

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 746  
Apr 11, 2017  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40419-LH-102 (03/21)

Short Title: NC Constitutional Carry Act. (Public)

Sponsors: Representatives Millis, Pittman, Burr, and Speciale (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT A PERSON'S RIGHT TO CARRY A CONCEALED HANDGUN  
3 WITHOUT A PERMIT, TO PURCHASE A HANDGUN WITHOUT A PISTOL  
4 PURCHASE PERMIT, AND TO CONTINUE ALLOWING PERSONS TO ACQUIRE A  
5 CONCEALED HANDGUN PERMIT FOR THE PURPOSES OF RECIPROCITY OR  
6 FOR ANY OTHER REASON DESIRED.

7 The General Assembly of North Carolina enacts:

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

9 "§ 14-269. Carrying concealed weapons.

10 (a) ~~It shall be~~ Except as provided otherwise by law, it is unlawful for any person  
11 willfully and intentionally to carry concealed about his or her person any bowie knife, dirk,  
12 dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, or other deadly  
13 weapon of like kind, except when the person is on the person's own premises. For purposes of  
14 this section, the term "weapon" does not include a firearm.

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

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

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

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

26 (a2) ~~This prohibition does not apply to a person who has a concealed handgun permit~~  
27 ~~issued in accordance with Article 54B of this Chapter, has a concealed handgun permit~~  
28 ~~considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S.~~  
29 ~~14-415.25, provided the weapon is a handgun, is in a closed compartment or container within~~  
30 ~~the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by State~~  
31 ~~government. A person may unlock the vehicle to enter or exit the vehicle, provided the~~  
32 ~~handgun remains in the closed compartment at all times and the vehicle is locked immediately~~  
33 ~~following the entrance or exit.~~

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



- 1 (1) Officers and enlisted personnel of the Armed Forces of the United States  
2 when in discharge of their official duties as such and acting under orders  
3 requiring them to carry arms and ~~weapons; weapons.~~  
4 (2) Civil and law enforcement officers of the United ~~States; States.~~  
5 (3) Officers and soldiers of the militia and the National Guard when called into  
6 actual ~~service; service.~~  
7 (3a) A member of the North Carolina National Guard who has been designated in  
8 writing by the Adjutant General, State of North Carolina, who ~~has a~~  
9 ~~concealed handgun permit issued in accordance with Article 54B of this~~  
10 ~~Chapter or considered valid under G.S. 14-415.24, and is acting in the~~  
11 discharge of his or her official duties, provided that the member does not  
12 carry a concealed weapon while consuming alcohol or an unlawful controlled  
13 substance or while alcohol or an unlawful controlled substance  
14 remains in the member's body.  
15 (4) Officers of the State, or of any county, city, town, or company police agency  
16 charged with the execution of the laws of the State, when acting in the  
17 discharge of their official ~~duties; duties.~~  
18 (4a) Any person who is a district attorney, an assistant district attorney, or an  
19 investigator employed by the office of a district ~~attorney and who has a~~  
20 ~~concealed handgun permit issued in accordance with Article 54B of this~~  
21 ~~Chapter or considered valid under G.S. 14-415.24; attorney; provided that~~  
22 the person shall not carry a concealed weapon at any time while in a  
23 courtroom or while consuming alcohol or an unlawful controlled substance  
24 or while alcohol or an unlawful controlled substance remains in the person's  
25 body. The district attorney, assistant district attorney, or investigator shall  
26 secure the weapon in a locked compartment when the weapon is not on the  
27 person of the district attorney, assistant district attorney, or investigator.  
28 Notwithstanding the provisions of this subsection, a district attorney may  
29 carry a concealed weapon while in a ~~courtroom; courtroom.~~  
30 (4b) Any person who is a qualified retired law enforcement officer as defined in  
31 G.S. 14-415.10 and meets any one of the following conditions:  
32 a. ~~Is the holder of a concealed handgun permit in accordance with~~  
33 ~~Article 54B of this Chapter.~~  
34 b. ~~Is exempt from obtaining a permit pursuant to G.S. 14-415.25.~~  
35 c. ~~Is certified by the North Carolina Criminal Justice Education and~~  
36 ~~Training Standards Commission pursuant to G.S.~~  
37 ~~14-415.26; G.S. 14-415.10.~~  
38 (4c) Detention personnel or correctional officers employed by the State or a unit  
39 of local government who park a vehicle in a space that is authorized for their  
40 use in the course of their duties may transport a firearm to the parking space  
41 and store that firearm in the vehicle parked in the parking space, provided  
42 that: (i) the firearm is in a closed compartment or container within the locked  
43 vehicle, or (ii) the firearm is in a locked container securely affixed to the  
44 ~~vehicle; vehicle.~~  
45 (4d) Any person who is a North Carolina district court judge, North Carolina  
46 superior court judge, or a North Carolina ~~magistrate and who has a~~  
47 ~~concealed handgun permit issued in accordance with Article 54B of this~~  
48 ~~Chapter or considered valid under G.S. 14-415.24; magistrate; provided that~~  
49 the person shall not carry a concealed weapon at any time while consuming  
50 alcohol or an unlawful controlled substance or while alcohol or an unlawful  
51 controlled substance remains in the person's body. The judge or magistrate

