

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 937
Committee Substitute Favorable 4/24/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H937-PCS80373-SA-50

Short Title: Amend Various Firearms Laws.

(Public)

Sponsors:

Referred to:

April 15, 2013

A BILL TO BE ENTITLED

AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION



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1 AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS
2 AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN
3 CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER
4 DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM;
5 AND TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT
6 OFFICER CONSISTENT WITH FEDERAL LAW.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-269 is amended by adding a new subsection to read:

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

17 **SECTION 2.** G.S. 14-269.2 is amended by adding the following new subsections
18 to read:

19 "(i) The provisions of this section shall not apply to an employee of an institution of
20 higher education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational
21 institution who resides on the campus of the institution at which the person is employed when
22 all of the following criteria are met:

23 (1) The employee's residence is a detached, single-family dwelling in which
24 only the employee and the employee's immediate family reside.

25 (2) The institution is either:

26 a. An institution of higher education as defined by G.S. 116-143.1.

27 b. A nonpublic post-secondary educational institution that has not
28 specifically prohibited the possession of a handgun pursuant to this
29 subsection.

30 (3) The weapon is a handgun.

31 (4) The handgun is possessed in one of the following manners as appropriate:

32 a. If the employee has a concealed handgun permit that is valid under
33 Article 54B of this Chapter, or who is exempt from obtaining a
34 permit pursuant to that Article, the handgun may be on the premises
35 of the employee's residence or in a closed compartment or container
36 within the employee's locked vehicle that is located in a parking area
37 of the educational property of the institution at which the person is
38 employed and resides. Except for direct transfer between the
39 residence and the vehicle, the handgun must remain at all times either
40 on the premises of the employee's residence or in the closed
41 compartment of the employee's locked vehicle. The employee may
42 unlock the vehicle to enter or exit, but must lock the vehicle
43 immediately following the entrance or exit if the handgun is in the
44 vehicle.

45 b. If the employee is not authorized to carry a concealed handgun
46 pursuant to Article 54B of this Chapter, the handgun may be on the
47 premises of the employee's residence, and may only be in the
48 employee's vehicle when the vehicle is occupied by the employee
49 and the employee is immediately leaving the campus or is driving
50 directly to their residence from off campus. The employee may
51 possess the handgun on the employee's person outside the premises

of the employee's residence when making a direct transfer of the handgun from the residence to the employee's vehicle when the employee is immediately leaving the campus or from the employee's vehicle to the residence when the employee is arriving at the residence from off campus.

(j) The provisions of this section shall not apply to an employee of a public or nonpublic school who resides on the campus of the school at which the person is employed when all of the following criteria are met:

(1) The employee's residence is a detached, single-family dwelling in which only the employee and the employee's immediate family reside.

(2) The school is either:

a. A public school which provides residential housing for enrolled students.

b. A nonpublic school which provides residential housing for enrolled students and has not specifically prohibited the possession of a handgun pursuant to this subsection.

(3) The weapon is a handgun.

(4) The handgun is possessed in one of the following manners as appropriate:

a. If the employee has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, the handgun may be on the premises of the employee's residence or in a closed compartment or container within the employee's locked vehicle that is located in a parking area of the educational property of the school at which the person is employed and resides. Except for direct transfer between the residence and the vehicle, the handgun must remain at all times either on the premises of the employee's residence or in the closed compartment of the employee's locked vehicle. The employee may unlock the vehicle to enter or exit, but must lock the vehicle immediately following the entrance or exit if the handgun is in the vehicle.

b. If the employee is not authorized to carry a concealed handgun pursuant to Article 54B of this Chapter, the handgun may be on the premises of the employee's residence, and may only be in the employee's vehicle when the vehicle is occupied by the employee and the employee is immediately leaving the campus or is driving directly to their residence from off campus. The employee may possess the handgun on the employee's person outside the premises of the employee's residence when making a direct transfer of the handgun from the residence to the employee's vehicle when the employee is immediately leaving the campus or from the employee's vehicle to the residence when the employee is arriving at the residence from off campus.

(k) The provisions of this section shall not apply to a person who has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, who has a handgun 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."

SECTION 3. G.S. 14-269.3(b) reads as rewritten:

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

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

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

(3) A person participating in the event, if ~~he the person~~ is carrying a gun, rifle, or pistol with the permission of the owner, lessee, or person or organization sponsoring the ~~event~~; and event.

