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SESSION 2011

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HOUSE BILL 650  
Committee Substitute Favorable 6/2/11  
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PROPOSED SENATE COMMITTEE SUBSTITUTE H650-PCS80266-RK-104

Short Title: Amend Various Gun Laws/Castle Doctrine.

(Public)

Sponsors:

Referred to:

April 6, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE AND TO  
3 AMEND VARIOUS LAWS REGARDING THE RIGHT TO OWN, POSSESS, OR  
4 CARRY A FIREARM IN NORTH CAROLINA.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 14 of Chapter 14 of the General Statutes is amended by  
7 adding the following new sections to read:

8 **§ 14-51.2. Home, workplace, and motor vehicle protection; presumption of fear of death**  
9 **or serious bodily harm.**

10 (a) The following definitions apply in this section:

11 (1) Home. – A building or conveyance of any kind, to include its curtilage,  
12 whether the building or conveyance is temporary or permanent, mobile or  
13 immobile, which has a roof over it, including a tent, and is designed as a  
14 temporary or permanent residence.

15 (2) Law enforcement officer. – Any person employed or appointed as a  
16 full-time, part-time, or auxiliary law enforcement officer, correctional  
17 officer, probation officer, post-release supervision officer, or parole officer.

18 (3) Motor vehicle. – As defined in G.S. 20-4.01(23).

19 (4) Workplace. – A building or conveyance of any kind, whether the building or  
20 conveyance is temporary or permanent, mobile or immobile, which has a  
21 roof over it, including a tent, which is being used for commercial purposes.

22 (b) The lawful occupant of a home, motor vehicle, or workplace is presumed to have  
23 held a reasonable fear of imminent death or serious bodily harm to himself or herself or another  
24 when using defensive force that is intended or likely to cause death or serious bodily harm to  
25 another if both of the following apply:

26 (1) The person against whom the defensive force was used was in the process of  
27 unlawfully and forcefully entering, or had unlawfully and forcibly entered, a  
28 home, motor vehicle, or workplace, or if that person had removed or was  
29 attempting to remove another against that person's will from the home,  
30 motor vehicle, or workplace.



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1           (2)    The person who uses defensive force knew or had reason to believe that an  
2                    unlawful and forcible entry or unlawful and forcible act was occurring or  
3                    had occurred.

4           (c)    The presumption set forth in subsection (b) of this section shall be rebuttable and  
5            does not apply in any of the following circumstances:

6            (1)    The person against whom the defensive force is used has the right to be in or  
7                    is a lawful resident of the home, motor vehicle, or workplace, such as an  
8                    owner or lessee, and there is not an injunction for protection from domestic  
9                    violence or a written pretrial supervision order of no contact against that  
10                  person.

11           (2)    The person sought to be removed from the home, motor vehicle, or  
12                  workplace is a child or grandchild or is otherwise in the lawful custody or  
13                  under the lawful guardianship of the person against whom the defensive  
14                  force is used.

15           (3)    The person who uses defensive force is engaged in, attempting to escape  
16                  from, or using the home, motor vehicle, or workplace to further any criminal  
17                  offense that involves the use or threat of physical force or violence against  
18                  any individual.

19           (4)    The person against whom the defensive force is used is a law enforcement  
20                  officer or bail bondsman who enters or attempts to enter a home, motor  
21                  vehicle, or workplace in the lawful performance of his or her official duties,  
22                  and the officer or bail bondsman identified himself or herself in accordance  
23                  with any applicable law or the person using force knew or reasonably should  
24                  have known that the person entering or attempting to enter was a law  
25                  enforcement officer or bail bondsman in the lawful performance of his or her  
26                  official duties.

27           (5)    The person against whom the defensive force is used (i) has discontinued all  
28                  efforts to unlawfully and forcefully enter the home, motor vehicle, or  
29                  workplace and (ii) has exited the home, motor vehicle, or workplace.

30           (d)    A person who unlawfully and by force enters or attempts to enter a person's home,  
31                  motor vehicle, or workplace is presumed to be doing so with the intent to commit an unlawful  
32                  act involving force or violence.

33           (e)    A person who uses force as permitted by this section is justified in using such force  
34                  and is immune from civil or criminal liability for the use of such force, unless the person  
35                  against whom force was used is a law enforcement officer or bail bondsman who was lawfully  
36                  acting in the performance of his or her official duties and the officer or bail bondsman  
37                  identified himself or herself in accordance with any applicable law or the person using force  
38                  knew or reasonably should have known that the person was a law enforcement officer or bail  
39                  bondsman in the lawful performance of his or her official duties.

