

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B 1148
Jun 9, 2016
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40650-LH-185A (04/15)

Short Title: Gun Rights Amendment.

(Public)

Sponsors: Representative Pittman.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROTECT A
3 PERSON'S RIGHT TO CARRY A CONCEALED WEAPON.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. CONSTITUTIONAL AMENDMENT**

7 **SECTION 1.(a)** Section 30 of Article I of the North Carolina Constitution reads as
8 rewritten:

9 "**Sec. 30. Militia and the right to bear arms.**

10 A well regulated militia being necessary to the security of a free State, the right of the people
11 to keep and bear arms shall not be infringed; and, as standing armies in time of peace are
12 dangerous to liberty, they shall not be maintained, and the military shall be kept under strict
13 subordination to, and governed by, the civil power. ~~Nothing herein shall justify the practice of~~
14 ~~carrying concealed weapons, or prevent the General Assembly from enacting penal statutes~~
15 ~~against that practice."~~

16 **SECTION 1.(b)** The amendment set out in subsection (a) of this section shall be
17 submitted to the qualified voters of the State at the general election in November 2016, which
18 election shall be conducted under the laws then governing elections in the State. Ballots, voting
19 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
20 question to be used in the voting systems and ballots shall be:

21 "[] FOR [] AGAINST

22 A constitutional amendment, to become effective December 1, 2016, to repeal the
23 provision which provides that the General Assembly may prohibit the practice of carrying
24 concealed weapons."

25
26 **PART II. REPEAL PROHIBITION ON CARRYING CONCEALED**
27 **WEAPONS/CONFORMING CHANGES**

28 **SECTION 2.** The following statutes are repealed: G.S. 14-269, 14-269.3, 14-269.4,
29 and 14-277.2.

30 **SECTION 3.** Chapter 14 of the General Statutes is amended by adding a new Article
31 to read:

32 "Article 54C.

33 "Carrying Concealed Weapons.

34 "**§ 14-415.35. Carrying concealed weapons.**

35 (a) Carrying Concealed Weapon. – Any person who is a citizen of the United States and is
36 at least 21 years old may carry a concealed weapon in this State unless provided otherwise by law.



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1 **(b) Offense.** – It is unlawful for a person who meets any of the following criteria to carry a
2 concealed weapon:

- 3 **(1)** Is ineligible to own, possess, or receive a firearm under the provisions of State
4 or federal law.
- 5 **(2)** Is under indictment or against whom a finding of probable cause exists for a
6 felony.
- 7 **(3)** Has been adjudicated guilty in any court of a felony, unless (i) the felony is an
8 offense that pertains to antitrust violations, unfair trade practices, or restraints
9 of trade or (ii) the person's firearms rights have been restored pursuant to
10 G.S. 14-415.4.
- 11 **(4)** Is a fugitive from justice.
- 12 **(5)** Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,
13 stimulant, or narcotic drug, or any other controlled substance as defined in 21
14 U.S.C. § 802.
- 15 **(6)** Is currently, or has been previously adjudicated by a court or administratively
16 determined by a governmental agency whose decisions are subject to judicial
17 review to be, lacking mental capacity or mentally ill. Receipt of previous
18 consultative services or outpatient treatment alone shall not disqualify any
19 citizen under this subdivision.
- 20 **(7)** Is or has been discharged from the Armed Forces of the United States under
21 conditions other than honorable.
- 22 **(8)** Is or has been adjudicated guilty of or received a prayer for judgment continued
23 or suspended sentence for one or more crimes of violence constituting a
24 misdemeanor, including, but not limited to, a violation of a misdemeanor under
25 Article 8 of Chapter 14 of the General Statutes or a violation of a misdemeanor
26 under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-415.36, 14-415.37,
27 14-415.38, 14-269.6, 14-276.1, 14-277, 14-277.1, 14-415.39, 14-277.3A,
28 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former
29 14-288.12, former 14-288.13, former 14-288.14, 14-288.20A, 14-318.2,
30 14-415.21(b), 14-415.26(d), or former 14-277.3.
- 31 **(9)** Has had entry of a prayer for judgment continued for a criminal offense that
32 would make it unlawful under this section for the person to carry a concealed
33 weapon.
- 34 **(10)** Is free on bond or personal recognizance pending trial, appeal, or sentencing for
35 a crime that would make it unlawful under this section for the person to carry a
36 concealed weapon.
- 37 **(11)** Has been convicted of an impaired driving offense under G.S. 20-138.1,
38 20-138.2, or 20-138.3 within three years prior to the date on which the person is
39 carrying the weapon.

40 **(c) Valid Identification Required; Disclosure to Law Enforcement Officer When Carrying**
41 Concealed. – When carrying a concealed weapon, a person shall also carry valid identification and
42 shall disclose to any law enforcement officer that the person is carrying a concealed weapon when
43 approached or addressed by the officer and shall display the proper identification upon the request
44 of a law enforcement officer.

45 **(d) Penalty.** – Any person who violates subsection (b) of this section is guilty of a Class 2
46 misdemeanor for a first offense and is guilty of a Class H felony for a second or subsequent
47 offense. Any person who violates subsection (c) of this section commits an infraction and shall be
48 punished in accordance with G.S. 14-3.1.

49 **"§ 14-415.36. Unlawful to carry concealed weapons into assemblies and establishments**
50 **where alcoholic beverages are sold and consumed when property owner posts that**
51 **no concealed carry is allowed.**