- 1 shall secure the weapon in a locked compartment when the weapon is not on  
 2 the person of the judge or ~~magistrate;~~magistrate.
- 3 (4e) Any person who is serving as a clerk of court or as a register of ~~deeds and~~  
 4 ~~who has a concealed handgun permit issued in accordance with Article 54B~~  
 5 ~~of this Chapter or considered valid under G.S. 14-415.24;~~ deeds; provided  
 6 that the person shall not carry a concealed weapon at any time while  
 7 consuming alcohol or an unlawful controlled substance or while alcohol or  
 8 an unlawful controlled substance remains in the person's body. The clerk of  
 9 court or register of deeds shall secure the weapon in a locked compartment  
 10 when the weapon is not on the person of the clerk of court or register of  
 11 deeds. This subdivision does not apply to assistants, deputies, or other  
 12 employees of the clerk of court or register of ~~deeds;~~deeds.
- 13 (5) Sworn law-enforcement officers, when off-duty, provided that an officer  
 14 does 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;~~body.
- 17 (6) 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 (7) A person employed by the Department of Public Safety who has been  
 22 designated in writing by the Secretary of the ~~Department, who has a~~  
 23 ~~concealed handgun permit issued in accordance with Article 54B of this~~  
 24 ~~Chapter or considered valid under G.S. 14-415.24,~~ Department and has in  
 25 the person's possession written proof of the designation by the Secretary of  
 26 the Department, provided that the person shall not carry a concealed weapon  
 27 at any time while consuming alcohol or an unlawful controlled substance or  
 28 while alcohol or an unlawful controlled substance remains in the person's  
 29 body.
- 30 (8) 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~~  
 33 ~~under G.S. 14-415.24,~~ Statutes; provided that the person shall not carry a  
 34 concealed weapon at any time while consuming alcohol or an unlawful  
 35 controlled substance or while alcohol or an unlawful controlled substance  
 36 remains in the person's body.
- 37 (9) State correctional officers, when off-duty, provided that an officer does not  
 38 carry a concealed weapon while consuming alcohol or an unlawful  
 39 controlled substance or while alcohol or an unlawful controlled substance  
 40 remains in the officer's body. If the concealed weapon is a handgun, the  
 41 correctional officer must meet the firearms training standards of the Division  
 42 of Adult Correction of the Department of Public Safety.
- 43 (b1) It is a defense to a prosecution under this section that:
- 44 (1) ~~The weapon was not a firearm;~~
- 45 (2) The defendant was engaged in, or on the way to or from, an activity in which  
 46 the defendant legitimately used the weapon;
- 47 (3) The defendant possessed the weapon for that legitimate use; and
- 48 (4) The defendant did not use or attempt to use the weapon for an illegal  
 49 purpose.

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

51 ~~(b2) It is a defense to a prosecution under this section that:~~

- 1 (1) The deadly weapon is a handgun;  
2 (2) ~~The defendant is a military permittee as defined under G.S. 14-415.10(2a);~~  
3 ~~and~~  
4 (3) ~~The defendant provides to the court proof of deployment as defined under~~  
5 ~~G.S. 14-415.10(3a).~~

6 (c) ~~Any~~ Except as provided otherwise by law, any person violating the provisions of  
7 subsection (a) of this section shall be guilty of a Class 2 misdemeanor. ~~Any person violating the~~  
8 ~~provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the~~  
9 ~~first offense and a Class H felony for a second or subsequent offense. A violation of subsection~~  
10 ~~(a1) of this section punishable under G.S. 14-415.21(a) is not punishable under this section.~~

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

15 **SECTION 2.** The following statutes are repealed: G.S. 14-269.3, 14-269.4, and  
16 14-277.2.

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

19 "Article 54C.

20 "Carrying Handguns and Restrictions on Carrying Weapons in Certain Locations.

21 "Part 1. Carrying Handguns.

22 **"§ 14-415.35. Carrying handguns.**

23 (a) Definition. – For purposes of this Article, the term "handgun" means a firearm that  
24 has a short stock and is designed to be held and fired by the use of a single hand.