40           (f)    A lawful occupant within his or her home, motor vehicle, or workplace does not  
41                  have a duty to retreat from an intruder in the circumstances described in this section.

42           (g)    This section is not intended to repeal or limit any other defense that may exist under  
43                  the common law.

44    **§ 14-51.3. Use of force in defense of person; relief from criminal or civil liability.**

45           (a)    A person is justified in using force, except deadly force, against another when and to  
46                  the extent that the person reasonably believes that the conduct is necessary to defend himself or  
47                  herself or another against the other's imminent use of unlawful force. However, a person is  
48                  justified in the use of deadly force and does not have a duty to retreat in any place he or she has  
49                  the lawful right to be if either of the following applies:

50            (1)    He or she reasonably believes that such force is necessary to prevent  
51                  imminent death or great bodily harm to himself or herself or another.

1           (2)    Under the circumstances permitted pursuant to G.S. 14-51.2.

2       (b)    A person who uses force as permitted by this section is justified in using such force  
3 and is immune from civil or criminal liability for the use of such force, unless the person  
4 against whom force was used is a law enforcement officer or bail bondsman who was lawfully  
5 acting in the performance of his or her official duties and the officer or bail bondsman  
6 identified himself or herself in accordance with any applicable law or the person using force  
7 knew or reasonably should have known that the person was a law enforcement officer or bail  
8 bondsman in the lawful performance of his or her official duties.

9    **"§ 14-51.4. Justification for defensive force not available.**

10    The justification described in G.S. 14-51.2 and G.S. 14-51.3 is not available to a person  
11 who used defensive force and who:

12           (1)    Was attempting to commit, committing, or escaping after the commission of  
13 a felony.

14           (2)    Initially provokes the use of force against himself or herself. However, the  
15 person who initially provokes the use of force against himself or herself will  
16 be justified in using defensive force if either of the following occur:

17           a.    The force used by the person who was provoked is so serious that the  
18 person using defensive force reasonably believes that he or she was  
19 in imminent danger of death or serious bodily harm, the person using  
20 defensive force had no reasonable means to retreat, and the use of  
21 force which is likely to cause death or serious bodily harm to the  
22 person who was provoked was the only way to escape the danger.

23           b.    The person who used defensive force withdraws, in good faith, from  
24 physical contact with the person who was provoked, and indicates  
25 clearly that he or she desires to withdraw and terminate the use of  
26 force, but the person who was provoked continues or resumes the use  
27 of force."

28    **SECTION 2.** G.S. 14-51.1 is repealed.

29    **SECTION 3.** G.S. 14-269 reads as rewritten:

30    **"§ 14-269. Carrying concealed weapons.**

31    (a)    It shall be unlawful for any person willfully and intentionally to carry concealed  
32 about his person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles,  
33 razor, shurikin, stun gun, or other deadly weapon of like kind, except when the person is on the  
34 person's own premises.

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

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

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

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

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

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

50           (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) 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;
- 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 Article 54B of this  
9 Chapter or considered valid under G.S. 14-415.24; provided that the person  
10 shall not carry a concealed weapon at any time while in a courtroom or while  
11 consuming alcohol or an unlawful controlled substance or while alcohol or  
12 an unlawful controlled substance remains in the person's body. The district  
13 attorney, assistant district attorney, or investigator shall secure the weapon in  
14 a locked compartment when the weapon is not on the person of the district  
15 attorney, assistant district attorney, or investigator;
- 16 (4b) Any person who meets all of the following conditions:
- 17 a. Is a qualified retired law enforcement officer as defined in  
18 G.S. 14-415.10.
- 19 b. Is the holder of a concealed handgun permit in accordance with  
20 Article 54B of this Chapter.
- 21 c. Is certified by the North Carolina Criminal Justice Education and  
22 Training Standards Commission pursuant to G.S. 14-415.26.
- 23 (4c) Detention personnel or correctional officers employed by the State or a unit  
24 of local government who park a vehicle in a space that is authorized for their  
25 use in the course of their duties may transport a firearm to the parking space  
26 and store that firearm in the vehicle parked in the parking space, provided  
27 that: (i) the firearm is in a closed compartment or container within the locked  
28 vehicle, or (ii) the firearm is in a locked container securely affixed to the  
29 vehicle.
- 30 (5) Sworn law-enforcement officers, when off-duty, provided that an officer  
31 does not carry a concealed weapon while consuming alcohol or an unlawful  
32 controlled substance or while alcohol or an unlawful controlled substance  
33 remains in the officer's body.

34 ...."