- 1 (a) It is a Class 1 misdemeanor for a person to carry a concealed weapon into any of the
2 following:
- 3 (1) An assembly where a fee has been charged for admission thereto if notice is
4 given that carrying a concealed weapon on the premises is prohibited by either
5 the posting of a conspicuous notice or statement by the person in legal
6 possession or control of the premises.
- 7 (2) Any establishment in which alcoholic beverages are sold and consumed if
8 notice is given that carrying a concealed handgun on the premises is prohibited
9 by either the posting of a conspicuous notice or statement by the person in legal
10 possession or control of the premises.
- 11 (b) This section does not apply to any of the following:
- 12 (1) The owner or lessee of the premises or business establishment.
- 13 (2) A person participating in the event, if the person is carrying a gun, rifle, or
14 pistol with the permission of the owner, lessee, or person or organization
15 sponsoring the event.
- 16 (3) A person registered or hired as a security guard by the owner, lessee, or person
17 or organization sponsoring the event.
- 18 (4) Officers and enlisted personnel of the Armed Forces of the United States when
19 in discharge of their official duties as such and acting under orders requiring
20 them to carry arms and weapons.
- 21 (5) Civil and law enforcement officers of the United States.
- 22 (6) Officers and soldiers of the militia and the National Guard when called into
23 actual service.
- 24 (7) Officers of the State, or of any county, city, town, or company police agency
25 charged with the execution of the laws of the State, when acting in the
26 discharge of their official duties.
- 27 (8) Any person who is a district attorney, an assistant district attorney, or an
28 investigator employed by the office of a district attorney; provided that the
29 person shall not carry a concealed weapon at any time while consuming alcohol
30 or an unlawful controlled substance or while alcohol or an unlawful controlled
31 substance remains in the person's body.
- 32 (9) Any person who is a qualified retired law enforcement officer as defined in
33 G.S. 14-415.10.
- 34 (10) Detention personnel or correctional officers employed by the State or a unit of
35 local government who park a vehicle in a space that is authorized for their use
36 in the course of their duties may transport a firearm to the parking space and
37 store that firearm in the vehicle parked in the parking space; provided that (i)
38 the firearm is in a closed compartment or container within the locked vehicle or
39 (ii) the firearm is in a locked container securely affixed to the vehicle.
- 40 (11) Any person who is a North Carolina district court judge, North Carolina
41 superior court judge, or a North Carolina magistrate; provided that the person
42 shall not carry a concealed weapon at any time while consuming alcohol or an
43 unlawful controlled substance or while alcohol or an unlawful controlled
44 substance remains in the person's body.
- 45 (12) Any person who is serving as a clerk of court or as a register of deeds; provided
46 that the person shall not carry a concealed weapon at any time while consuming
47 alcohol or an unlawful controlled substance or while alcohol or an unlawful
48 controlled substance remains in the person's body. This subdivision does not
49 apply to assistants, deputies, or other employees of the clerk of court or register
50 of deeds.

- 1 (13) Sworn law enforcement officers, when off duty; provided that an officer does
2 not carry a concealed weapon while consuming alcohol or an unlawful
3 controlled substance or while alcohol or an unlawful controlled substance
4 remains in the officer's body.
- 5 (14) State probation or parole-certified officers, when off duty; provided that an
6 officer does not carry a concealed weapon while consuming alcohol or an
7 unlawful controlled substance or while alcohol or an unlawful controlled
8 substance remains in the officer's body.
- 9 (15) A member of the North Carolina National Guard who has been designated in
10 writing by the Adjutant General, State of North Carolina, who has a concealed
11 handgun permit issued in accordance with Article 54B of this Chapter or
12 considered valid under G.S. 14-415.24, and is acting in the discharge of his or
13 her official duties; provided that the member does not carry a concealed weapon
14 while consuming alcohol or an unlawful controlled substance or while alcohol
15 or an unlawful controlled substance remains in the member's body.
- 16 (16) A person employed by the Department of Public Safety who has been
17 designated in writing by the Secretary of the Department, who has a concealed
18 handgun permit issued in accordance with Article 54B of this Chapter or
19 considered valid under G.S. 14-415.24, and has in the person's possession
20 written proof of the designation by the Secretary of the Department; provided
21 that the person shall not carry a concealed weapon at any time while consuming
22 alcohol or an unlawful controlled substance or while alcohol or an unlawful
23 controlled substance remains in the person's body.
- 24 (17) Any person who is an administrative law judge described in Article 60 of
25 Chapter 7A of the General Statutes and who has a concealed handgun permit
26 issued in accordance with Article 54B of this Chapter or considered valid under
27 G.S. 14-415.24; provided that the person shall not carry a concealed weapon at
28 any time while consuming alcohol or an unlawful controlled substance or while
29 alcohol or an unlawful controlled substance remains in the person's body.
- 30 (18) State correctional officers, when off-duty; provided that an officer does not
31 carry a concealed weapon while consuming alcohol or an unlawful controlled
32 substance or while alcohol or an unlawful controlled substance remains in the
33 officer's body. If the concealed weapon is a handgun, the correctional officer
34 must meet the firearms training standards of the Division of Adult Correction of
35 the Department of Public Safety.

36 **"§ 14-415.37. No weapons on the premises of the State Capitol, Executive Mansion, or**
37 **Western Residence of the Governor.**

38 (a) It is unlawful for any person to possess, or carry, whether openly or concealed, any
39 deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in the
40 State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the
41 grounds of any of these buildings.

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

- 43 (1) Officers and enlisted personnel of the Armed Forces of the United States when
44 in discharge of their official duties as such and acting under orders requiring
45 them to carry arms and weapons.
- 46 (2) Civil and law enforcement officers of the United States.
- 47 (3) Officers and soldiers of the militia and the National Guard when called into
48 actual service.
- 49 (4) Officers of the State, or of any county, city, town, or company police agency
50 charged with the execution of the laws of the State, when acting in the
51 discharge of their official duties.

- 1 (5) Detention personnel or correctional officers employed by the State or a unit of
2 local government who park a vehicle in a space that is authorized for their use
3 in the course of their duties may transport a firearm to the parking space and
4 store that firearm in the vehicle parked in the parking space; provided that (i)
5 the firearm is in a closed compartment or container within the locked vehicle or
6 (ii) the firearm is in a locked container securely affixed to the vehicle.
7 (6) Sworn law enforcement officers, when off duty; provided that an officer does
8 not carry a concealed weapon while consuming alcohol or an unlawful
9 controlled substance or while alcohol or an unlawful controlled substance
10 remains in the officer's body.
11 (7) State probation or parole-certified officers, when off duty; provided that an
12 officer does not carry a concealed weapon while consuming alcohol or an
13 unlawful controlled substance or while alcohol or an unlawful controlled
14 substance remains in the officer's body.
15 (8) A member of the North Carolina National Guard who has been designated in
16 writing by the Adjutant General, State of North Carolina, who has a concealed
17 handgun permit issued in accordance with Article 54B of this Chapter or
18 considered valid under G.S. 14-415.24, and is acting in the discharge of his or
19 her official duties; provided that the member does not carry a concealed weapon
20 while consuming alcohol or an unlawful controlled substance or while alcohol
21 or an unlawful controlled substance remains in the member's body.
22 (9) A person employed by the Department of Public Safety who has been
23 designated in writing by the Secretary of the Department, who has a concealed
24 handgun permit issued in accordance with Article 54B of this Chapter or
25 considered valid under G.S. 14-415.24, and has in the person's possession
26 written proof of the designation by the Secretary of the Department; provided
27 that the person shall not carry a concealed weapon at any time while consuming
28 alcohol or an unlawful controlled substance or while alcohol or an unlawful
29 controlled substance remains in the person's body.
30 (10) Any person who is an administrative law judge described in Article 60 of
31 Chapter 7A of the General Statutes and who has a concealed handgun permit
32 issued in accordance with Article 54B of this Chapter or considered valid under
33 G.S. 14-415.24; provided that the person shall not carry a concealed weapon at
34 any time while consuming alcohol or an unlawful controlled substance or while
35 alcohol or an unlawful controlled substance remains in the person's body.
36 (11) State correctional officers, when off-duty; provided that an officer does not
37 carry a concealed weapon while consuming alcohol or an unlawful controlled
38 substance or while alcohol or an unlawful controlled substance remains in the
39 officer's body. If the concealed weapon is a handgun, the correctional officer
40 must meet the firearms training standards of the Division of Adult Correction of
41 the Department of Public Safety.