25 (b) Carrying Handgun. – Any person who is a citizen of the United States and is at least  
26 18 years old may carry a handgun, openly or concealed, without a concealed handgun permit in  
27 this State unless provided otherwise by State law or by 18 U.S.C. § 922 or any other federal  
28 law.

29 (c) Prohibition on Carrying Handgun on Posted Private Property. – A person shall not  
30 carry a handgun on another person's private property if notice is given that carrying a handgun  
31 on the premises is prohibited by either the posting of a conspicuous notice or statement by the  
32 person in legal possession or control of the premises. This subsection does not apply to a law  
33 enforcement officer who is discharging the officer's official duties.

34 (d) Prohibition on Consuming Alcohol When Carrying Handgun. – It is unlawful for a  
35 person to carry a handgun while consuming alcohol or at any time while the person has  
36 remaining in the person's body any alcohol or in the person's blood a controlled substance  
37 previously consumed, but a person does not violate this condition if a controlled substance in  
38 the person's blood was lawfully obtained and taken in therapeutically appropriate amounts or if  
39 the person is on the person's own property.

40 (e) Offense. – It is unlawful for a person who meets any of the following criteria to  
41 carry a handgun:

- 42 (1) Is ineligible to own, possess, or receive a firearm under the provisions of  
43 State or federal law.  
44 (2) Is under indictment or against whom a finding of probable cause exists for a  
45 felony.  
46 (3) Has been adjudicated guilty in any court of a felony, unless (i) the felony is  
47 an offense that pertains to antitrust violations, unfair trade practices, or  
48 restraints of trade or (ii) the person's firearms rights have been restored  
49 pursuant to G.S. 14-415.4.  
50 (4) Is a fugitive from justice.

- 1           (5)    Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,  
2           stimulant, or narcotic drug, or any other controlled substance as defined in  
3           21 U.S.C. § 802.
- 4           (6)    Is currently, or has been previously adjudicated by a court to be, a danger to  
5           self or others due to mental illness or lack of mental capacity. Receipt of  
6           previous consultative services or outpatient treatment alone shall not  
7           disqualify any citizen under this subdivision. Further, a person shall not be  
8           ineligible under this subdivision if the person's rights have been restored  
9           under G.S. 14-409.42.
- 10          (7)    Has been dishonorably discharged from the Armed Forces of the United  
11          States.
- 12          (8)    Except as provided in subdivision (9), (10), or (11) of this section, is or has  
13          been adjudicated guilty of or received a prayer for judgment continued or  
14          suspended sentence for one or more crimes of violence constituting a  
15          misdemeanor, including, but not limited to, a violation of a misdemeanor  
16          under Article 8 of Chapter 14 of the General Statutes except for a violation  
17          of G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1,  
18          4-258.1, 14-269.2, 14-269.6, 14-277, 14-277.1, 14-283 except for a violation  
19          involving fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1),  
20          14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,  
21          14-415.21(b), 14-415.26(d) within three years prior to the date on which the  
22          application is submitted, 14-415.36, 14-415.37, 14-415.38, or 14-415.39.
- 23          (9)    Is or has been adjudicated guilty of or received a prayer for judgment  
24          continued or suspended sentence for one or more crimes of violence  
25          constituting a misdemeanor under G.S. 14-33(c)(1), 14-33(c)(2),  
26          14-33(c)(3), 14-33(d), 14-277.3A, 14-318.2, 14-134.3, 50B-4.1, or former  
27          14-277.3.
- 28          (10)   Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a  
29          result of a conviction of a misdemeanor crime of domestic violence.
- 30          (11)   Has been adjudicated guilty of or received a prayer for judgment continued  
31          or suspended sentence for one or more crimes involving an assault or a  
32          threat to assault a law enforcement officer, probation or parole officer,  
33          person employed at a State or local detention facility, firefighter, emergency  
34          medical technician, medical responder, or emergency department personnel.
- 35          (12)   Has had entry of a prayer for judgment continued for a criminal offense that  
36          would make it unlawful under this section for the person to carry a  
37          concealed weapon.
- 38          (13)   Is free on bond or personal recognizance pending trial, appeal, or sentencing  
39          for a crime that would make it unlawful under this section for the person to  
40          carry a concealed weapon.
- 41          (14)   Has been convicted of an impaired driving offense under G.S. 20-138.1,  
42          20-138.2, or 20-138.3 within three years prior to the date on which the  
43          person is carrying the weapon.
- 44          (f)    Valid Identification Required; Disclosure to Law Enforcement Officer When  
45          Carrying Concealed. – When carrying a concealed handgun, a person shall also carry valid  
46          identification and shall disclose to any law enforcement officer that the person is carrying a  
47          concealed handgun when approached or addressed by the officer and shall display the proper  
48          identification upon the request of a law enforcement officer.
- 49          (g)    Penalty. – Any person who violates this section shall be punished as follows:

- 1           (1) Unless provided otherwise by State law, a violation of subsection (c) of this  
2 section is an infraction and a person found responsible for the infraction may  
3 be required to pay a fine of up to five hundred dollars (\$500.00).  
4           (2) A violation of subsection (d) of this section is a Class 1 misdemeanor.  
5           (3) A violation of subsection (e) of this section is a Class 2 misdemeanor for a  
6 first offense and is a Class H felony for a second or subsequent offense.  
7           (4) A violation of subsection (f) of this section is an infraction and shall be  
8 punished in accordance with G.S. 14-3.1.

9           "Part 2. Restrictions on Carrying Firearms and Other Weapons in Certain Locations.

10 **"§ 14-415.36. Unlawful to carry firearms into any assembly that charges a fee or any**  
11 **establishment where alcoholic beverages are sold and consumed when firearm**  
12 **prohibition is posted.**

13           (a) It is a Class 1 misdemeanor for a person to carry a firearm openly or concealed into  
14 any assembly where a fee is charged for admission if notice is given that carrying a firearm on  
15 the premises is prohibited by either the posting of a conspicuous notice or statement by the  
16 person in legal possession or control of the premises.

17           (b) It is a Class 1 misdemeanor for a person to carry a firearm openly or concealed into  
18 any establishment in which alcoholic beverages are sold and consumed if notice is given that  
19 carrying a firearm on the premises is prohibited by either the posting of a conspicuous notice or  
20 statement by the person in legal possession or control of the premises.

21           (c) This section does not apply to any of the following:

- 22           (1) The owner or lessee of the premises or business establishment.  
23           (2) A person participating in the event, if the person is carrying a firearm with  
24 the permission of the owner, lessee, or person or organization sponsoring the  
25 event.  
26           (3) A person registered or hired as a security guard by the owner, lessee, or  
27 person or organization sponsoring the event.  
28           (4) A person exempted by G.S. 14-415.41.

29 **"§ 14-415.37. No firearms or other weapons on the premises of the State Capitol,**  
30 **Executive Mansion, or Western Residence of the Governor.**

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

35           (b) For purposes of this section, the term "deadly weapon" does not include an ordinary  
36 pocket knife carried in a closed position. The term "ordinary pocket knife" has the same  
37 meaning as set out in G.S. 14-269(d).

38           (c) This section does not apply to any of the following:

- 39           (1) A person exempted by G.S. 14-415.41.  
40           (2) A person who has a firearm in a closed compartment or container within the  
41 person's locked vehicle or in a locked container securely affixed to the  
42 person's vehicle. A person may unlock the vehicle to enter or exit the  
43 vehicle, provided the firearm remains in the closed compartment at all times  
44 and the vehicle is locked immediately following the entrance or exit.

45           (d) A violation of this section is a Class 1 misdemeanor.

46 **"§ 14-415.38. No firearms or other weapons in courthouses or buildings housing any**  
47 **court of the General Court of Justice.**

48           (a) It is unlawful for any person to possess, or carry, whether openly or concealed, a  
49 firearm or any other deadly weapon not used solely for instructional or officially sanctioned  
50 ceremonial purposes in any building housing any court of the General Court of Justice. If a  
51 court is housed in a building containing nonpublic uses in addition to the court, then this

1 prohibition shall apply only to that portion of the building used for court purposes while the  
2 building is being used for court purposes.

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

4 (1) Any person exempted by G.S. 14-415.41.

5 (2) Any person in a building housing a court of the General Court of Justice in  
6 possession of a weapon for evidentiary purposes, to deliver it to a law  
7 enforcement agency, or for purposes of registration.

8 (3) Firearms in a courthouse carried by detention officers employed by and  
9 authorized by the sheriff to carry firearms.

10 (4) A person who has a firearm in a closed compartment or container within the  
11 person's locked vehicle or in a locked container securely affixed to the  
12 person's vehicle. A person may unlock the vehicle to enter or exit the vehicle  
13 provided the firearm remains in the closed compartment at all times and the  
14 vehicle is locked immediately following the entrance or exit.

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

16 **"§ 14-415.39. Firearms and other weapons prohibited at parades, funeral processions,**  
17 **picket lines, and certain demonstrations.**

18 (a) It is unlawful for any person participating in, affiliated with, or present as a  
19 spectator at any parade or funeral procession to willfully or intentionally possess or have  
20 immediate access to a firearm or any other dangerous weapon if notice is given that carrying a  
21 firearm on the premises is prohibited by either the posting of a conspicuous notice or statement  
22 by the person in legal possession or control of the premises. It shall be presumed that any rifle  
23 or gun carried on a rack in a pickup truck at a holiday parade or in a funeral procession does not  
24 violate this subsection. A violation of this subsection is a Class 1 misdemeanor.