35 **SECTION 4.** G.S. 14-269.2(b) reads as rewritten:

36 "(b) It shall be a Class I felony for any person knowingly to possess or carry, whether  
37 openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property  
38 or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is  
39 covered under some other provision of law providing greater punishment, any person who  
40 willfully discharges a firearm of any kind on educational property is guilty of a Class F felony.  
41 However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol."

42 **SECTION 5.** G.S. 14-269.4 reads as rewritten:

43 **"§ 14-269.4. Weapons on certain State property and in courthouses.**

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

51 This section shall not apply to any of the following:

- 1 (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,  
 2 (1a) A person exempted by the provisions of ~~G.S. 14-269(b)~~, G.S. 14-269(b).  
 3 (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,  
 4 (4a) Any person in a building housing a court of the General Court of Justice in  
 5 possession of a weapon for evidentiary purposes, to deliver it to a  
 6 law-enforcement agency, or for purposes of ~~registration~~, registration.  
 7 (4b) Any district court judge or superior court judge who carries or possesses a  
 8 concealed handgun in a building housing a court of the General Court of  
 9 Justice if the judge is in the building to discharge his or her official duties  
 10 and the judge has a concealed handgun permit issued in accordance with  
 11 Article 54B of this Chapter or considered valid under ~~G.S. 14-415.24~~, G.S. 14-415.24.  
 12 (4c) Firearms in a courthouse, carried by detention officers employed by and  
 13 authorized by the sheriff to carry ~~firearms~~, firearms.  
 14 (4d) Any magistrate who carries or possesses a concealed handgun in any portion  
 15 of a building housing a court of the General Court of Justice other than a  
 16 courtroom itself unless the magistrate is presiding in that courtroom, if the  
 17 magistrate (i) is in the building to discharge the magistrate's official duties,  
 18 (ii) has a concealed handgun permit issued in accordance with Article 54B of  
 19 this Chapter or considered valid under G.S. 14-415.24, (iii) has successfully  
 20 completed a one-time weapons retention training substantially similar to that  
 21 provided to certified law enforcement officers in North Carolina, and (iv)  
 22 secures the weapon in a locked compartment when the weapon is not on the  
 23 magistrate's ~~person~~, person.  
 24 (5) State-owned rest areas, rest stops along the highways, and State-owned  
 25 hunting and fishing reservations.  
 26 (6) A person with a permit issued in accordance with Article 54B of this  
 27 Chapter or considered valid under G.S. 14-415.24 who has a firearm in a  
 28 closed compartment or container within the person's locked vehicle or in a  
 29 locked container securely affixed to the person's vehicle. A person may  
 30 unlock the vehicle to enter or exit the vehicle provided the firearm remains  
 31 in the closed compartment at all times and the vehicle is locked immediately  
 32 following the entrance or exit.

33 Any person violating the provisions of this section shall be guilty of a Class 1  
 34 misdemeanor."  
 35

36 **SECTION 6.** G.S. 14-269.7(a) reads as rewritten:

37 "(a) Any minor who willfully and intentionally possesses or carries a handgun is guilty  
 38 of a ~~Class 2~~ Class 1 misdemeanor."

39 **SECTION 7.** G.S. 14-269.8(a) reads as rewritten:

40 "(a) In accordance with G.S. 50B-3.1, it is unlawful for any person to ~~own~~, possess,  
 41 purchase, or receive or attempt to ~~own~~, possess, purchase, or receive a firearm, as defined in  
 42 G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed  
 43 firearms if ordered by the court for so long as that protective order or any successive protective  
 44 order entered against that person pursuant to Chapter 50B of the General Statutes is in effect."

45 **SECTION 8.** G.S. 14-288.8(b) reads as rewritten:

46 "(b) This section does not apply ~~to~~ to any of the following:

- 47 (1) Persons exempted from the provisions of G.S. 14-269 with respect to any  
 48 activities lawfully engaged in while carrying out their duties.  
 49 (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or  
 50 destructive devices validly licensed under the laws of the United States or

1 the State of North Carolina, while lawfully engaged in activities authorized  
2 under their licenses.