42 (c) A violation of this section is a Class 1 misdemeanor.

43 **"§ 14-415.38. Weapons in courthouses.**

44 (a) It is 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 any building housing any court of the General Court of Justice. If a court is housed in a building
47 containing nonpublic uses in addition to the court, then this prohibition shall apply only to that
48 portion of the building used for court purposes while the building is being used for court purposes.

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

- 1 (1) Officers and enlisted personnel of the Armed Forces of the United States when
2 in discharge of their official duties as such and acting under orders requiring
3 them to carry arms and weapons.
- 4 (2) Civil and law enforcement officers of the United States.
- 5 (3) Officers and soldiers of the militia and the National Guard when called into
6 actual service.
- 7 (4) Officers of the State, or of any county, city, town, or company police agency
8 charged with the execution of the laws of the State, when acting in the
9 discharge of their official duties.
- 10 (5) Any district court judge or superior court judge who carries or possesses a
11 concealed handgun in a building housing a court of the General Court of Justice
12 if the judge is in the building to discharge his or her official duties.
- 13 (6) Any person who is a district attorney, an assistant district attorney, or an
14 investigator employed by the office of a district attorney; provided that the
15 person shall not carry a concealed weapon at any time while in a courtroom.
16 The district attorney, assistant district attorney, or investigator shall secure the
17 weapon in a locked compartment when the weapon is not on the person of the
18 district attorney, assistant district attorney, or investigator. Notwithstanding the
19 provisions of this subdivision, a district attorney may carry a concealed weapon
20 while in courtroom.
- 21 (7) Any person who is a qualified retired law enforcement officer as defined in
22 G.S. 14-415.10.
- 23 (8) Detention personnel or correctional officers employed by the State or a unit of
24 local government who park a vehicle in a space that is authorized for their use
25 in the course of their duties may transport a firearm to the parking space and
26 store that firearm in the vehicle parked in the parking space; provided that (i)
27 the firearm is in a closed compartment or container within the locked vehicle or
28 (ii) the firearm is in a locked container securely affixed to the vehicle.
- 29 (9) Any person who is serving as a clerk of court or as a register of deeds. The
30 clerk of court or register of deeds shall secure the weapon in a locked
31 compartment when the weapon is not on the person of the clerk of court or
32 register of deeds. This subdivision does not apply to assistants, deputies, or
33 other employees of the clerk of court or register of deeds.
- 34 (10) Sworn law enforcement officers, when off duty.
- 35 (11) State probation or parole-certified officers, when off duty.
- 36 (12) Any person in a building housing a court of the General Court of Justice in
37 possession of a weapon for evidentiary purposes, to deliver it to a law
38 enforcement agency, or for purposes of registration.
- 39 (13) Firearms in a courthouse, carried by detention officers employed by and
40 authorized by the sheriff to carry firearms.
- 41 (14) Any magistrate who carries or possesses a concealed handgun in any portion of
42 a building housing a court of the General Court of Justice other than a
43 courtroom itself unless the magistrate is presiding in that courtroom, if the
44 magistrate (i) is in the building to discharge the magistrate's official duties, (ii)
45 has successfully completed a one-time weapons retention training substantially
46 similar to that provided to certified law enforcement officers in North Carolina,
47 and (iii) secures the weapon in a locked compartment when the weapon is not
48 on the magistrate's person.
- 49 (15) A person who has a firearm in a closed compartment or container within the
50 person's locked vehicle or in a locked container securely affixed to the person's
51 vehicle. A person may unlock the vehicle to enter or exit the vehicle; provided

1 the firearm remains in the closed compartment at all times and the vehicle is
2 locked immediately following the entrance or exit.

3 (16) A member of the North Carolina National Guard who has been designated in
4 writing by the Adjutant General, State of North Carolina, who has a concealed
5 handgun permit issued in accordance with Article 54B of this Chapter or
6 considered valid under G.S. 14-415.24, and is acting in the discharge of his or
7 her official duties; provided that the member does not carry a concealed weapon
8 while consuming alcohol or an unlawful controlled substance or while alcohol
9 or an unlawful controlled substance remains in the member's body.

10 (17) A person employed by the Department of Public Safety who has been
11 designated in writing by the Secretary of the Department, who has a concealed
12 handgun permit issued in accordance with Article 54B of this Chapter or
13 considered valid under G.S. 14-415.24, and has in the person's possession
14 written proof of the designation by the Secretary of the Department; provided
15 that the person shall not carry a concealed weapon at any time while consuming
16 alcohol or an unlawful controlled substance or while alcohol or an unlawful
17 controlled substance remains in the person's body.

18 (18) Any person who is an administrative law judge described in Article 60 of
19 Chapter 7A of the General Statutes and who has a concealed handgun permit
20 issued in accordance with Article 54B of this Chapter or considered valid under
21 G.S. 14-415.24; provided that the person shall not carry a concealed weapon at
22 any time while consuming alcohol or an unlawful controlled substance or while
23 alcohol or an unlawful controlled substance remains in the person's body.

24 (19) State correctional officers, when off-duty; provided that an officer does not
25 carry a concealed weapon while consuming alcohol or an unlawful controlled
26 substance or while alcohol or an unlawful controlled substance remains in the
27 officer's body. If the concealed weapon is a handgun, the correctional officer
28 must meet the firearms training standards of the Division of Adult Correction of
29 the Department of Public Safety.

30 (c) A violation of this section is a Class 1 misdemeanor.

31 **"§ 14-415.39. Weapons prohibited at parades and funeral services when property owner**
32 **posts that no concealed carry is allowed.**

33 (a) It is unlawful for any person participating in, affiliated with, or present as a spectator at
34 any parade or funeral procession to carry a concealed weapon on any premises where the person in
35 legal possession or control of the premises has posted a conspicuous notice prohibiting the
36 carrying of a concealed weapon on the premises in accordance with G.S. 14-415.11(c).

37 (b) It is presumed that any rifle or gun carried on a rack in a pickup truck at a holiday
38 parade or in a funeral procession does not violate the terms of this act.

39 (c) The provisions of this section shall not apply to any of the following:

40 (1) A person authorized by State or federal law to carry dangerous weapons in the
41 performance of their duties.

42 (2) Any person who obtains a permit to carry a dangerous weapon at a parade or
43 funeral procession from the sheriff or police chief, whichever is appropriate, of
44 the locality where the parade or funeral procession is to take place.