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

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

SECTION 4. G.S. 14-316 reads as rewritten:

"§ 14-316. Permitting young children to use dangerous firearms.

(a) It shall be unlawful for any ~~parent, guardian, or person standing in loco parentis, person~~ to knowingly permit ~~his a~~ child under the age of 12 years to have ~~the access to, or possession, custody or use in any manner whatever, of~~ any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, ~~except when such unless the person has the permission of the child's parent or guardian, and the child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein.~~ an adult. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(b) Air rifles, air pistols, and BB guns shall not be deemed "dangerous firearms" within the meaning of subsection (a) of this section except in the following counties: Anson, Caldwell, Caswell, Chowan, Cleveland, Cumberland, Durham, Forsyth, Gaston, Harnett, Haywood, Mecklenburg, Stanly, Stokes, Surry, Union, Vance."

SECTION 5. G.S. 15A-1340.16A reads as rewritten:

"§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm or deadly weapon during the commission of the felony.

(a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

(c) If a person is convicted of a ~~Class A, B1, B2, C, D, or E~~ felony and it is found as provided in this section that: (i) the person committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and (ii) the person actually possessed the firearm or deadly weapon about his or her person, then the person shall have the minimum term of imprisonment to which the person is sentenced for that felony increased ~~by 60 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 60 months, as specified in G.S. 15A-1340.17(e) and (e1).~~ as follows:

(1) If the felony is a Class A, B1, B2, C, D, or E felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 72 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 72 months, as specified in G.S. 15A-1340.17(e) and (e1).

(2) If the felony is a Class F or G felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 36 months. The maximum term of imprisonment shall be the maximum term

that corresponds to the minimum term after it is increased by 36 months, as specified in G.S. 15A-1340.17(d).

(3) If the felony is a Class H or I felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 12 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 12 months, as specified in G.S. 15A-1340.17(d).

(d) An indictment or information for the ~~Class A, B1, B2, C, D, or E~~-felony shall allege in that indictment or information the facts set out in subsection (c) of this section. The pleading is sufficient if it alleges that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and the defendant actually possessed the firearm or deadly weapon about the defendant's person. One pleading is sufficient for all ~~Class A, B1, B2, C, D, or E~~-felonies that are tried at a single trial.

(e) The State shall prove the issues set out in subsection (c) of this section beyond a reasonable doubt during the same trial in which the defendant is tried for the felony unless the defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest to the felony but pleads not guilty to the issues set out in subsection (c) of this section, then a jury shall be impaneled to determine the issues.

(f) Subsection (c) of this section does not apply if the evidence of the use, display, or threatened use or display of the firearm or deadly weapon is needed to prove an element of the felony or if the person is not sentenced to an active term of imprisonment."

SECTION 6. G.S. 14-415.23 reads as rewritten:

"§ 14-415.23. Statewide uniformity.

(a) It is the intent of the General Assembly to prescribe a uniform system for the regulation of legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government buildings and their appurtenant premises.

(b) A unit of local government may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government. If a unit of local government adopts such an ordinance with regard to recreational facilities, then the concealed handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.

(c) For purposes of this section, the term "recreational facilities" includes only the following: ~~a playground, an athletic field, a swimming pool, and an athletic facility.~~

(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area.

(2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.

(3) A facility used for athletic events, including, but not limited to, a gymnasium.

(d) For the purposes of this section, the term "recreational facilities" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an "athletic field" pursuant to

subdivision (1) of subsection (c) of this section, and any other area that is not specifically described in subsection (c) of this section."

SECTION 7. G.S. 122C-54(d1) reads as rewritten:

"(d1) ~~After a judicial determination that an individual shall be involuntarily committed for either inpatient or outpatient mental health treatment pursuant to Article 5 of this Chapter, the clerk of superior court in the county where the judicial determination was made shall, as soon as practicable, cause a report of the commitment to be transmitted to the National Instant Criminal Background Check System (NICS). Reporting of an individual involuntarily committed to outpatient mental health treatment under this subsection shall only be reported if the individual is found to be a danger to self or others. The clerk shall also cause to be transmitted to NICS a record where an individual is found not guilty by reason of insanity or found mentally incompetent to proceed to criminal trial. The clerk, upon receipt of documentation that an affected individual has received a relief from disabilities pursuant to G.S. 122C-54.1 or any applicable federal law, shall cause the individual's record in NICS to be updated.~~ Excluding Saturdays, Sundays, and holidays, not later than 48 hours after receiving notice of any of the following judicial determinations or findings, the clerk of superior court in the county where the determination or finding was made shall cause a record of the determination or finding to be transmitted to the National Instant Criminal Background Check System (NICS):