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

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

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

16 **SECTION 9.** G.S. 14-409(b) reads as rewritten:

17 "(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give  
18 away, dispose of, use or possess machine guns, submachine guns, or other like weapons as  
19 defined by subsection (a) of this section: Provided, however, that this subsection shall not apply  
20 to the following:

21 Banks, merchants, and recognized business establishments for use in their respective places  
22 of business, who shall first apply to and receive from the sheriff of the county in which said  
23 business is located, a permit to possess the said weapons for the purpose of defending the said  
24 business; officers and soldiers of the United States Army, when in discharge of their official  
25 duties, officers and soldiers of the militia when called into actual service, officers of the State,  
26 or of any county, city or town, charged with the execution of the laws of the State, when acting  
27 in the discharge of their official duties; the manufacture, use or possession of such weapons for  
28 scientific or experimental purposes when such manufacture, use or possession is lawful under  
29 federal laws and the weapon is registered with a federal agency, and when a permit to  
30 manufacture, use or possess the weapon is issued by the sheriff of the county in which the  
31 weapon is ~~located~~-located; a person who lawfully possesses or owns a weapon as defined by  
32 subsection (a) of this section in compliance with 26 U.S.C. Chapter 53, §§ 5801-5871. Nothing  
33 in this subdivision shall limit the discretion of the sheriff in executing the paperwork required  
34 by the United States Bureau of Alcohol, Tobacco and Firearms for such person to obtain the  
35 weapon. Provided, further, that any bona fide resident of this State who now owns a machine  
36 gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property  
37 without violating the provisions of this section upon his reporting said ownership to the sheriff  
38 of the county in which said person lives."

39 **SECTION 10.** G.S. 14-404(d) reads as rewritten:

40 "(d) Nothing in this Article shall apply to officers authorized by law to carry firearms if  
41 the officers identify themselves to the vendor or donor as being officers authorized by law to  
42 carry firearms and ~~state that the purpose for the purchase of the firearms is directly related to~~  
43 ~~the law officers' official duties.~~ provide any of the following:

44 (1) A letter signed by the officer's supervisor or superior officer stating that the  
45 officer is authorized by law to carry a firearm.

46 (2) A current photographic identification card issued by the officer's employer.

47 (3) A current photographic identification card issued by a State agency that  
48 identifies the individual as a law enforcement officer certified by the State of  
49 North Carolina.

50 (4) A current identification card issued by the officer's employer and another  
51 form of current photographic identification."

1           **SECTION 11.** Article 53A of Chapter 14 of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 14-408.1. Solicit unlawful purchase of firearm; unlawful to provide materially false**  
4 **information regarding legality of firearm or ammunition transfer.**

5       (a) The following definitions apply in this section:

6           (1) Ammunition. – Any cartridge, shell, or projectile designed for use in a  
7 firearm.

8           (2) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action  
9 of an explosion.

10          (3) Handgun. – A pistol, revolver, or other gun that has a short stock and is  
11 designed to be held and fired by the use of a single hand.

12          (4) Licensed dealer. – A person who is licensed pursuant to 18 U.S.C. § 923 to  
13 engage in the business of dealing in firearms.

14          (5) Materially false information. – Information that portrays an illegal  
15 transaction as legal or a legal transaction as illegal.

16          (6) Private seller. – A person who sells or offers for sale any firearm, as defined  
17 in G.S. 14-409.39, or ammunition.

18       (b) Any person who knowingly solicits, persuades, encourages, or entices a licensed  
19 dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under  
20 circumstances that the person knows would violate the laws of this State or the United States is  
21 guilty of a Class F felony.

22       (c) Any person who provides to a licensed dealer or private seller of firearms or  
23 ammunition information that the person knows to be materially false information with the  
24 intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition  
25 is guilty of a Class F felony.

26       (d) Any person who willfully procures another to engage in conduct prohibited by this  
27 section shall be held accountable as a principal.

28       (e) This section does not apply to a law enforcement officer acting in his or her official  
29 capacity or to a person acting at the direction of the law enforcement officer."

30       **SECTION 12.** G.S. 14-409.10 reads as written:

31 **"§ 14-409.10. Purchase of rifles and shotguns out of State.**

32 It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition  
33 therefor in states contiguous to this State. Unless otherwise prohibited by law, a citizen of this  
34 State may purchase a firearm in another state if the citizen undergoes a background check that  
35 satisfies the law of the state of purchase and that includes an inquiry of the National Instant  
36 Background Check System."

37       **SECTION 13.** G.S. 14-415.1 reads as rewritten:

38 **"§ 14-415.1. Possession of firearms, etc., by felon prohibited.**

39       (a) It shall be unlawful for any person who has been convicted of a felony to purchase,  
40 own, possess, or have in his custody, care, or control any firearm or any weapon of mass death  
41 and destruction as defined in G.S. 14-288.8(c). For the purposes of this section, a firearm is (i)  
42 any weapon, including a starter gun, which will or is designed to or may readily be converted to  
43 expel a projectile by the action of an explosive, or its frame or receiver, or (ii) any firearm  
44 muffler or firearm silencer. This section does not apply to an antique firearm, as defined in  
45 G.S. 14-409.11.