45 (3) Officers and enlisted personnel of the Armed Forces of the United States when
46 in discharge of their official duties as such and acting under orders requiring
47 them to carry arms and weapons.

48 (4) Civil and law enforcement officers of the United States.

49 (5) Officers and soldiers of the militia and the National Guard when called into
50 actual service.

- 1 (6) 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 (7) Any person who is a district attorney, an assistant district attorney, or an
5 investigator employed by the office of a district attorney; provided that the
6 person shall not carry a concealed weapon at any time while consuming alcohol
7 or an unlawful controlled substance or while alcohol or an unlawful controlled
8 substance remains in the person's body.
- 9 (8) Any person who is a qualified retired law enforcement officer as defined in
10 G.S. 14-415.10.
- 11 (9) Detention personnel or correctional officers employed by the State or a unit of
12 local government who park a vehicle in a space that is authorized for their use
13 in the course of their duties may transport a firearm to the parking space and
14 store that firearm in the vehicle parked in the parking space; provided that (i)
15 the firearm is in a closed compartment or container within the locked vehicle or
16 (ii) the firearm is in a locked container securely affixed to the vehicle.
- 17 (10) Any person who is a North Carolina district court judge, North Carolina
18 superior court judge, or a North Carolina magistrate; provided that the person
19 shall not carry a concealed weapon at any time while consuming alcohol or an
20 unlawful controlled substance or while alcohol or an unlawful controlled
21 substance remains in the person's body.
- 22 (11) Any person who is serving as a clerk of court or as a register of deeds; provided
23 that the person shall not carry a concealed weapon at any time while consuming
24 alcohol or an unlawful controlled substance or while alcohol or an unlawful
25 controlled substance remains in the person's body. This subdivision does not
26 apply to assistants, deputies, or other employees of the clerk of court or register
27 of deeds.
- 28 (12) Sworn law enforcement officers, when off duty; provided that an officer does
29 not carry a concealed weapon while consuming alcohol or an unlawful
30 controlled substance or while alcohol or an unlawful controlled substance
31 remains in the officer's body.
- 32 (13) State probation or parole-certified officers, when off duty; provided that an
33 officer does not carry a concealed weapon while consuming alcohol or an
34 unlawful controlled substance or while alcohol or an unlawful controlled
35 substance remains in the officer's body.
- 36 (14) A member of the North Carolina National Guard who has been designated in
37 writing by the Adjutant General, State of North Carolina, who has a concealed
38 handgun permit issued in accordance with Article 54B of this Chapter or
39 considered valid under G.S. 14-415.24, and is acting in the discharge of his or
40 her official duties; provided that the member does not carry a concealed weapon
41 while consuming alcohol or an unlawful controlled substance or while alcohol
42 or an unlawful controlled substance remains in the member's body.
- 43 (15) A person employed by the Department of Public Safety who has been
44 designated in writing by the Secretary of the Department, who has a concealed
45 handgun permit issued in accordance with Article 54B of this Chapter or
46 considered valid under G.S. 14-415.24, and has in the person's possession
47 written proof of the designation by the Secretary of the Department; provided
48 that the person shall not carry a concealed weapon at any time while consuming
49 alcohol or an unlawful controlled substance or while alcohol or an unlawful
50 controlled substance remains in the person's body.

- 1 (16) Any person who is an administrative law judge described in Article 60 of
2 Chapter 7A of the General Statutes and who has a concealed handgun permit
3 issued in accordance with Article 54B of this Chapter or considered valid under
4 G.S. 14-415.24; provided that the person shall not carry a concealed weapon at
5 any time while consuming alcohol or an unlawful controlled substance or while
6 alcohol or an unlawful controlled substance remains in the person's body.
- 7 (17) State correctional officers, when off-duty; provided that an officer does not
8 carry a concealed weapon while consuming alcohol or an unlawful controlled
9 substance or while alcohol or an unlawful controlled substance remains in the
10 officer's body. If the concealed weapon is a handgun, the correctional officer
11 must meet the firearms training standards of the Division of Adult Correction of
12 the Department of Public Safety.
- 13 (d) A violation of this section is a Class 1 misdemeanor.
- 14 **"§ 14-415.40. Unlawful to carry a concealed weapon into certain areas.**
- 15 (a) It is unlawful to carry a concealed weapon into the following areas unless provided
16 otherwise by law:
- 17 (1) In an area prohibited by rule adopted under G.S. 120-32.1.
18 (2) In any area prohibited by 18 U.S.C. § 922 or any other federal law.
19 (3) In a law enforcement or correctional facility.
20 (4) On any private premises where notice that carrying a concealed handgun is
21 prohibited by the posting of a conspicuous notice or statement by the person in
22 legal possession or control of the premises.
- 23 (b) This section shall not apply to any of the following:
- 24 (1) Officers and enlisted personnel of the Armed Forces of the United States when
25 in discharge of their official duties as such and acting under orders requiring
26 them to carry arms and weapons.
- 27 (2) Civil and law enforcement officers of the United States.
28 (3) Officers and soldiers of the militia and the National Guard when called into
29 actual service.
- 30 (4) Officers of the State, or of any county, city, town, or company police agency
31 charged with the execution of the laws of the State, when acting in the
32 discharge of their official duties.
- 33 (5) Any person who is a district attorney, an assistant district attorney, or an
34 investigator employed by the office of a district attorney; provided that the
35 person shall not carry a concealed weapon at any time while in a courtroom or
36 while consuming alcohol or an unlawful controlled substance or while alcohol
37 or an unlawful controlled substance remains in the person's body. The district
38 attorney, assistant district attorney, or investigator shall secure the weapon in a
39 locked compartment when the weapon is not on the person of the district
40 attorney, assistant district attorney, or investigator.
- 41 (6) Any person who is a qualified retired law enforcement officer as defined in
42 G.S. 14-415.10.
- 43 (7) Detention personnel or correctional officers employed by the State or a unit of
44 local government who park a vehicle in a space that is authorized for their use
45 in the course of their duties may transport a firearm to the parking space and
46 store that firearm in the vehicle parked in the parking space; provided that (i)
47 the firearm is in a closed compartment or container within the locked vehicle or
48 (ii) the firearm is in a locked container securely affixed to the vehicle.
- 49 (8) Any person who is a North Carolina district court judge, North Carolina
50 superior court judge, or a North Carolina magistrate; provided that the person
51 shall not carry a concealed weapon at any time while consuming alcohol or an

1 unlawful controlled substance or while alcohol or an unlawful controlled
2 substance remains in the person's body. The judge or magistrate shall secure the
3 weapon in a locked compartment when the weapon is not on the person of the
4 judge or magistrate.