- (1) A determination that an individual shall be involuntarily committed to a facility for inpatient mental health treatment upon a finding that the individual is mentally ill and a danger to self or others.
- (2) A determination that an individual shall be involuntarily committed to a facility for outpatient mental health treatment upon a finding that the individual is mentally ill and, based on the individual's treatment history, in need of treatment in order to prevent further disability or deterioration that would predictably result in a danger to self or others.
- (3) A determination that an individual shall be involuntarily committed to a facility for substance abuse treatment upon a finding that the individual is a substance abuser and a danger to self or others.
- (4) A finding that an individual is not guilty by reason of insanity.
- (5) A finding that an individual is mentally incompetent to proceed to criminal trial.
- (6) A finding that an individual lacks the capacity to manage the individual's own affairs due to marked subnormal intelligence or mental illness, incompetency, condition, or disease.
- (7) A determination to grant a petition to an individual for the removal of disabilities pursuant to G.S. 122C-54.1 or any applicable federal law.

The 48-hour period for transmitting a record of a judicial determination or finding to the NICS under this subsection begins upon receipt by the clerk of a copy of the judicial determination or finding."

SECTION 8. The last two sentences of G.S. 122C-54(d1) are recodified as G.S. 122C-54(d2) and read as rewritten:

"(d2) The record of involuntary commitment for inpatient or outpatient mental health treatment or for substance abuse treatment required by subsection (d1) of this section shall be accessible only by an entity having proper access to NICS and shall remain otherwise confidential as provided by this Article. The clerk shall effect the transmissions to NICS required by the subsection according to protocols which shall be established by the Administrative Office of the Courts. The Administrative Office of the Courts shall adopt rules to require clerks of court to transmit information to the NICS as required by subsection (d1) of this section in a uniform manner."

1 **SECTION 9.** G.S. 122C-54.1 reads as rewritten:

2 **"§ 122C-54.1. Restoration process to remove mental commitment bar.**

3 (a) Any individual over the age of 18 may petition for the removal of the mental
4 ~~commitment bar to purchase, possess, or transfer a firearm when the individual no longer~~
5 ~~suffers from the condition that resulted in the individual's involuntary commitment for either~~
6 ~~inpatient or outpatient mental health treatment pursuant to Article 5 of this Chapter and no~~
7 ~~longer poses a danger to self or others for purposes of the purchase, possession, or transfer of~~
8 ~~firearms pursuant to 18 U.S.C. § 922, G.S. 14-404, and G.S. 14-415.12.~~disabilities pursuant to
9 18 U.S.C. § 922(d)(4) and (g)(4), G.S. 14-415.3, and G.S. 14-415.12 arising out of a
10 determination or finding required to be transmitted to the National Instant Criminal
11 Background Check System by subdivisions (1) through (6) of subsection (d1) of G.S. 122C-54.
12 The individual may file the petition with a district court judge upon the expiration of any
13 current inpatient or outpatient commitment. ~~No individual who has been found not guilty by~~
14 ~~reason of insanity may petition a court for restoration under this section.~~

15 (b) The petition must be filed in the district court of the county where the respondent
16 was the subject of the most recent judicial determination or finding~~that either inpatient or~~
17 ~~outpatient treatment was appropriate~~ or in the district court of the county of the petitioner's
18 residence. ~~An individual disqualified from firearms possession due to a comparable~~
19 ~~out-of-State mental commitment shall make application in the county of residence.~~ The clerk of
20 court upon receipt of the petition shall schedule a hearing using the regularly scheduled
21 commitment court time and provide notice of the hearing to the petitioner and the ~~district~~
22 ~~attorney.~~ attorney who represented the State in the underlying case, or that attorney's successor.
23 Copies of the petition must be served on the director of the relevant inpatient and or outpatient
24 ~~treatment facility, in-State or out-of-State,~~facility and the district attorney in the petitioner's
25 current county of residence.

