by an applicant for a permit: No additional
49 documentation or evidence shall be required to be submitted by an applicant for a permit except
50 the following:

51 (1) The permit application developed pursuant to this subsection.

- 1 (2) Five dollars for each permit requested pursuant to subsection (e) of this
 2 section.
 3 (3) A government issued identification confirming the identity of the applicant.
 4 (4) Proof of residency.
 5 (5) ~~A signed release, in a form to be prescribed by the Administrative Office of
 6 the Court, that authorizes and requires disclosure to the sheriff of any court
 7 orders concerning the mental health or capacity of the applicant to be used for
 8 the sole purpose of determining whether the applicant is disqualified to receive
 9 a permit pursuant to this section.~~

10 ~~No additional document or evidence shall be required from any applicant.~~

11 (e2) The sheriff shall request disclosure to the sheriff of any court orders concerning the
 12 mental health or mental capacity of the applicant to be used for the sole purpose of determining
 13 whether the applicant is disqualified to receive a permit pursuant to this section. Nothing in this
 14 subsection shall be construed to increase the documentation an applicant is required to provide
 15 under subsection (e1) of this section or to increase the time period set out in subsection (f) of this
 16 section.

17 (e3) The permit application shall also contain a conspicuous warning substantially as
 18 follows:

19 "By filing this permit application, I understand that I am giving the sheriff the authority
 20 to obtain all criminal and mental health court orders required by State and federal law
 21 to determine permit eligibility."

22 ...

23 (i) ~~A person or entity shall promptly disclose to the sheriff, upon presentation by the~~
 24 ~~applicant or sheriff of an original or photocopied release form described in subdivision (5) of~~
 25 ~~subsection (e1) of this section, any court orders concerning the mental health or capacity of the~~
 26 ~~applicant who signed the release form."~~

27 **SECTION 6.2.** G.S. 122C-54 reads as rewritten:

28 **"§ 122C-54. Exceptions; abuse reports and court proceedings.**

29 ...

30 (d2) ~~The record of involuntary commitment for inpatient or outpatient mental health~~
 31 ~~treatment or for substance abuse treatment required to be reported to the National Instant~~
 32 ~~Criminal Background Check System (NICS) by G.S. 14-409.43 shall be accessible only by the~~
 33 ~~sheriff or the sheriff's designee for the purposes of conducting background checks under G.S.~~
 34 ~~14-404 and shall remain otherwise confidential as provided by this Article.~~

35 (d3) Notwithstanding G.S. 122C-207 and subsection (d) of this section, when a sheriff
 36 notifies the potential holder of a mental health order in writing that a particular individual has
 37 completed an application for a pistol purchase permit, the holder of any court orders that concern
 38 the mental health or mental capacity of an applicant for a pistol purchase permit shall, upon
 39 request, release to the sheriff of the county any and all mental health orders concerning the pistol
 40 purchase permit applicant.

41"

42 **SECTION 6.3.** This part becomes effective August 1, 2019, and applies to
 43 applications for pistol purchases pending or submitted on or after that date.

44
 45 **PART VII. OTHER CHANGES TO WEAPONS LAW AND ADDITIONAL**
 46 **CONFORMING CHANGES**

47 **SECTION 7.1.** G.S. 14-269.1, as amended by Section 2.2 of this act, reads as
 48 rewritten:

49 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

50 (a) Upon conviction of any person for violation of G.S. 14-269, G.S. 14-269.7,
 51 14-415.35, or any other offense involving the use of a firearm or other deadly weapon, the firearm

1 or other deadly weapon with reference to which the defendant shall have been convicted shall be
2 ordered confiscated and disposed of by the presiding judge at the trial ~~in one of the following~~
3 ~~ways in the discretion of the presiding judge as provided in subdivision (1) of this subsection. If~~
4 the owner of the weapon is the convicted defendant, then the weapon shall be disposed of as
5 provided by subdivisions (4) through (6) of this subsection in the discretion of the presiding
6 judge:

- 7 (1) By ordering the weapon returned to its rightful owner, but only when such
8 owner is a person other than the defendant and has filed a petition for the
9 recovery of such weapon with the presiding judge at the time of the
10 defendant's conviction, and upon a finding by the presiding judge that
11 petitioner is entitled to possession of same and that he was unlawfully
12 deprived of the same without his consent.
- 13 (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.
- 14 (4) By ordering such weapon turned over to the sheriff of the county in which the
15 trial is held or his duly authorized agent to be destroyed if the firearm does not
16 have a legible, unique identification number or is unsafe for use because of
17 wear, damage, age, or modification. The sheriff shall maintain a record of the
18 destruction thereof.
- 19 (4a) Repealed by Session Laws 2005-287, s. 3, effective August 22, 2005.
- 20 (4b) By ordering the weapon turned over to a law enforcement agency in the county
21 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by
22 the agency to a federally licensed firearm dealer in accordance with all
23 applicable State and federal firearm laws. The court may order a disposition
24 of the firearm pursuant to this subdivision only upon the written request of the
25 head or chief of the law enforcement agency or a designee of the head or chief
26 of the law enforcement agency and only if the firearm has a legible, unique
27 identification number. If the law enforcement agency sells the firearm, then
28 the proceeds of the sale shall be remitted to the appropriate county finance
29 officer as provided by G.S. 115C-452 to be used to maintain free public
30 schools. The receiving law enforcement agency shall maintain a record and
31 inventory of all firearms received pursuant to this subdivision.
- 32 (5) By ordering such weapon turned over to the North Carolina State Crime
33 Laboratory's weapons reference library for official use by that agency. The
34 Laboratory shall maintain a record and inventory of all such weapons
35 received.
- 36 (6) By ordering such weapons turned over to the North Carolina Justice Academy
37 for official use by that agency. The North Carolina Justice Academy shall
38 maintain a record and inventory of all such weapons received.

39 (b) If the weapon is owned by the defendant, and the defendant is not convicted as
40 provided in this section, the presiding judge shall order the weapon returned to the defendant."

41 **SECTION 7.2.** G.S. 15-11.1 reads as rewritten:

42 **"§ 15-11.1. Seizure, custody and disposition of articles; exceptions.**

43 (a) If a law-enforcement officer seizes property pursuant to lawful authority, he shall
44 safely keep the property under the direction of the court or magistrate as long as necessary to
45 assure that the property will be produced at and may be used as evidence in any trial. Upon
46 application by the lawful owner or a person, firm or corporation entitled to possession or upon
47 his own determination, the district attorney may release any property seized pursuant to his lawful
48 authority if he determines that such property is no longer useful or necessary as evidence in a
49 criminal trial and he is presented with satisfactory evidence of ownership. If the district attorney
50 refuses to release such property, the lawful owner or a person, firm or corporation entitled to
51 possession may make application to the court for return of the property. The court, after notice

1 to all parties, including the defendant, and after hearing, may in its discretion order any or all of
2 the property returned to the lawful owner or a person, firm or corporation entitled to possession.
3 The court may enter such order as may be necessary to assure that the evidence will be available
4 for use as evidence at the time of trial, and will otherwise protect the rights of all parties.
5 Notwithstanding any other provision of law, photographs or other identification or analyses made
6 of the property may be introduced at the time of the trial provided that the court determines that
7 the introduction of such substitute evidence is not likely to substantially prejudice the rights of
8 the defendant in the criminal trial.

9 (b) In the case of unknown or unapprehended defendants or of defendants willfully absent
10 from the jurisdiction, the court shall determine whether an attorney should be appointed as
11 guardian ad litem to represent and protect the interest of such unknown or absent defendants.
12 Appointment shall be in accordance with rules adopted by the Office of Indigent Defense
13 Services. The judicial findings concerning identification or value that are made at such hearing
14 whereby property is returned to the lawful owner or a person, firm, or corporation entitled to
15 possession, may be admissible into evidence at the trial. After final judgment all property
16 lawfully seized by or otherwise coming into the possession of law-enforcement authorities shall
17 be disposed of as the court or magistrate in its discretion orders, and may be forfeited and either
18 sold or destroyed in accordance with due process of law.

19 (b1) Notwithstanding subsections (a) and (b) of this section or any other provision of law,
20 if the property seized is a firearm and the district attorney determines the firearm is no longer
21 necessary or useful as evidence in a criminal trial, the district attorney, after notice to all parties
22 known or believed by the district attorney to have an ownership or a possessory interest in the
23 firearm, including the defendant, shall apply to the court for an order of disposition of the firearm.
24 The judge, after hearing, ~~may shall~~ order the disposition of the firearm as provided in subdivision
25 (1) of this subsection unless the rightful owner is the defendant. If the rightful owner is the
26 defendant, then the judge may order the disposition of the firearm in one of the following
27 ways: ways described by subdivisions (2) through (4) of this subsection:

- 28 (1) By ordering the firearm returned to its rightful owner, when the rightful owner
29 is someone other than the defendant and upon findings by the court (i) that the
30 person, firm, or corporation determined by the court to be the rightful owner
31 is entitled to possession of the firearm and (ii) that the person, firm, or
32 corporation determined by the court to be the rightful owner of the firearm
33 was unlawfully deprived of the same or had no knowledge or reasonable belief
34 of the defendant's intention to use the firearm unlawfully.
- 35 (2) By ordering the firearm returned to the defendant, but only if the defendant is
36 not convicted of any criminal offense in connection with the possession or use
37 of the firearm, the defendant is the rightful owner of the firearm, and the
38 defendant is not otherwise ineligible to possess such firearm.
- 39 (3) By ordering the firearm turned over to be destroyed by the sheriff of the county
40 in which the firearm was seized or by his duly authorized agent if the firearm
41 does not have a legible, unique identification number or is unsafe for use
42 because of wear, damage, age, or modification. The sheriff shall maintain a
43 record of the destruction of the firearm.
- 44 (4) By ordering the firearm turned over to a law enforcement agency in the county
45 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by
46 the agency to a federally licensed firearm dealer in accordance with all
47 applicable State and federal firearm laws. The court may order a disposition
48 of the firearm pursuant to this subdivision only if the firearm has a legible,
49 unique identification number. If the law enforcement agency sells the firearm,
50 then the proceeds of the sale shall be remitted to the appropriate county
51 finance officer as provided by G.S. 115C-452 to be used to maintain free

1 public schools. The receiving law enforcement agency shall maintain a record
2 and inventory of all firearms received pursuant to this subdivision.

3 This subsection (b1) is not applicable to seizures pursuant to G.S. 113-137 of firearms used
4 only in connection with a violation of Article 22 of Chapter 113 of the General Statutes or any
5 local wildlife hunting ordinance.

6 (c) Any property, the forfeiture and disposition of which is specified in any general or
7 special law, shall be disposed of in accordance therewith."

8 **SECTION 7.3.** Article 35 of Chapter 14 of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 14-277.9. Going armed to the terror of the people.**

11 (a) A person who arms himself or herself with an unusual and dangerous weapon for the
12 purpose of terrifying others and goes about on public highways in a manner to cause terror to the
13 people is guilty of a Class 1 misdemeanor.

14 (b) No person shall be convicted of a violation of subsection (a) of this section based only
15 on the person's possession or carrying of a handgun, whether openly or concealed."

16 **SECTION 7.4.** This part becomes effective December 1, 2019, and applies to
17 offenses committed on or after that date.

18
19 **PART VIII. DEVELOP COMPREHENSIVE FIREARM EDUCATION AND WILDLIFE**
20 **CONSERVATION COURSES**

21 **SECTION 8.1.** Article 8 of Chapter 115C of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 115C-81.90. Firearm Safety Elective Course.**

24 The State Board of Education, in consultation with law enforcement agencies and firearms
25 associations, shall develop a comprehensive firearm education course that can be offered as an
26 elective at the high school level to facilitate the learning of science, technology, engineering, and
27 mathematics (STEM) principles. The firearm safety course shall include history, mathematics,
28 and firearms functions and applications. Firearm safety shall be a key component of the course
29 of study. The course shall rely on input from law enforcement agencies and firearms associations
30 as well as related scientific engineering and design-related educational sources. The course of
31 instruction shall not permit the use or presence of live ammunition. The course shall be conducted
32 under the supervision of an adult who has been approved by the school principal in accordance
33 with G.S. 14-296.2(g)(1)."

34 **SECTION 8.2.** Article 8 of Chapter 115C of the General Statutes is amended by
35 adding a new section to read:

36 **"§ 115C-81.95. Wildlife Conservation Elective Course.**

37 The State Board of Education, in consultation with the Wildlife Resources Commission, the
38 Division of Marine Fisheries, and the Wildlife Management Institute, shall develop a
39 comprehensive course on the North American Model for Wildlife Conservation that can be
40 offered as an elective at the high school level."

41 **SECTION 8.3.** This part is effective when it becomes law and applies beginning
42 with the 2019-2020 school year.

43
44 **PART IX. EFFECTIVE DATE**

45 **SECTION 9.1.** This section becomes effective July 1, 2019. Unless provided
46 otherwise, the remainder of this act becomes effective December 1, 2019, and applies to offenses
47 committed on or after that date.