5 (9) Any person who is serving as a clerk of court or as a register of deeds; provided
6 that the person shall not carry a concealed weapon at any time while consuming
7 alcohol or an unlawful controlled substance or while alcohol or an unlawful
8 controlled substance remains in the person's body. The clerk of court or register
9 of deeds shall secure the weapon in a locked compartment when the weapon is
10 not on the person of the clerk of court or register of deeds. This subdivision
11 does not apply to assistants, deputies, or other employees of the clerk of court
12 or register of deeds.

13 (10) Sworn law enforcement officers, when off duty; provided that an officer does
14 not carry a concealed weapon while consuming alcohol or an unlawful
15 controlled substance or while alcohol or an unlawful controlled substance
16 remains in the officer's body.

17 (11) State probation or parole-certified officers, when off duty; provided that an
18 officer does not carry a concealed weapon while consuming alcohol or an
19 unlawful controlled substance or while alcohol or an unlawful controlled
20 substance remains in the officer's body.

21 (12) A member of the North Carolina National Guard who has been designated in
22 writing by the Adjutant General, State of North Carolina, who has a concealed
23 handgun permit issued in accordance with Article 54B of this Chapter or
24 considered valid under G.S. 14-415.24, and is acting in the discharge of his or
25 her official duties; provided that the member does not carry a concealed weapon
26 while consuming alcohol or an unlawful controlled substance or while alcohol
27 or an unlawful controlled substance remains in the member's body.

28 (13) A person employed by the Department of Public Safety who has been
29 designated in writing by the Secretary of the Department, who has a concealed
30 handgun permit issued in accordance with Article 54B of this Chapter or
31 considered valid under G.S. 14-415.24, and has in the person's possession
32 written proof of the designation by the Secretary of the Department; provided
33 that the person shall not carry a concealed weapon at any time while consuming
34 alcohol or an unlawful controlled substance or while alcohol or an unlawful
35 controlled substance remains in the person's body.

36 (14) Any person who is an administrative law judge described in Article 60 of
37 Chapter 7A of the General Statutes and who has a concealed handgun permit
38 issued in accordance with Article 54B of this Chapter or considered valid under
39 G.S. 14-415.24; provided that the person shall not carry a concealed weapon at
40 any time while consuming alcohol or an unlawful controlled substance or while
41 alcohol or an unlawful controlled substance remains in the person's body.

42 (15) State correctional officers, when off-duty; provided that an officer does not
43 carry a concealed weapon while consuming alcohol or an unlawful controlled
44 substance or while alcohol or an unlawful controlled substance remains in the
45 officer's body. If the concealed weapon is a handgun, the correctional officer
46 must meet the firearms training standards of the Division of Adult Correction of
47 the Department of Public Safety.

48 (c) A violation of this section is a Class 1 misdemeanor."

49 **SECTION 4.** G.S. 14-269.1 reads as rewritten:

50 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

1 Upon conviction of any person for violation of ~~G.S. 14-269~~, G.S. 14-415.35(b), G.S. 14-269.7,
2 or any other offense involving the use of a deadly ~~weapon of a type referred to in G.S. 14-269,~~
3 weapon, the deadly weapon with reference to which the defendant shall have been convicted shall
4 be ordered confiscated and disposed of by the presiding judge at the trial in one of the following
5 ways in the discretion of the presiding judge.

6"

7 **SECTION 5.** G.S. 14-269.2 reads as rewritten:

8 **"§ 14-269.2. Weapons on campus or other educational property.**

9 ...
10 (g) This section shall not apply to any of the following:

11 (1) A weapon used solely for educational or school-sanctioned ceremonial
12 purposes, or used in a school-approved program conducted under the
13 supervision of an adult whose supervision has been approved by the school
14 authority.

15 (1a) ~~A person exempted by the provisions of G.S. 14-269(b).~~

16 (1b) Officers and enlisted personnel of the Armed Forces of the United States when
17 in discharge of their official duties as such and acting under orders requiring
18 them to carry arms and weapons.

19 (1c) Civil and law enforcement officers of the United States.

20 (1d) Officers and soldiers of the militia and the National Guard when called into
21 actual service.

22 (1e) Officers of the State, or of any county, city, town, or company police agency
23 charged with the execution of the laws of the State, when acting in the
24 discharge of their official duties.

25 (1f) Any person who is a qualified retired law enforcement officer, as defined in
26 G.S. 14-415.10.

27 (1g) Detention personnel or correctional officers employed by the State or a unit of
28 local government who park a vehicle in a space that is authorized for their use
29 in the course of their duties may transport a firearm to the parking space and
30 store that firearm in the vehicle parked in the parking space; provided that (i)
31 the firearm is in a closed compartment or container within the locked vehicle or
32 (ii) the firearm is in a locked container securely affixed to the vehicle.

33 (1h) Sworn law enforcement officers, when off duty; provided that an officer does
34 not carry a concealed weapon while consuming alcohol or an unlawful
35 controlled substance or while alcohol or an unlawful controlled substance
36 remains in the officer's body.

37 (1i) State probation or parole-certified officers, when off duty; provided that an
38 officer does not carry a concealed weapon while consuming alcohol or an
39 unlawful controlled substance or while alcohol or an unlawful controlled
40 substance remains in the officer's body.

41 (2) Firefighters, emergency service personnel, North Carolina Forest Service
42 personnel, detention officers employed by and authorized by the sheriff to carry
43 firearms, and any private police employed by a school, when acting in the
44 discharge of their official duties.

45 (3) Home schools as defined in G.S. 115C-563(a).

46 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
47 property in Johnston County owned by Johnston Community College when
48 used with the written permission of Johnston Community College or for
49 hunting purposes on other educational property when used with the written
50 permission of the governing body of the school that controls the educational
51 property.