46       Every person violating the provisions of this section shall be punished as a Class G felon.

47       (b) Prior convictions which cause disenfranchisement under this section shall only include:

48           (1) Felony convictions in North Carolina that occur before, on, or after  
49           December 1, 1995; and

50           (2) Repealed by Session Laws 1995, c. 487, s. 3, effective December 1, 1995.

- 1 (3) Violations of criminal laws of other states or of the United States that occur  
2 before, on, or after December 1, 1995, and that are substantially similar to  
3 the crimes covered in subdivision (1) which are punishable where committed  
4 by imprisonment for a term exceeding one year.

5 When a person is charged under this section, records of prior convictions of any offense,  
6 whether in the courts of this State, or in the courts of any other state or of the United States,  
7 shall be admissible in evidence for the purpose of proving a violation of this section. The term  
8 "conviction" is defined as a final judgment in any case in which felony punishment, or  
9 imprisonment for a term exceeding one year, as the case may be, is ~~permissible, authorized,~~  
10 without regard to the plea entered or to the sentence imposed. A judgment of a conviction of  
11 the defendant or a plea of guilty by the defendant to such an offense certified to a superior court  
12 of this State from the custodian of records of any state or federal court shall be prima facie  
13 evidence of the facts so certified.

14 (c) The indictment charging the defendant under the terms of this section shall be  
15 separate from any indictment charging him with other offenses related to or giving rise to a  
16 charge under this section. An indictment which charges the person with violation of this section  
17 must set forth the date that the prior offense was committed, the type of offense and the penalty  
18 therefor, and the date that the defendant was convicted or plead guilty to such offense, the  
19 identity of the court in which the conviction or plea of guilty took place and the verdict and  
20 judgment rendered therein.

21 (d) This section does not apply to a person ~~whose firearms rights have been restored~~  
22 ~~under G.S. 14-415.4, unless the person is convicted of a subsequent felony after the petition to~~  
23 ~~restore the person's firearms rights is granted who, pursuant to the law of the jurisdiction in~~  
24 ~~which the conviction occurred, has been pardoned or has had his or her firearms rights restored~~  
25 if such restoration of rights could also be granted under North Carolina law.

26 (e) This section does not apply and there is no disentitlement under this section if the  
27 felony conviction is a violation under the laws of North Carolina, another state, or the United  
28 States that pertains to antitrust violations, unfair trade practices, or restraints of trade."

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

30 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

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

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

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

- 46 (1) ~~areas~~ Areas prohibited by G.S. 269.2, 14-269.3, 14-269.4, and  
47 14-277.2, G.S. 14-269.2, 14-269.3, and 14-277.2.  
48 (2) Areas prohibited by G.S. 14-269.4, except as allowed under  
49 G.S. 14-269.4(6).  
50 (3) ~~in~~ In an area prohibited by rule adopted under G.S. 120-32.1, G.S. 120-32.1.  
51 (4) ~~in~~ In any area prohibited by 18 U.S.C. § 922 or any other federal law, law.



1           (5) ~~in~~In a law enforcement or correctional ~~facility, facility.~~

2           (6) ~~in~~In a building housing only State or federal ~~offices, offices.~~

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

6           (8) ~~a financial institution, or on any other premises, except state-owned rest~~  
7 ~~areas or state-owned rest stops along the highways, On any private premises~~  
8 where notice that carrying a concealed handgun is prohibited by the posting  
9 of a conspicuous notice or statement by the person in legal possession or  
10 control of the premises.

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

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

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

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

29       **SECTION 15.** G.S. 14-415.13(a)(5) reads as rewritten:

30       "(a) A person shall apply to the sheriff of the county in which the person resides to  
31 obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the  
32 following:

33       ...

34       (5) A release, in a form to be prescribed by the Administrative Office of the  
35 Courts, that authorizes and requires disclosure to the sheriff of any records  
36 concerning the mental health or capacity of the ~~applicant~~applicant to be  
37 used for the sole purpose of determining whether the applicant is  
38 disqualified for a permit under the provisions of G.S. 14-415.12. This  
39 provision does not prohibit submitting information related to involuntary  
40 commitment to the National Instant Criminal Background Check System  
41 (NICS)."

42       **SECTION 16.** G.S. 14-415.14(b) reads as rewritten:

43       "(b) The permit application shall also contain a warning substantially as follows:

44       "CAUTION: Federal law and State law on the possession of handguns and firearms may  
45 differ. If you are prohibited by federal law from possessing a handgun or a firearm, you may be  
46 prosecuted in federal court. A State permit is not a defense to a federal prosecution.""