25 (b) It is unlawful for any person participating in, affiliated with, or present as a  
26 spectator at any picket line or demonstration upon any private health care facility or upon any  
27 public place owned or under the control of the State or any of its political subdivisions to  
28 willfully or intentionally possess or have immediate access to a firearm or any other dangerous  
29 weapon. A violation of this subsection is a Class 1 misdemeanor.

30 (c) For the purposes of this section the term "dangerous weapon" shall include those  
31 weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or 14-288.8 or any other object capable  
32 of inflicting serious bodily injury or death when used as a weapon.

33 (d) The provisions of this section shall not apply to any of the following:

34 (1) Any person exempted by G.S. 14-415.41.

35 (2) Any person authorized by State or federal law to carry dangerous weapons in  
36 the performance of his or her duties.

37 (3) Any person who obtains a permit to carry a dangerous weapon at a parade,  
38 funeral procession, picket line, or demonstration from the sheriff or police  
39 chief, whichever is appropriate, of the locality where the parade, funeral  
40 procession, picket line, or demonstration is to take place.

41 **"§ 14-415.40. Unlawful to carry a concealed handgun into certain areas.**

42 (a) It is unlawful to carry a concealed handgun into the following areas unless provided  
43 otherwise by law:

44 (1) In an area prohibited by rule adopted under G.S. 120-32.1.

45 (2) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

46 (3) In a law enforcement or correctional facility.

47 (b) This section does not apply to any person exempted by G.S. 14-415.41.

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

49 **"§ 14-415.41. Exceptions to statutes restricting concealed carry.**

50 The provisions of G.S. 14-415.36, 14-415.37, 14-415.38, 14-415.39, and 14-415.40 do not  
51 apply to any of the following:

- 1           (1)   Officers and enlisted personnel of the Armed Forces of the United States  
2           when in discharge of their official duties as such and acting under orders  
3           requiring 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)   A member of the North Carolina National Guard who has been designated in  
8           writing by the Adjutant General, State of North Carolina, and is acting in the  
9           discharge of his or her official duties.
- 10          (5)   Officers of the State, or of any county, city, town, or company police agency  
11          charged with the execution of the laws of the State, when acting in the  
12          discharge of their 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 in this State. The  
15          district attorney, assistant district attorney, or investigator shall secure the  
16          weapon in a locked compartment when the weapon is not on the person of  
17          the district attorney, assistant district attorney, or investigator.  
18          Notwithstanding the provisions of this subsection, a district attorney may  
19          carry a concealed weapon while in a courtroom.
- 20          (7)   Any person who is a qualified retired law enforcement officer as defined in  
21          G.S. 14-415.10.
- 22          (8)   Detention personnel or correctional officers employed by the State or a unit  
23          of local government who park a vehicle in a space that is authorized for their  
24          use in the course of their duties may transport a firearm to the parking space  
25          and store that firearm in the vehicle parked in the parking space, provided  
26          that (i) the firearm is in a closed compartment or container within the locked  
27          vehicle or (ii) the firearm is in a locked container securely affixed to the  
28          vehicle.
- 29          (9)   Any person who is a North Carolina district court judge, North Carolina  
30          superior court judge, or a North Carolina magistrate. The judge or magistrate  
31          shall secure the weapon in a locked compartment when the weapon is not on  
32          the person of the judge or magistrate.
- 33          (10)   Any person who is serving as a clerk of court or as a register of deeds in this  
34          State. The clerk of court or register of deeds shall secure the weapon in a  
35          locked compartment when the weapon is not on the person of the clerk of  
36          court or register of deeds. This subdivision does not apply to assistants,  
37          deputies, or other employees of the clerk of court or register of deeds.
- 38          (11)   Sworn law enforcement officers.
- 39          (12)   State probation or parole certified officers, when off-duty.
- 40          (13)   A person employed by the Department of Public Safety who has been  
41          designated in writing by the Secretary of the Department and has in the  
42          person's possession written proof of the designation by the Secretary of the  
43          Department.
- 44          (14)   Any person who is an administrative law judge described in Article 60 of  
45          Chapter 7A of the General Statutes.
- 46          (15)   State correctional officers, when off-duty; however, the correctional officer  
47          must meet the firearms training standards of the Division of Adult  
48          Correction of the Department of Public Safety.

49    "§ 14-415.42. Carrying handgun on premises of State-owned rest areas and within State  
50    Parks System.



