

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 473
PROPOSED SENATE COMMITTEE SUBSTITUTE H473-PCS80454-SB-46

Short Title: Magistrate Can Carry Gun in Courthouse.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269.4 reads as rewritten:

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

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

This section shall not apply to:

- (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
- (1a) A person exempted by the provisions of G.S. 14-269(b),
- (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
- (4a) Any person in a building housing a court of the General Court of Justice in possession of a weapon for evidentiary purposes, to deliver it to a law-enforcement agency, or for purposes of registration,
- (4b) Any district court judge or superior court judge who carries or possesses a concealed handgun in a building housing a court of the General Court of Justice if the judge is in the building to discharge his or her official duties and the judge has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24,
- (4c) Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to carry firearms,
- (4d) Any magistrate who carries or possesses a concealed handgun in any portion of a building housing a court of the General Court of Justice if the magistrate (i) is in the building to discharge the magistrate's official duties, (ii) has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, (iii) has successfully completed weapons retention training substantially similar to that provided



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1 to certified law enforcement officers in North Carolina, and (iv) secures the
2 weapon in a place that is not accessible to the public when the weapon is not
3 on the magistrate's person,

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

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

8 **SECTION 2.** This act is effective when it becomes law.