- 1 (5) A person registered under Chapter 74C of the General Statutes as an armed
2 armored car service guard or an armed courier service guard when acting in the
3 discharge of the guard's duties and with the permission of the college or
4 university.
- 5 (6) A person registered under Chapter 74C of the General Statutes as an armed
6 security guard while on the premises of a hospital or health care facility located
7 on educational property when acting in the discharge of the guard's duties with
8 the permission of the college or university.
- 9 (7) A volunteer school safety resource officer providing security at a school
10 pursuant to an agreement as provided in G.S. 115C-47(61) and either
11 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety
12 resource officer is acting in the discharge of the person's official duties and is
13 on the educational property of the school that the officer was assigned to by the
14 head of the appropriate local law enforcement agency.
- 15 (8) A member of the North Carolina National Guard who has been designated in
16 writing by the Adjutant General, State of North Carolina, who has a concealed
17 handgun permit issued in accordance with Article 54B of this Chapter or
18 considered valid under G.S. 14-415.24, and is acting in the discharge of his or
19 her official duties; provided that the member does not carry a concealed weapon
20 while consuming alcohol or an unlawful controlled substance or while alcohol
21 or an unlawful controlled substance remains in the member's body.
- 22 (9) A person employed by the Department of Public Safety who has been
23 designated in writing by the Secretary of the Department, who has a concealed
24 handgun permit issued in accordance with Article 54B of this Chapter or
25 considered valid under G.S. 14-415.24, and has in the person's possession
26 written proof of the designation by the Secretary of the Department; provided
27 that the person shall not carry a concealed weapon at any time while consuming
28 alcohol or an unlawful controlled substance or while alcohol or an unlawful
29 controlled substance remains in the person's body.
- 30 (10) Any person who is an administrative law judge described in Article 60 of
31 Chapter 7A of the General Statutes and who has a concealed handgun permit
32 issued in accordance with Article 54B of this Chapter or considered valid under
33 G.S. 14-415.24; provided that the person shall not carry a concealed weapon at
34 any time while consuming alcohol or an unlawful controlled substance or while
35 alcohol or an unlawful controlled substance remains in the person's body.
- 36 (11) State correctional officers, when off-duty; provided that an officer does not
37 carry a concealed weapon while consuming alcohol or an unlawful controlled
38 substance or while alcohol or an unlawful controlled substance remains in the
39 officer's body. If the concealed weapon is a handgun, the correctional officer
40 must meet the firearms training standards of the Division of Adult Correction of
41 the Department of Public Safety.
- 42 ...
- 43 (i) The provisions of this section shall not apply to an employee of an institution of higher
44 education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational institution who
45 resides on the campus of the institution at which the person is employed when all of the following
46 criteria are met:
- 47 (1) The employee's residence is a detached, single-family dwelling in which only
48 the employee and the employee's immediate family reside.
- 49 (2) The institution is either:
- 50 a. An institution of higher education as defined by G.S. 116-143.1.

- 1 b. A nonpublic post-secondary educational institution that has not
2 specifically prohibited the possession of a handgun pursuant to this
3 subsection.
- 4 (3) The weapon is a handgun.
- 5 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~
- 6 a. ~~If the employee has a concealed handgun permit that is valid under~~
7 ~~Article 54B of this Chapter, or who is exempt from obtaining a permit~~
8 ~~pursuant to that Article, the handgun may be~~ The handgun is on the
9 premises of the employee's residence or in a closed compartment or
10 container within the employee's locked vehicle that is located in a
11 parking area of the educational property of the institution at which the
12 person is employed and resides. Except for direct transfer between the
13 residence and the vehicle, the handgun must remain at all times either
14 on the premises of the employee's residence or in the closed
15 compartment of the employee's locked vehicle. The employee may
16 unlock the vehicle to enter or exit, but must lock the vehicle
17 immediately following the entrance or exit if the handgun is in the
18 vehicle.
- 19 b. ~~If the employee is not authorized to carry a concealed handgun pursuant~~
20 ~~to Article 54B of this Chapter, the handgun may be on the premises of~~
21 ~~the employee's residence, and may only be in the employee's vehicle~~
22 ~~when the vehicle is occupied by the employee and the employee is~~
23 ~~immediately leaving the campus or is driving directly to their residence~~
24 ~~from off campus. The employee may possess the handgun on the~~
25 ~~employee's person outside the premises of the employee's residence~~
26 ~~when making a direct transfer of the handgun from the residence to the~~
27 ~~employee's vehicle when the employee is immediately leaving the~~
28 ~~campus or from the employee's vehicle to the residence when the~~
29 ~~employee is arriving at the residence from off campus.~~
- 30 (j) The provisions of this section shall not apply to an employee of a public or nonpublic
31 school who resides on the campus of the school at which the person is employed when all of the
32 following criteria are met:
- 33 (1) The employee's residence is a detached, single-family dwelling in which only
34 the employee and the employee's immediate family reside.
- 35 (2) The school is either:
- 36 a. A public school which provides residential housing for enrolled
37 students.
- 38 b. A nonpublic school which provides residential housing for enrolled
39 students and has not specifically prohibited the possession of a handgun
40 pursuant to this subsection.
- 41 (3) The weapon is a handgun.
- 42 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~
- 43 a. ~~If the employee has a concealed handgun permit that is valid under~~
44 ~~Article 54B of this Chapter, or who is exempt from obtaining a permit~~
45 ~~pursuant to that Article, the handgun may be~~ The handgun is on the
46 premises of the employee's residence or in a closed compartment or
47 container within the employee's locked vehicle that is located in a
48 parking area of the educational property of the school at which the
49 person is employed and resides. Except for direct transfer between the
50 residence and the vehicle, the handgun must remain at all times either
51 on the premises of the employee's residence or in the closed

1 compartment of the employee's locked vehicle. The employee may
 2 unlock the vehicle to enter or exit, but must lock the vehicle
 3 immediately following the entrance or exit if the handgun is in the
 4 vehicle.

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

16 (k) The provisions of this section shall not apply to a person ~~who has a concealed handgun
 17 permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit
 18 pursuant to that Article, if~~ when any of the following conditions are met:

- 19 (1) The person has a handgun in a closed compartment or container within the
 20 person's locked vehicle or in a locked container securely affixed to the person's
 21 vehicle and only unlocks the vehicle to enter or exit the vehicle while the
 22 firearm remains in the closed compartment at all times and immediately locks
 23 the vehicle following the entrance or exit.
- 24 (2) The person has a handgun concealed on the person and the person remains in
 25 the locked vehicle and only unlocks the vehicle to allow the entrance or exit of
 26 another person.
- 27 (3) The person is within a locked vehicle and removes the handgun from
 28 concealment only for the amount of time reasonably necessary to do either of
 29 the following:
 - 30 a. Move the handgun from concealment on the person to a closed
 31 compartment or container within the vehicle.
 - 32 b. Move the handgun from within a closed compartment or container
 33 within the vehicle to concealment on the person.

34"

35 **SECTION 6.** G.S. 14-288.8 reads as rewritten:

36 "**§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**
 37 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

38 (a) Except as otherwise provided in this section, it is unlawful for any person to
 39 manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase,
 40 deliver or give to another, or acquire any weapon of mass death and destruction.

41 (b) This section does not apply to any of the following:

- 42 (1) ~~Persons exempted from the provisions of G.S. 14-269 listed in this subdivision~~
 43 ~~with respect to any activities lawfully engaged in while carrying out their~~
 44 ~~duties.duties:~~
 - 45 a. Officers and enlisted personnel of the Armed Forces of the United
 46 States when in discharge of their official duties as such and acting under
 47 orders requiring them to carry arms and weapons.
 - 48 b. Civil and law enforcement officers of the United States.
 - 49 c. Officers and soldiers of the militia and the National Guard when called
 50 into actual service.