1       (a)     Any person who can legally carry a handgun under G.S. 14-415.35 may carry any  
2 firearm openly or concealed at any State-owned rest area, at any State-owned rest stop along  
3 the highways, and at any State-owned hunting and fishing reservation.

4       (b)     Any person who can legally carry a handgun under G.S. 14-415.35 may carry a  
5 handgun, openly or concealed, on the grounds or waters of a park within the State Parks System  
6 as defined in G.S. 143B-135.44."

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

8       **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

9       Upon conviction of any person for violation of G.S. 14-269, G.S. 14-415.35, G.S. 14-269.7,  
10 or any other offense involving the use of a ~~deadly weapon of a type referred to in G.S. 14-269,~~  
11 firearm or other deadly weapon, the firearm or other deadly weapon with reference to which the  
12 defendant shall have been convicted shall be ordered confiscated and disposed of by the  
13 presiding judge at the trial in one of the following ways in the discretion of the presiding judge.

14       ...."

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

16       **"§ 14-269.2. Weapons on campus or other educational property.**

17       ...

18       (g)     This section shall not apply to any of the following:

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

23             (1a)    A person exempted by the provisions of ~~G.S. 14-269(b)~~ of G.S. 14-415.41.

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

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

29             (4)     Weapons used for hunting purposes on the Howell Woods Nature Center  
30 property in Johnston County owned by Johnston Community College when  
31 used with the written permission of Johnston Community College or for  
32 hunting purposes on other educational property when used with the written  
33 permission of the governing body of the school that controls the educational  
34 property.

35             (5)     A person registered under Chapter 74C of the General Statutes as an armed  
36 armored car service guard or an armed courier service guard when acting in  
37 the discharge of the guard's duties and with the permission of the college or  
38 university.

39             (6)     A person registered under Chapter 74C of the General Statutes as an armed  
40 security guard while on the premises of a hospital or health care facility  
41 located on educational property when acting in the discharge of the guard's  
42 duties with the permission of the college or university.

43             (7)     A volunteer school safety resource officer providing security at a school  
44 pursuant to an agreement as provided in G.S. 115C-47(61) and either  
45 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety  
46 resource officer is acting in the discharge of the person's official duties and  
47 is on the educational property of the school that the officer was assigned to  
48 by the head of the appropriate local law enforcement agency.

49       ...

50       (i)     The provisions of this section shall not apply to an employee of an institution of  
51 higher education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational

1 institution who resides on the campus of the institution at which the person is employed when  
2 all of the following criteria are met:

- 3 (1) The employee's residence is a detached, single-family dwelling in which  
4 only the employee and the employee's immediate family reside.
- 5 (2) The institution is either:
  - 6 a. An institution of higher education as defined by G.S. 116-143.1.
  - 7 b. A nonpublic post-secondary educational institution that has not  
8 specifically prohibited the possession of a handgun pursuant to this  
9 subsection.
- 10 (3) The weapon is a handgun.
- 11 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~

- 12 a. ~~If the employee has a concealed handgun permit that is valid under  
13 Article 54B of this Chapter, or who is exempt from obtaining a  
14 permit pursuant to that Article, the handgun may be The handgun is  
15 on the premises of the employee's residence or in a closed  
16 compartment or container within the employee's locked vehicle that  
17 is located in a parking area of the educational property of the  
18 institution at which the person is employed and resides. Except for  
19 direct transfer between the residence and the vehicle, the handgun  
20 must remain at all times either on the premises of the employee's  
21 residence or in the closed compartment of the employee's locked  
22 vehicle. The employee may unlock the vehicle to enter or exit, but  
23 must lock the vehicle immediately following the entrance or exit if  
24 the handgun is in the vehicle.~~
- 25 b. ~~If the employee is not authorized to carry a concealed handgun  
26 pursuant to Article 54B of this Chapter, the handgun may be on the  
27 premises of the employee's residence, and may only be in the  
28 employee's vehicle when the vehicle is occupied by the employee  
29 and the employee is immediately leaving the campus or is driving  
30 directly to their residence from off campus. The employee may  
31 possess the handgun on the employee's person outside the premises  
32 of the employee's residence when making a direct transfer of the  
33 handgun from the residence to the employee's vehicle when the  
34 employee is immediately leaving the campus or from the employee's  
35 vehicle to the residence when the employee is arriving at the  
36 residence from off campus.~~

