

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 473
Senate Judiciary II Committee Substitute Adopted 6/2/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H473-PCS50736-ST-53

Short Title: Magistrate Can Carry Gun in Courthouse.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN
3 PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A
4 COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

5 The General Assembly of North Carolina enacts:

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

7 "§ 14-269.4. Weapons on State property and in courthouses.

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

15 This section shall not apply to:

16 (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,

17 (1a) A person exempted by the provisions of G.S. 14-269(b),

18 (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,

19 (4a) Any person in a building housing a court of the General Court of Justice in
20 possession of a weapon for evidentiary purposes, to deliver it to a
21 law-enforcement agency, or for purposes of registration,

22 (4b) Any district court judge or superior court judge who carries or possesses a
23 concealed handgun in a building housing a court of the General Court of
24 Justice if the judge is in the building to discharge his or her official duties
25 and the judge has a concealed handgun permit issued in accordance with
26 Article 54B of this Chapter or considered valid under G.S. 14-415.24,

27 (4c) Firearms in a courthouse, carried by detention officers employed by and
28 authorized by the sheriff to carry firearms,

29 (4d) Any magistrate who carries or possesses a concealed handgun in any portion
30 of a building housing a court of the General Court of Justice other than a
31 courtroom itself, if the magistrate (i) is in the building to discharge the
32 magistrate's official duties, (ii) has a concealed handgun permit issued in
33 accordance with Article 54B of this Chapter or considered valid under



1 G.S. 14-415.24, (iii) has successfully completed weapons retention training
2 substantially similar to that provided to certified law enforcement officers in
3 North Carolina, and (iv) secures the weapon in a locked compartment when
4 the weapon is not on the magistrate's person,

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

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

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