- 1 d. Officers of the State, or of any county, city, town, or company police
2 agency charged with the execution of the laws of the State, when acting
3 in the discharge of their official duties.
- 4 e. Any person who is a district attorney, an assistant district attorney, or an
5 investigator employed by the office of a district attorney; provided that
6 the person shall not carry a concealed weapon at any time while in a
7 courtroom or while consuming alcohol or an unlawful controlled
8 substance or while alcohol or an unlawful controlled substance remains
9 in the person's body. The district attorney, assistant district attorney, or
10 investigator shall secure the weapon in a locked compartment when the
11 weapon is not on the person of the district attorney, assistant district
12 attorney, or investigator.
- 13 f. Any person who is a qualified retired law enforcement officer as defined
14 in G.S. 14-415.10.
- 15 g. Detention personnel or correctional officers employed by the State or a
16 unit of local government who park a vehicle in a space that is authorized
17 for their use in the course of their duties may transport a firearm to the
18 parking space and store that firearm in the vehicle parked in the parking
19 space; provided that (i) the firearm is in a closed compartment or
20 container within the locked vehicle or (ii) the firearm is in a locked
21 container securely affixed to the vehicle.
- 22 h. Any person who is a North Carolina district court judge, North Carolina
23 superior court judge, or a North Carolina magistrate; provided that the
24 person shall not carry a concealed weapon at any time while consuming
25 alcohol or an unlawful controlled substance or while alcohol or an
26 unlawful controlled substance remains in the person's body. The judge
27 or magistrate shall secure the weapon in a locked compartment when the
28 weapon is not on the person of the judge or magistrate.
- 29 i. Any person who is serving as a clerk of court or as a register of deeds;
30 provided that the person shall not carry a concealed weapon at any time
31 while consuming alcohol or an unlawful controlled substance or while
32 alcohol or an unlawful controlled substance remains in the person's
33 body. The clerk of court or register of deeds shall secure the weapon in
34 a locked compartment when the weapon is not on the person of the clerk
35 of court or register of deeds. This subdivision does not apply to
36 assistants, deputies, or other employees of the clerk of court or register
37 of deeds.
- 38 j. Sworn law enforcement officers, when off duty; provided that an officer
39 does not carry a concealed weapon while consuming alcohol or an
40 unlawful controlled substance or while alcohol or an unlawful
41 controlled substance remains in the officer's body.
- 42 k. State probation or parole-certified officers, when off duty; provided that
43 an officer does not carry a concealed weapon while consuming alcohol
44 or an unlawful controlled substance or while alcohol or an unlawful
45 controlled substance remains in the officer's body.
- 46 (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or
47 destructive devices validly licensed under the laws of the United States or the
48 State of North Carolina, while lawfully engaged in activities authorized under
49 their licenses.

- 1 (3) Persons under contract with the United States, the State of North Carolina, or
- 2 any agency of either government, with respect to any activities lawfully
- 3 engaged in under their contracts.
- 4 (4) Inventors, designers, ordnance consultants and researchers, chemists,
- 5 physicists, and other persons lawfully engaged in pursuits designed to enlarge
- 6 knowledge or to facilitate the creation, development, or manufacture of
- 7 weapons of mass death and destruction intended for use in a manner consistent
- 8 with the laws of the United States and the State of North Carolina.
- 9 (5) Persons who lawfully possess or own a weapon as defined in subsection (c) of
- 10 this section in compliance with 26 U.S.C. Chapter 53, §§ 5801-5871. Nothing
- 11 in this subdivision shall limit the discretion of the sheriff in executing the
- 12 paperwork required by the United States Bureau of Alcohol, Tobacco and
- 13 Firearms for such person to obtain the weapon.

14"

15 **SECTION 7.** G.S. 14-401.24 reads as rewritten:

16 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

17 ...

18 (c) The following definitions apply to this section:

19 ...

- 20 (5) Weapon. – Those weapons specified in ~~G.S. 14-269, 14-269.2, G.S. 14-269.2,~~
- 21 14-284.1, or 14-288.8 and any other object capable of inflicting serious bodily
- 22 injury or death when used as a weapon.

23"

24 **SECTION 8.** G.S. 14-409.40 reads as rewritten:

25 **"§ 14-409.40. Statewide uniformity of local regulation.**

26 ...

27 (f) Nothing contained in this section prohibits municipalities or counties from application

28 of their authority under G.S. 153A-129, 160A-189, ~~14-269, 14-269.2, 14-269.3, 14-269.4,~~

29 ~~14-277.2, 14-415.35, 14-415.36, 14-415.38, 14-415.39, 14-415.11, 14-415.23,~~ including

30 prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas

31 of those buildings, or in public parks or recreation areas, except nothing in this subsection shall

32 prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these

33 grounds or areas. Nothing contained in this section prohibits municipalities or counties from

34 exercising powers provided by law in states of emergency declared under Article 1A of Chapter

35 166A of the General Statutes.

36"

37 **SECTION 9.** G.S. 14-415.4 reads as rewritten:

38 **"§ 14-415.4. Restoration of firearms rights.**

39 ...

40 (e) Disqualifiers Requiring Denial of Petition. – The court shall deny the petition to restore

41 the firearms rights of any petitioner if the court finds any of the following:

- 42 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's
- 43 custody, care, or control a firearm under the provisions of any law in North
- 44 Carolina other than G.S. 14-415.1.
- 45 (2) The petitioner is under indictment for a felony or a finding of probable cause
- 46 exists against the petitioner for a felony.
- 47 (3) The petitioner is a fugitive from justice.
- 48 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or any
- 49 depressant, stimulant, or narcotic drug, or any other controlled substance as
- 50 defined in 21 U.S.C. § 802.

- 1 (5) The petitioner is or has been dishonorably discharged from the Armed Forces
2 of the United States.
- 3 (6) The petitioner is or has been adjudicated guilty of or received a prayer for
4 judgment continued or suspended sentence for one or more crimes of violence
5 constituting a misdemeanor, including a misdemeanor under Article 8 of
6 Chapter 14 of the General Statutes, or a misdemeanor under G.S. 14-225.2,
7 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4, 14-415.36, 14-415.37,~~
8 14-415.38, 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-269.39,
9 14-277.3, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6,
10 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14, 14-288.20A,
11 14-318.2, 14-415.21(b), or 14-415.26(d), or a substantially similar out-of-state
12 or federal offense.

13"

15 PART III. AMENDMENTS TO CONCEALED HANDGUN PERMIT

16 SECTION 10. Article 54B of the General Statutes is amended by adding a new
17 section to read:

18 "§ 14-415.10A. Purpose.