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

- 40 (1) The employee's residence is a detached, single-family dwelling in which  
41 only the employee and the employee's immediate family reside.
- 42 (2) The school is either:
  - 43 a. A public school which provides residential housing for enrolled  
44 students.
  - 45 b. A nonpublic school which provides residential housing for enrolled  
46 students and has not specifically prohibited the possession of a  
47 handgun pursuant to this subsection.
- 48 (3) The weapon is a handgun.
- 49 (4) ~~The handgun is possessed in one of the following manners as appropriate:~~
  - 50 a. ~~If the employee has a concealed handgun permit that is valid under  
51 Article 54B of this Chapter, or who is exempt from obtaining a~~

1 ~~permit pursuant to that Article, the handgun may be~~ The handgun is  
 2 on the premises of the employee's residence or in a closed  
 3 compartment or container within the employee's locked vehicle that  
 4 is located in a parking area of the educational property of the school  
 5 at which the person is employed and resides. Except for direct  
 6 transfer between the residence and the vehicle, the handgun must  
 7 remain at all times either on the premises of the employee's residence  
 8 or in the closed compartment of the employee's locked vehicle. The  
 9 employee may unlock the vehicle to enter or exit, but must lock the  
 10 vehicle immediately following the entrance or exit if the handgun is  
 11 in the vehicle.

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

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

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

42 ...."

43 **SECTION 6.** G.S. 14-288.8(b)(1) reads as rewritten:

44 **"§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**  
 45 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

46 ...

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

- 48 (1) ~~Persons exempted from the provisions of G.S. 14-269 listed as exceptions~~  
 49 under G.S. 14-415.41 with respect to any activities lawfully engaged in  
 50 while carrying out their duties."

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

1 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

2 ...

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

4 ...

- 5 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or  
6 ~~14-288.8–14-288.8~~, firearms, and any other object capable of inflicting  
7 serious bodily injury or death when used as a weapon.

8 ...."

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

10 **"§ 14-409.40. Statewide uniformity of local regulation.**

11 ...

12 (f) Nothing contained in this section prohibits municipalities or counties from  
13 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, ~~14-269.3,~~  
14 ~~14-269.4, 14-277.2,~~ 14-415.11, 14-415.23, 14-415.35, 14-415.36, 14-415.38, or 14-415.39,  
15 including prohibiting the possession of firearms in public-owned buildings, on the grounds or  
16 parking areas of those buildings, or in public parks or recreation areas, except nothing in this  
17 subsection shall prohibit a person from storing a firearm within a motor vehicle while the  
18 vehicle is on these grounds or areas. Nothing contained in this section prohibits municipalities  
19 or counties from exercising powers provided by law in states of emergency declared under  
20 Article 1A of Chapter 166A of the General Statutes.

21 ...."

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

23 **"§ 14-415.4. Restoration of firearms rights.**

24 ...

25 (e) Disqualifiers Requiring Denial of Petition. – The court shall deny the petition to  
26 restore the firearms rights of any petitioner if the court finds any of the following:

- 27 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's  
28 custody, care, or control a firearm under the provisions of any law in North  
29 Carolina other than G.S. 14-415.1.
- 30 (2) The petitioner is under indictment for a felony or a finding of probable cause  
31 exists against the petitioner for a felony.
- 32 (3) The petitioner is a fugitive from justice.
- 33 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or  
34 any depressant, stimulant, or narcotic drug, or any other controlled substance  
35 as defined in 21 U.S.C. § 802.
- 36 (5) The petitioner is or has been dishonorably discharged from the Armed  
37 Forces of the United States.
- 38 (6) The petitioner is or has been adjudicated guilty of or received a prayer for  
39 judgment continued or suspended sentence for one or more crimes of  
40 violence constituting a misdemeanor, including a misdemeanor under Article  
41 8 of Chapter 14 of the General Statutes, or a misdemeanor under  
42 G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4,~~ 14-269.6,  
43 14-276.1, 14-277, 14-277.1, ~~14-277.2,~~ 14-277.3, 14-281.1, 14-283,  
44 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former 14-288.12,  
45 former 14-288.13, former 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b),  
46 or 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, 14-415.39, or a  
47 substantially similar out-of-state or federal offense.

48 ...."

49 **SECTION 10.** Article 54B of Chapter 14 of the General Statutes is amended by  
50 adding a new section to read:

51 **"§ 14-415.10A. Purpose.**

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

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

8 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

9 (a) Any person who has a concealed handgun permit may carry a concealed handgun  
10 unless otherwise specifically prohibited by law. The person shall carry the permit together with  
11 valid identification whenever the person is carrying a concealed handgun, shall disclose to any  
12 law enforcement officer that the person holds a valid permit and is carrying a concealed  
13 handgun when approached or addressed by the officer, and shall display both the permit and the  
14 proper identification upon the request of a law enforcement officer. ~~In addition to these~~  
15 ~~requirements, a military permittee whose permit has expired during deployment may carry a~~  
16 ~~concealed handgun during the 90 days following the end of deployment and before the permit~~  
17 ~~is renewed provided the permittee also displays proof of deployment to any law enforcement~~  
18 ~~officer.~~

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

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

24 (1) ~~Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2.~~ G.S. 14-269.2,  
25 14-415.36, and 14-415.39.