47       **SECTION 17.** G.S. 14-415.15 reads as rewritten:

48       "**§ 14-415.15. Issuance or denial of permit.**

49       (a) Except as permitted under subsection (b) of this section, within ~~90~~45 days after  
50 receipt of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required  
51 records concerning the mental health or capacity of the applicant, the sheriff shall either issue

1 or deny the permit. The sheriff may conduct any investigation necessary to determine the  
2 qualification or competency of the person applying for the permit, including record checks.

3 (b) Upon presentment to the sheriff of the items required under G.S. 14-415.13 (a)(1),  
4 (2), and (3), the sheriff may issue a temporary permit for a period not to exceed ~~90~~45 days to a  
5 person who the sheriff reasonably believes is in an emergency situation that may constitute a  
6 risk of safety to the person, the person's family or property. The applicant may submit proof of  
7 a protective order issued under G.S. 50B-3 for the protection of the applicant as evidence of an  
8 emergency situation. The temporary permit may not be renewed and may be revoked by the  
9 sheriff without a hearing.

10 (c) A person's application for a permit shall be denied only if the applicant fails to  
11 qualify under the criteria listed in this Article. If the sheriff denies the application for a permit,  
12 the sheriff shall, within ~~90~~45 days, notify the applicant in writing, stating the grounds for  
13 denial. An applicant may appeal the denial, revocation, or nonrenewal of a permit by  
14 petitioning a district court judge of the district in which the application was filed. The  
15 determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness  
16 of the sheriff's refusal. The determination by the court shall be final."

17 **SECTION 18.** G.S. 14-415.16 reads as rewritten:

18 **"§ 14-415.16. Renewal of permit.**

19 (a) At least 45 days prior to the expiration date of a permit, the sheriff of the county  
20 where the permit was issued shall send a written notice to the permittee explaining that the  
21 permit is about to expire and including information about the requirements for renewal of the  
22 permit. The notice shall be sent by first class mail to the last known address of the permittee.  
23 Failure to receive a renewal notice shall not relieve a permittee of requirements imposed in this  
24 section for renewal of the permit.

25 (b) The holder of a permit shall apply to renew the permit within the 90-day period  
26 prior to its expiration date by filing with the sheriff of the county in which the person resides a  
27 renewal form provided by the sheriff's office, ~~a notarized~~an affidavit stating that the permittee  
28 remains qualified under the criteria provided in this Article, a newly administered full set of the  
29 permittee's fingerprints, and a renewal fee.

30 (c) Upon receipt of the completed renewal ~~application, including the permittee's~~  
31 ~~fingerprints, application~~ and the appropriate payment of fees, the sheriff shall determine if the  
32 permittee remains qualified to hold a permit in accordance with the provisions of  
33 G.S. 14-415.12. The permittee's criminal history shall be updated, including with another  
34 inquiry of the National Instant Criminal Background Check System (NICS), and the sheriff  
35 may waive the requirement of taking another firearms safety and training course. If the  
36 permittee applies for a renewal of the permit within the 90-day period prior to its expiration  
37 date and if the permittee remains qualified to have a permit under G.S. 14-415.12, the sheriff  
38 shall renew the permit. The permit of a permittee who complies with this section shall remain  
39 valid beyond the expiration date of the permit until the permittee either receives a renewal  
40 permit or is denied a renewal permit by the sheriff.

41 (d) No fingerprints shall be required for a renewal permit if the applicant's fingerprints  
42 were submitted to the State Bureau of Investigation after June 30, 2001, on the Automated  
43 Fingerprint Information System (AFIS) as prescribed by the State Bureau of Investigation.

44 (e) If the permittee does not apply to renew the permit prior to its expiration date, but  
45 does apply to renew the permit within 60 days after the permit expires, the sheriff may waive  
46 the requirement of taking another firearms safety and training course. This subsection does not  
47 extend the expiration date of the permit."

48 **SECTION 19.** G.S. 14-415.17 reads as rewritten:

49 **"§ 14-415.17. Permit; sheriff to retain and make available to law enforcement agencies a**  
50 **list of permittees.**

1 The permit shall be in a certificate form, as prescribed by the Administrative Office of the  
2 Courts, that is approximately the size of a North Carolina drivers license. It shall bear the  
3 signature, name, address, date of birth, and ~~social security number of the permittee, and the~~  
4 drivers license identification number used in applying for the permit. The sheriff shall maintain  
5 ~~a listing~~ listing, including the identifying information, of those persons who are issued a ~~permit~~  
6 ~~and any pertinent information regarding the issued permit.~~ permit. The permit information shall  
7 be available upon request to all State and local law enforcement agencies.