19 While G.S. 14-415.35 makes it lawful to carry a concealed weapon in this State without
20 obtaining a concealed handgun permit, it is often convenient to have a concealed handgun permit
21 for the purpose of reciprocity when traveling in another state, to make the purchase of a firearm
22 more efficient, or for various other reasons. Therefore, the State of North Carolina shall continue
23 to make a concealed handgun permit available to any person who applies for and is eligible to
24 receive a concealed handgun permit pursuant to this Article."

25 SECTION 11. G.S. 14-415.11 reads as rewritten:

26 "§ 14-415.11. Permit to carry concealed handgun; scope of permit.

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

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

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

- 41 (1) Areas prohibited by ~~G.S. 14-269.2, 14-269.3, and 14-277.2.~~ G.S. 14-269.2 and
42 G.S. 14-415.36.
- 43 (2) Areas prohibited by ~~G.S. 14-269.4, except as allowed under G.S.~~
44 ~~14-269.4(6).~~ G.S. 14-269.38, except that a person may have a concealed
45 handgun if it is in a closed compartment or container within the person's locked
46 vehicle or in a locked container securely affixed to the person's vehicle. A
47 person may unlock the vehicle to enter or exit the vehicle provided the firearm
48 remains in the closed compartment at all times and the vehicle is locked
49 immediately following the entrance or exit.
- 50 (3) In an area prohibited by rule adopted under G.S. 120-32.1.
- 51 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

- 1 (5) In a law enforcement or correctional facility.
- 2 (6) In a building housing only State or federal offices.
- 3 (7) In an office of the State or federal government that is not located in a building
- 4 exclusively occupied by the State or federal government.
- 5 (8) On any private premises where notice that carrying a concealed handgun is
- 6 prohibited by the posting of a conspicuous notice or statement by the person in
- 7 legal possession or control of the premises.

8 (c1) Any person who has a concealed handgun permit may carry a concealed handgun on
 9 the grounds or waters of a park within the State Parks System as defined in G.S. 143B-135.44.

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

16 (c3) ~~As provided in G.S. 14-269.4(5), it~~ It shall be lawful for a person to carry any firearm
 17 openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned rest
 18 area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing
 19 ~~reservation-reservation; provided the person has the firearm in a closed compartment or container~~
 20 ~~within the person's locked vehicle or in a locked container securely affixed to the person's vehicle.~~
 21 A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the
 22 closed compartment at all times and the vehicle is locked immediately following the entrance or
 23 exit.

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

30 **SECTION 12.** G.S. 14-415.12 reads as rewritten:

31 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

32 ...

33 (b) The sheriff shall deny a permit to an applicant who:

34 ...

35 (8) Except as provided in subdivision (8a), (8b), or (8c) of this section, is or has
 36 been adjudicated guilty of or received a prayer for judgment continued or
 37 suspended sentence for one or more crimes of violence constituting a
 38 misdemeanor, including but not limited to, a violation of a misdemeanor under
 39 Article 8 of Chapter 14 of the General Statutes except for a violation of
 40 G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1, 4-258.1,
 41 14-269.2, ~~14-269.3, 14-269.4, 14-415.36, 14-415.37, 14-415.38, 14-269.6,~~
 42 ~~14-277, 14-277.1, 14-277.2, 14-415.39, 14-283~~ except for a violation involving
 43 fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1), 14-288.6,
 44 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,
 45 14-415.21(b), or 14-415.26(d) within three years prior to the date on which the
 46 application is submitted.

47"

48 **SECTION 13.** G.S. 14-415.22 is repealed.

49 **SECTION 14.** G.S. 15A-1343 reads as rewritten:

50 **"§ 15A-1343. Conditions of probation.**

51 ...

1 (b) Regular Conditions. – As regular conditions of probation, a defendant must:

2 ...

3 (5) Possess no firearm, explosive device or other deadly weapon ~~listed in~~
4 ~~G.S. 14-269~~ without the written permission of the court.

5 ...

6 (14) Submit to warrantless searches by a law enforcement officer of the
7 probationer's person and of the probationer's vehicle, upon a reasonable
8 suspicion that the probationer is engaged in criminal activity or is in possession
9 of a firearm, explosive device, or other deadly weapon ~~listed in G.S. 14-269~~
10 without written permission of the court.

11"

12 **SECTION 15.** G.S. 74E-6 reads as rewritten:

13 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

14 ...

15 (c) All Company Police. – Company police officers, while in the performance of their
16 duties of employment, have the same powers as municipal and county police officers to make
17 arrests for both felonies and misdemeanors and to charge for infractions on any of the following:

18 (1) Real property owned by or in the possession and control of their employer.

19 (2) Real property owned by or in the possession and control of a person who has
20 contracted with the employer to provide on-site company police security
21 personnel services for the property.

22 (3) Any other real property while in continuous and immediate pursuit of a person
23 for an offense committed upon property described in subdivisions (1) or (2) of
24 this subsection.

25 Company police officers shall have, if duly authorized by the superior officer in charge, the
26 authority to carry concealed weapons pursuant to and in conformity with ~~G.S. 14-269(b)(4) and~~
27 ~~(5)~~ G.S. 14-415.35.

28"

29 **SECTION 16.** G.S. 74G-6 reads as rewritten:

30 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

31 ...

32 (d) Concealed Weapons. – Campus police officers shall have, if duly authorized by their
33 campus police agency and by the sheriff of the county in which the campus police agency is
34 located, the authority to carry concealed weapons pursuant to and in conformity with
35 ~~G.S. 14-269(b)(5)~~ G.S. 14-415.35.

36"

37 **SECTION 17.** G.S. 113-136 reads as rewritten:

38 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**
39 **inspection by inspectors and protectors.**

40 ...

41 (d) Inspectors and protectors are additionally authorized to arrest without warrant under
42 the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or in
43 their presence, and for other offenses evincing a flouting of their authority as enforcement officers
44 or constituting a threat to public peace and order which would tend to subvert the authority of the
45 State if ignored. In particular, they are authorized, subject to the direction of the administrative
46 superiors, to arrest for violations of G.S. 14-223, 14-225, ~~14-269~~, 14-415.35, and 14-277.

47"

49 **PART IV. EFFECTIVE DATES**

50 **SECTION 18.** If a majority of votes cast on the question are in favor of the
51 amendment set out in Section 1(a) of this act, the State Board of Elections shall certify the

1 amendment to the Secretary of State. The constitutional amendment shall become effective
2 December 1, 2016. The Secretary of State shall enroll the amendment so certified among the
3 permanent records of that office.

4 **SECTION 19.** Section 2 through Section 17 of this act become effective only upon
5 approval by the voters of the constitutional amendment proposed in Section 1 of this act. If the
6 constitutional amendment proposed in Section 1 is approved by the voters, Section 2 through
7 Section 17 of this act shall also become effective December 1, 2016.

8 **SECTION 20.** Section 1(b) and the remainder of this act are effective when this act
9 becomes law.