26 (c) The burden is on the petitioner to establish by a preponderance of the evidence that
27 the petitioner ~~no longer suffers from the condition that resulted in commitment and no longer~~
28 ~~poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms~~
29 ~~pursuant to 18 U.S.C. § 922, G.S. 14-404, and G.S. 14-415.12.~~will not be likely to act in a
30 manner dangerous to public safety and that the granting of the relief would not be contrary to
31 the public interest. The district attorney shall present any and all relevant information to the
32 contrary. For these purposes, the district attorney may access and use any and all mental health
33 records, juvenile records, and criminal history of the petitioner wherever maintained. The
34 applicant must sign a release for the district attorney to receive any mental health records of the
35 applicant. This hearing shall be closed to the public, unless the court finds that the public
36 interest would be better served by conducting the hearing in public. If the court determines the
37 hearing should be open to the public, upon motion by the petitioner, the court may allow for the
38 in camera inspection of any mental health records. The court may allow the use of the record
39 but shall restrict it from public disclosure, unless it finds that the public interest would be better
40 served by making the record public. The district court shall enter an order that the petitioner
41 ~~does or does not continue to suffer from the condition that resulted in commitment and does or~~
42 ~~does not continue to pose a danger to self or others for purposes of the purchase, possession, or~~
43 ~~transfer of firearms pursuant to 18 U.S.C. § 922, G.S. 14-404, and G.S. 14-415.12.~~is or is not
44 likely to act in a manner dangerous to public safety and that the granting of the relief would or
45 would not be contrary to the public interest. The court shall include in its order the specific
46 findings of fact on which it bases its decision. In making its determination, the court shall
47 consider the circumstances regarding the firearm disabilities from which relief is sought, the
48 petitioner's mental health and criminal history records, the petitioner's reputation, developed at
49 a minimum through character witness statements, testimony, or other character evidence, and
50 any changes in the petitioner's condition or circumstances since the original determination or
51 finding relevant to the relief sought. The decision of the district court may be appealed to the

superior court for a hearing de novo. After a denial by the superior court, the applicant must wait a minimum of one year before reapplying. Attorneys designated by the Attorney General shall be available to represent the State, or assist in the representation of the State, in a restoration proceeding when requested to do so by a district attorney and approved by the Attorney General. An attorney so designated shall have all the powers of the district attorney under this section.

(d) Upon a judicial determination to grant a petition under this section, the clerk of superior court in the county where the petition was granted shall forward the order to the National Instant Criminal Background Check System (NICS) for updating of the respondent's record."

SECTION 10. G.S. 14-415.3 is amended by adding a new subsection to read:

"(c) The provisions of this section shall not apply to a person whose rights have been restored pursuant to G.S. 122C-54.1."

SECTION 11. G.S. 14-415.12(c) reads as rewritten:

"(c) An applicant shall not be ineligible to receive a concealed carry permit under subdivision (6) of subsection (b) of this section because of an adjudication of mental incapacity or illness or an involuntary commitment to mental health services if the individual's rights have been restored under G.S. 122C-54.1."

SECTION 12. G.S. 14-415.17 reads as rewritten:

"§ 14-415.17. Permit; sheriff to retain and ~~make available to law enforcement agencies a list of permittees, permittees; confidentiality of list and permit application information; availability to law enforcement agencies.~~

(a) The permit shall be in a certificate form, as prescribed by the Administrative Office of the Courts, that is approximately the size of a North Carolina drivers license. It shall bear the signature, name, address, date of birth, and the drivers license identification number used in applying for the permit.

(b) The sheriff shall maintain a listing, including the identifying information, of those persons who are issued a permit. ~~The permit information shall be available upon request to all State and local law enforcement agencies.~~ Within five days of the date a permit is issued, the sheriff shall send a copy of the permit to the State Bureau of Investigation. ~~The State Bureau of Investigation shall make this information available to law enforcement officers and clerks of court on a statewide system.~~

(c) Except as provided otherwise by this subsection, the list of permit holders and the information collected by the sheriff to process an application for a permit are confidential and are not a public record under G.S. 132-1. The sheriff shall make the list of permit holders and the permit information available upon request to all State and local law enforcement agencies. The State Bureau of Investigation shall make the list of permit holders and the information collected by the sheriff to process an application for a permit available to law enforcement officers and clerks of court on a statewide system.