26 (2) ~~Areas prohibited by G.S. 14-269.4, except as allowed under G.S.~~  
27 ~~14-269.4(6).~~ An area prohibited by G.S. 14-415.37, except that a person may  
28 have a concealed handgun if it is in a closed compartment or container  
29 within the person's locked vehicle or in a locked container securely affixed  
30 to the person's vehicle. A person may unlock the vehicle to enter or exit the  
31 vehicle, provided the firearm remains in the closed compartment at all times  
32 and the vehicle is locked immediately following the entrance or exit.

33 (2a) An area prohibited by G.S. 14-415.38, except that a person may have a  
34 concealed handgun if it is in a closed compartment or container within the  
35 person's locked vehicle or in a locked container securely affixed to the  
36 person's vehicle. A person may unlock the vehicle to enter or exit the  
37 vehicle, provided the firearm remains in the closed compartment at all times  
38 and the vehicle is locked immediately following the entrance or exit.

39 (3) In an area prohibited by rule adopted under G.S. 120-32.1.

40 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

41 (5) In a law enforcement or correctional facility.

42 (6) In a building housing only State or federal offices.

43 (7) In an office of the State or federal government that is not located in a  
44 building exclusively occupied by the State or federal government.

45 (8) On any private premises where notice that carrying a concealed handgun is  
46 prohibited by the posting of a conspicuous notice or statement by the person  
47 in legal possession or control of the premises.

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

50 (c2) It shall be unlawful for a person, with or without a permit, to carry a concealed  
51 handgun while consuming alcohol or at any time while the person has remaining in the person's

1 body any alcohol or in the person's blood a controlled substance previously consumed, but a  
 2 person does not violate this condition if a controlled substance in the person's blood was  
 3 lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the  
 4 person's own property.

5 (c3) ~~As provided in G.S. 14-269.4(5),~~ As provided in G.S. 14-415.42, it shall be lawful  
 6 for a person to carry any firearm openly, or to carry a concealed handgun with a concealed  
 7 carry permit, at any State-owned rest area, at any State-owned rest stop along the highways,  
 8 and at any State-owned hunting and fishing reservation.

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

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

16 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

17 ...

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

19 ...

20 (6) Is currently, or has been previously adjudicated by a court ~~or~~  
 21 ~~administratively determined by a governmental agency whose decisions are~~  
 22 ~~subject to judicial review to be, lacking mental capacity or mentally ill. a~~  
 23 danger to self or others due to mental illness or lack of mental capacity.

24 Receipt of previous consultative services or outpatient treatment alone shall  
 25 not disqualify an applicant under this subdivision.

26 (7) Is or has been ~~discharged from the Armed Forces of the United States under~~  
 27 ~~conditions other than honorable. dishonorably discharged from the Armed~~  
 28 Forces of the United States.

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

41 ...."

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

43 **SECTION 14.** G.S. 74E-6 reads as rewritten:

44 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

45 ...

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

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

- 1           (2)    Real property owned by or in the possession and control of a person who has
- 2                    contracted with the employer to provide on-site company police security
- 3                    personnel services for the property.
- 4           (3)    Any other real property while in continuous and immediate pursuit of a
- 5                    person for an offense committed upon property described in subdivisions (1)
- 6                    or (2) of this subsection.

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

10       ...."

11           **SECTION 15.** G.S. 74G-6 reads as rewritten:  
 12 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

13       ...

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

18       ...."

19           **SECTION 16.** G.S. 113-136 reads as rewritten:  
 20 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**  
 21 **inspection by inspectors and protectors.**

22       ...

23       (d)    Inspectors and protectors are additionally authorized to arrest without warrant under  
 24 the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or  
 25 in their presence, and for other offenses evincing a flouting of their authority as enforcement  
 26 officers or constituting a threat to public peace and order which would tend to subvert the  
 27 authority of the State if ignored. In particular, they are authorized, subject to the direction of the  
 28 administrative superiors, to arrest for violations of G.S. 14-223, 14-225, 14-269, 14-415.35, and  
 29 14-277.

30       ...."

31           **SECTION 17.** G.S. 14-402 through G.S. 14-405 and G.S. 14-407.1 are repealed.

32           **SECTION 18.** This act becomes effective December 1, 2017, and applies to  
 33 offenses committed on or after that date.