8 Within five days of the date a permit is issued, the sheriff shall send a copy of the permit to  
9 the State Bureau of Investigation. The State Bureau of Investigation shall make this information  
10 available to law enforcement officers and clerks of court on a statewide system."

11 **SECTION 20.** G.S. 14-415.18(a) reads as rewritten:

12 "(a) The sheriff of the county where the permit was issued or the sheriff of the county  
13 where the person resides may revoke a permit subsequent to a hearing for any of the following  
14 reasons:

- 15 (1) Fraud or intentional ~~or~~ and material misrepresentation in the obtaining of a  
16 permit.
- 17 (2) Misuse of a permit, including lending or giving a permit or a duplicate  
18 permit to another person, duplicating ~~materially altering~~ a permit, or using a  
19 permit with the intent to unlawfully cause harm to a person or property. It  
20 shall not be considered misuse of a permit to provide a duplicate of the  
21 permit to a vender for record-keeping purposes.
- 22 (3) The doing of an act or existence of a condition which would have been  
23 grounds for the denial of the permit by the sheriff.
- 24 (4) The violation of any of the terms of this Article.
- 25 (5) The applicant is adjudicated guilty of or receives a prayer for judgment  
26 continued for a crime which would have disqualified the applicant from  
27 initially receiving a permit.

28 A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district  
29 court judge of the district in which the applicant resides. The determination by the court, on  
30 appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal."

31 **SECTION 21.(a)** G.S. 14-415.21 reads as rewritten:

32 "**§ 14-415.21. Violations of this Article punishable as an ~~infraction and a Class 2~~**  
33 **misdemeanor-infraction.**

34 (a) A person who has been issued a valid permit who is found to be carrying a  
35 concealed handgun without the permit in the person's possession or who fails to disclose to any  
36 law enforcement officer that the person holds a valid permit and is carrying a concealed  
37 handgun, as required by G.S. 14-415.11, shall be guilty of an infraction ~~for the first offense~~ and  
38 shall be punished in accordance with G.S. 14-3.1. In lieu of paying a fine ~~for the first offense,~~  
39 the person may surrender the permit. ~~Subsequent offenses for failing to carry a valid permit or~~  
40 ~~for failing to make the necessary disclosures to a law enforcement officer as required by~~  
41 ~~G.S. 14-415.11 shall be punished in accordance with subsection (b) of this section.~~

42 (b) A person who violates the provisions of this Article other than as set forth in  
43 subsection (a) of this section is guilty of a Class 2 misdemeanor."

44 **SECTION 21.(b)** G.S. 14-415.23 reads as rewritten:

45 "**§ 14-415.23. Statewide uniformity.**

46 It is the intent of the General Assembly to prescribe a uniform system for the regulation of  
47 legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards,  
48 or agencies of the State nor any county, city, municipality, municipal corporation, town,  
49 township, village, nor any department or agency thereof, may enact ordinances, rules, or  
50 regulations concerning legally carrying a concealed handgun. A unit of local government may  
51 adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun,

1 in accordance with G.S. 14-415.11(c), on local government buildings, ~~their appurtenant~~  
2 ~~premises, and parks~~ buildings and their appurtenant premises. A unit of local government may  
3 adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal  
4 and county recreational facilities that are specifically identified by the unit of local government.  
5 If a unit of local government adopts such an ordinance with regard to recreational facilities,  
6 then the concealed handgun permittee may, nevertheless, secure the handgun in a locked  
7 vehicle within the trunk, glove box, or other enclosed compartment or area within or on the  
8 motor vehicle. For purposes of this section, the term "recreational facilities" includes only the  
9 following: a playground, an athletic field, a swimming pool, and an athletic facility."

10 **SECTION 22.(a)** G.S. 14-415.24 reads as rewritten:

11 **"§ 14-415.24. Reciprocity; out-of-state handgun permits.**

12 (a) A valid concealed handgun permit or license issued by another state is valid in  
13 North Carolina if that state grants the same right to residents of North Carolina who have valid  
14 concealed handgun permits issued pursuant to this Article in their possession while carrying  
15 concealed weapons in that state. North Carolina.

16 (b) ~~The Attorney General shall maintain a registry of states that meet the requirements~~  
17 ~~of this section on the North Carolina Criminal Information Network and make the registry~~  
18 ~~available to law enforcement officers for investigative purposes.~~

19 (c) Every 12 months after the effective date of this subsection, the Department of  
20 Justice shall make written inquiry of the concealed handgun permitting authorities in each other  
21 state as to: (i) whether a North Carolina resident may carry a concealed handgun in their state  
22 based upon having a valid North Carolina concealed handgun permit and (ii) whether a North  
23 Carolina resident may apply for a concealed handgun permit in that state based upon having a  
24 valid North Carolina concealed handgun permit. The Department of Justice shall attempt to  
25 secure from each state permission for North Carolina residents who hold a valid North Carolina  
26 concealed handgun permit to carry a concealed handgun in that state, either on the basis of the  
27 North Carolina permit or on the basis that the North Carolina permit is sufficient to permit the  
28 issuance of a similar license or permit by the other state."