SECTION 13. G.S. 14-406 reads as rewritten:

"§ 14-406. Dealer to keep record of sales, ~~sales; confidentiality of records.~~

(a) Every dealer in pistols and other weapons mentioned in this Article shall keep an accurate record of all sales thereof, including the name, place of residence, date of sale, etc., of each person, firm, or corporation to whom or which such sales are made, ~~which record shall be open to the inspection of any duly constituted State, county or police officer, within this State.~~ The records maintained by a dealer pursuant to this section are confidential and are not a public record under G.S. 132-1; provided, however, that the dealer shall make the records available upon request to all State and local law enforcement agencies.

(b) Repealed by Session Laws 2011-56, s. 3, effective April 28, 2011."

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

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

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

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

9 ...

- 10 (6) A person with a permit issued in accordance with Article 54B of this
11 ~~Chapter or Chapter,~~ with a permit considered valid under
12 ~~G.S. 14-415.24~~ G.S. 14-415.24, or who is exempt from obtaining a permit
13 pursuant to G.S. 14-415.25, who has a firearm in a closed compartment or
14 container within the person's locked vehicle or in a locked container securely
15 affixed to the person's vehicle. A person may unlock the vehicle to enter or
16 exit the vehicle provided the firearm remains in the closed compartment at
17 all times and the vehicle is locked immediately following the entrance or
18 exit.

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

21 **SECTION 15.** G.S. 14-277.2 is amended by adding a new subsection to read:

22 "(d) The provisions of this section shall not apply to concealed carry of a handgun at a
23 parade or funeral procession by a person with a valid permit issued in accordance with Article
24 54B of this Chapter, with a permit considered valid under G.S. 14-415.24, or who is exempt
25 from obtaining a permit pursuant to G.S. 14-415.25. This subsection shall not be construed to
26 permit a person to carry a concealed handgun on any premises where the person in legal
27 possession or control of the premises has posted a conspicuous notice prohibiting the carrying
28 of a concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

29 **SECTION 16.** G.S. 14-415.21 reads as rewritten:

30 "**§ 14-415.21. Violations of this Article punishable as an infraction.**

31 (a) A person who has been issued a valid permit who is found to be carrying a
32 concealed handgun without the permit in the person's possession or who fails to disclose to any
33 law enforcement officer that the person holds a valid permit and is carrying a concealed
34 handgun, as required by G.S. 14-415.11, shall be guilty of an infraction and shall be punished
35 in accordance with G.S. 14-3.1. In lieu of paying a fine the person may surrender the permit.

36 (a1) A person who has been issued a valid permit who is found to be carrying a
37 concealed handgun in violation of subdivision (c)(8) or subsection (c2) of G.S. 14-415.11 shall
38 be guilty of a Class 1 misdemeanor.

39 (b) A person who violates the provisions of this Article other than as set forth in
40 subsection (a) or (a1) of this section is guilty of a Class 2 misdemeanor."

41 **SECTION 17.** The following statutes are repealed: G.S. 14-402, 14-403, 14-404,
42 14-405, and 14-407.1.

43 **SECTION 18.** G.S. 14-315(b1) reads as rewritten:

44 "(b1) Defense. – It shall be a defense to a violation of this section if all of the following
45 conditions are met:

- 46 (1) ~~The person shows that the minor produced an apparently valid permit to~~
47 ~~receive the weapon, if such a permit would be required under G.S. 14-402 or~~
48 ~~G.S. 14-409.1 for transfer of the weapon to an adult.~~
49 (2) The person reasonably believed that the minor was not a minor.
50 (3) The person either:

- a. Shows that the minor produced a drivers license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing the minor's age to be at least the required age for purchase and bearing a physical description of the person named on the card reasonably describing the minor; or
- b. Produces evidence of other facts that reasonably indicated at the time of sale that the minor was at least the required age."

SECTION 19. G.S. 20-187.2(a) reads as rewritten:

"(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city and county law-enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law-enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, ~~upon securing a permit as required by G.S. 14-402 et seq. or 14-409.1 et seq., upon determining that the person receiving the weapon~~ is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or without such permit provided the weapon shall have if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law-enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law-enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law-enforcement officers, the head of the department."

SECTION 20. G.S. 14-415.18 reads as rewritten:

"§ 14-415.18. Revocation or suspension of permit.

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

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

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

(a1) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides shall revoke a permit of any permittee who is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Upon determining that a permit should be revoked pursuant to this subsection, the sheriff shall provide written notice to the permittee, pursuant to

the provisions of G.S. 1A-1, Rule 4(j), that the permit is revoked upon the service of the notice. The notice shall provide the permittee with information on the process to appeal the revocation.

