

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

D

SENATE BILL 141
PROPOSED COMMITTEE SUBSTITUTE S141-PCS15132-RV-8

Short Title: Concealed Carry/DA, Ass't DA, Investigator.

(Public)

Sponsors:

Referred to:

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANY PERSON WHO IS A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY AND WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269 reads as rewritten:

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

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

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

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

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

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

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

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

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

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



- 1 (4) Officers of the State, or of any county, city, town, or company police agency
2 charged with the execution of the laws of the State, when acting in the
3 discharge of their official duties;
- 4 (4a) Any person who is a district attorney, an assistant district attorney, or an
5 investigator employed by the office of a district attorney and who has a
6 concealed handgun permit issued in accordance with Article 54B of this
7 Chapter or considered valid under G.S. 14-415.24; provided that the person
8 shall not carry a concealed weapon at any time while in a courtroom or while
9 consuming alcohol or an unlawful controlled substance or while alcohol or
10 an unlawful controlled substance remains in the person's body. The district
11 attorney, assistant district attorney, or investigator shall secure the weapon in
12 a locked compartment when the weapon is not on the person of the district
13 attorney, assistant district attorney, or investigator;
- 14 (5) Sworn law-enforcement officers, when off-duty, provided that an officer
15 does not carry a concealed weapon while consuming alcohol or an unlawful
16 controlled substance or while alcohol or an unlawful controlled substance
17 remains in the officer's body.
- 18 (b1) It is a defense to a prosecution under this section that:
- 19 (1) The weapon was not a firearm;
- 20 (2) The defendant was engaged in, or on the way to or from, an activity in which
21 he legitimately used the weapon;
- 22 (3) The defendant possessed the weapon for that legitimate use; and
- 23 (4) The defendant did not use or attempt to use the weapon for an illegal
24 purpose.

25 The burden of proving this defense is on the defendant.

- 26 (b2) It is a defense to a prosecution under this section that:
- 27 (1) The deadly weapon is a handgun;
- 28 (2) The defendant is a military permittee as defined under G.S. 14-415.10(2a);
29 and
- 30 (3) The defendant provides to the court proof of deployment as defined under
31 G.S. 14-415.10(3a).

32 (c) Any person violating the provisions of subsection (a) of this section shall be guilty
33 of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1) of this
34 section shall be guilty of a Class 2 misdemeanor for the first offense. A second or subsequent
35 offense is punishable as a Class I felony.

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

40 **SECTION 2.** G.S. 14-415.11 reads as rewritten:

41 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

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

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

4 (c) ~~A~~ Except as provided in G.S. 14-415.27, a permit does not authorize a person to
5 carry a concealed handgun in the areas prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and
6 14-277.2, in an area prohibited by rule adopted under G.S. 120-32.1, in any area prohibited by
7 18 U.S.C. § 922 or any other federal law, in a law enforcement or correctional facility, in a
8 building housing only State or federal offices, in an office of the State or federal government
9 that is not located in a building exclusively occupied by the State or federal government, a
10 financial institution, or on any other premises, except state-owned rest areas or state-owned rest
11 stops along the highways, where notice that carrying a concealed handgun is prohibited by the
12 posting of a conspicuous notice or statement by the person in legal possession or control of the
13 premises.

14 (c1) It shall be unlawful for a person, with or without a permit, to carry a concealed
15 handgun while consuming alcohol or at any time while the person has remaining in his body
16 any alcohol or in his blood a controlled substance previously consumed, but a person does not
17 violate this condition if a controlled substance in his blood was lawfully obtained and taken in
18 therapeutically appropriate amounts.

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

25 **SECTION 3.** Article 54B of Chapter 14 of the General Statutes is amended by
26 adding a new section to read:

27 "**§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys,
28 and investigators employed by office of the district attorney.**

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

35 **SECTION 4.** This act becomes effective December 1, 2011.