29 **SECTION 22.(b)** Article 54B of Chapter 14 of the General Statutes is amended by  
30 adding a new section to read:

31 **"§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys,**  
32 **and investigators employed by office of the district attorney.**

33 Notwithstanding G.S. 14-415.11(c), any person who is a district attorney, an assistant  
34 district attorney, or an investigator employed by the office of a district attorney and who has a  
35 concealed handgun permit issued pursuant to this Article or that is considered valid under  
36 G.S. 14-415.24 is not subject to the restrictions and prohibitions set out in G.S. 14-415.11(c)  
37 and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise  
38 prohibited by federal law."

39 **SECTION 23.** G.S. 50B-3.1(d) reads as rewritten:

40 "(d) Surrender. – Upon service of the order, the defendant shall immediately surrender to  
41 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,  
42 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or  
43 control of the defendant. In the event that weapons cannot be surrendered at the time the order  
44 is served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff  
45 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the  
46 firearms or contract with a licensed firearms dealer to provide storage.

47 (1) If the court orders the defendant to surrender firearms, ammunition, and  
48 permits, the court shall inform the plaintiff and the defendant of the terms of  
49 the protective order and include these terms on the face of the order,  
50 including that the defendant is prohibited from ~~owning,~~ possessing,  
51 purchasing, or receiving or attempting to ~~own,~~ possess, purchase, or receive

1 a firearm for so long as the protective order or any successive protective  
2 order is in effect. The terms of the order shall include instructions as to how  
3 the defendant may request retrieval of any firearms, ammunition, and  
4 permits surrendered to the sheriff when the protective order is no longer in  
5 effect. The terms shall also include notice of the penalty for violation of  
6 G.S. 14-269.8.

- 7 (2) The sheriff may charge the defendant a reasonable fee for the storage of any  
8 firearms and ammunition taken pursuant to a protective order. The fees are  
9 payable to the sheriff. The sheriff shall transmit the proceeds of these fees to  
10 the county finance officer. The fees shall be used by the sheriff to pay the  
11 costs of administering this section and for other law enforcement purposes.  
12 The county shall expend the restricted funds for these purposes only. The  
13 sheriff shall not release firearms, ammunition, or permits without a court  
14 order granting the release. The defendant must remit all fees owed prior to  
15 the authorized return of any firearms, ammunition, or permits. The sheriff  
16 shall not incur any civil or criminal liability for alleged damage or  
17 deterioration due to storage or transportation of any firearms or ammunition  
18 held pursuant to this section."

19 **SECTION 24.** G.S. 50B-3.1(j) reads as rewritten:

20 "(j) Violations. – In accordance with G.S. 14-269.8, it is unlawful for any person to  
21 ~~own~~, possess, purchase, or receive or attempt to ~~own~~, possess, purchase, or receive a firearm, as  
22 defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry  
23 concealed firearms if ordered by the court for so long as that protective order or any successive  
24 protective order entered against that person pursuant to this Chapter is in effect. Any defendant  
25 violating the provisions of this section shall be guilty of a Class H felony."

26 **SECTION 25.** G.S. 120-32.1 is amended by adding a new subsection to read:

27 "(c1) No rule adopted under this section shall prohibit the transportation or storage of a  
28 firearm in a closed compartment or container within a person's locked vehicle or in a locked  
29 container securely affixed to a person's vehicle. Notwithstanding any other provision of law, a  
30 legislator or legislative employee who parks a vehicle in a State-owned parking space that is  
31 leased or assigned to that legislator or legislative employee may transport a firearm to the  
32 parking space and store that firearm in the vehicle parked in the parking space, provided that:  
33 (i) the firearm is in a closed compartment or container within the legislator's or legislative  
34 employee's locked vehicle, or (ii) the firearm is in a locked container securely affixed to the  
35 legislator or legislative employee's vehicle."

36 **SECTION 26.** This act becomes effective December 1, 2011, and applies to  
37 offenses committed on or after that date. Prosecutions for offenses committed before the  
38 effective date of this act are not abated or affected by this act, and the statutes that would be  
39 applicable but for this act remain applicable to those prosecutions.