Upon receipt of the written notice of revocation, the permittee shall surrender the permit to the sheriff. Any law enforcement officer serving the notice is authorized to take immediate possession of the permit from the permittee. If the notice is served by means other than by a law enforcement officer, the permittee shall surrender the permit to the sheriff no later than 48 hours after service of the notice.

A permittee may appeal the revocation of a permit pursuant to this subsection by petitioning a district court judge of the district in which the permittee resides. The determination by the court, on appeal, shall be limited to whether the permittee was adjudicated guilty of or received a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Revocation of the permit is not stayed pending appeal.

(b) The court may suspend a permit as part of and for the duration of any orders permitted under Chapter 50B of the General Statutes."

SECTION 21. G.S. 14-269(b) is amended by adding the following new subdivisions to read:

"(4d) Any person who is a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The judge or magistrate shall secure the weapon in a locked compartment when the weapon is not on the person of the judge or magistrate;

(4e) Any person who is elected and serving as a clerk of court or as a register of deeds and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The clerk of court or register of deeds shall secure the weapon in a locked compartment when the weapon is not on the person of the clerk of court or register of deeds;"

SECTION 22. G.S. 14-415.27 reads as rewritten:

"§ 14-415.27. Expanded permit scope for ~~district attorneys, assistant district attorneys, and investigators employed by office of the district attorney~~ certain persons.

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

- (1) A district attorney.
- (2) An assistant district attorney.
- (3) An investigator employed by the office of a district attorney.
- (4) A North Carolina district or superior court judge.
- (5) A magistrate.
- (6) A person who is elected and serving as a clerk of court.
- (7) A person who is elected and serving as a register of deeds."

SECTION 23. G.S. 113-291.1(c) reads as rewritten:

"(c) It is a Class 1 misdemeanor for any person taking wildlife to have in ~~his~~ the person's possession any:

- (1) ~~Firearm equipped with a silencer or any device designed to silence, muffle, or minimize the report of the firearm. The firearm is considered equipped with the silencer or device whether it is attached to the firearm or separate but reasonably accessible for attachment during the taking of the wildlife.~~
- (2) Weapon of mass death and destruction as defined in G.S. 14-288.8, other than a suppressor or other device designed to muffle or minimize the report of a firearm that is lawfully possessed by a person in compliance with 26 U.S.C. Chapter 53 §§ 5801-5871.

The Wildlife Resources Commission may prohibit individuals training dogs or taking particular species from carrying axes, saws, tree-climbing equipment, and other implements that may facilitate the unlawful taking of wildlife, except tree-climbing equipment may be carried and used by persons lawfully taking raccoons and opossums during open season."

SECTION 24. G.S. 14-415.10 reads as rewritten:

"§ 14-415.10. Definitions.

The following definitions apply to this Article:

- ...
- (4a) Qualified retired law enforcement officer. – An individual who meets the definition of "qualified retired law enforcement officer" contained in section 926C of Title 18 of the United States Code, all of the following qualifications:
- a. ~~Retired in good standing from service with a public agency located in the United States as a law enforcement officer, other than for reasons of mental instability.~~
 - b. ~~Prior to retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of, any person for any violation of law, and had statutory powers of arrest.~~
 - c. ~~Prior to retirement, was regularly employed as a law enforcement officer for a total of 15 years or more, or retired after completing probationary periods of service due to a service-connected disability, as determined by the agency.~~
 - d. ~~Has a vested right to benefits under the retirement plan of the agency.~~

...."

SECTION 25. G.S. 14-269(b) reads as rewritten:

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

- ...
- (4b) Any person who is a qualified retired law enforcement officer as defined in G.S. 14-415.10 and meets all any one of the following conditions:
- a. ~~Is a qualified retired law enforcement officer as defined in G.S. 14-415.10.~~
 - b.a. Is the holder of a concealed handgun permit in accordance with Article 54B of this Chapter.
 - b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.
 - c. Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26;

...."

SECTION 26. Sections 1 through 6, 14 through 18, 21, 23, and 25 of this act become effective October 1, 2013, and apply to offenses committed on or after that date.

- 1 Prosecutions for offenses committed before the effective date of this act are not abated or
- 2 affected by this act, and the statutes that would be applicable but for this act remain applicable
- 3 to those prosecutions. The remainder of this act becomes effective October 1, 2013.