A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE CARRYING A HANDGUN IN A PLACE OF RELIGIOUS
WORSHIP THAT IS ALSO EDUCATIONAL PROPERTY IF CERTAIN
REQUIREMENTS ARE MET, TO AUTHORIZE CERTAIN LAW ENFORCEMENT
FACILITY EMPLOYEES TO CARRY A CONCEALED HANDGUN IN A LAW
ENFORCEMENT OR CORRECTIONAL FACILITY IF CERTAIN REQUIREMENTS
ARE MET, TO REPEAL PISTOL PURCHASE PERMITS, TO PROVIDE THAT A
CONCEALED CARRY PERMITTEE WHO ALLOWS THE PERMIT TO LAPSE DOES
NOT HAVE TO TAKE ANOTHER FIREARMS SAFETY AND TRAINING COURSE
UPON APPLYING FOR RENEWAL UNDER CERTAIN CONDITIONS, AND TO
PROTECT THE PROPERTY RIGHTS OF PERSONS SUBJECT TO A DOMESTIC
VIOLENCE PROTECTIVE ORDER BY ALLOWING THEM TO STORE THEIR
FIREARMS WITH OR SELL THEIR FIREARMS THROUGH A QUALIFIED LICENSED
FIREARMS DEALER.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1.1. This act shall be known as "The Firearms Liberty Act."

PART II. CARRYING A HANDGUN IN CERTAIN PLACES OF RELIGIOUS
WORSHIP

SECTION 2.1. G.S. 14-269.2(a) is amended by adding a new subdivision to read:
"(1c) School operating hours. – Any time when any of the following occur:
   a. The premises are being used for curricular or extracurricular activities.
   b. The premises are being used for educational, instructional, or
      school-sponsored activities.
   c. The premises are being used for programs for minors by entities not
      affiliated with the religious institution."

SECTION 2.2. G.S. 14-269.2 is amended by adding a new subsection to read:
"(k1) For the purposes of this subsection, property owned by a local board of education or
county commission shall not be construed as a building that is a place of religious worship as
defined in G.S. 14-54.1. The provisions of this section shall not apply to a person who has a
concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from
obtaining a permit pursuant to that Article, if all of the following conditions apply:
The person possess
es and carries a handgun on educational property other than
an institution of higher education as defined by G.S. 116-143.1 or a nonpublic,
postsecondary educational institution.

The educational property is the location of both a school and a building that is
a place of religious worship as defined in G.S. 14-54.1.

The weapon is a handgun.

The handgun is only possessed and carried on educational property
outside of the school operating hours.

The person or persons in legal possession or control of the premises have not
posted a conspicuous notice prohibiting the carrying of a concealed handgun
on the premises in accordance with G.S. 14-415.11(c)."

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

(1) Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2 except as allowed
under G.S. 14-269.2(k1).

(1a) Areas prohibited by G.S. 14-269.3 and G.S. 14-277.2.

"...

"§ 14-415.27. Expanded permit scope for certain persons.
Notwithstanding G.S. 14-415.11(c), any of the following persons who has a concealed
handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24
is not subject to the area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed
handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law:

…"

For only a law enforcement facility covered under G.S. 14-415.11(c)(5), a person employed by a law enforcement agency who (i) is not a law
enforcement officer sworn and certified pursuant to Article 1 of Chapter 17C
or 17E of the General Statutes, (ii) has been designated in writing by the head
of the law enforcement agency in charge of the facility, (iii) has in the person’s
possession written proof of the designation, and (iv) has not had the
designation rescinded by the head of the law enforcement agency in charge of
the facility. Nothing in this subdivision shall be construed as prohibiting the
head of the law enforcement agency in charge of a facility from rescinding
any written designation described in this subdivision."

This Part becomes effective December 1, 2023.

This Part becomes effective July 1, 2023, and applies to offenses
committed on or after that date.

This Part is effective when it becomes law and applies to pistols sold,
given away, transferred, purchased, or received on or after that date.

This Part is effective when it becomes law and applies to pistols sold,
"(e) If the permittee does not apply to renew the permit prior to its expiration date, but
does apply to renew the permit within no more than 60 days after the permit expires, the sheriff
may shall waive the requirement of taking another firearms safety and training course. If the
permittee applies to renew the permit more than 60 days after the permit expires, but no more
than 180 days after the permit expires, the sheriff shall waive the requirement of taking another
firearms and safety training course if the permittee (i) completes a refresher course on the laws
governing the use or carry of firearms in this State that is certified or sponsored by at least one
of the entities listed in G.S. 14-415.12(a)(4) and (ii) submits documentation to the sheriff
confirming the permittee completed the refresher course. This subsection does not extend the
expiration date of the permit."

SECTION 5.2. This Part becomes effective October 1, 2023, and applies to renewal
applications submitted on or after that date.

PART VI. PROPERTY PROTECTION ACT/DVPO

SECTION 6.1. G.S. 50B-3.1 reads as rewritten:

"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.

(a) Required Surrender of Firearms. – Upon issuance of an emergency or ex parte order
pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms,
machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms
that are in the care, custody, possession, ownership, or control of the defendant if the court finds
any of the following factors:

(1) The use or threatened use of a deadly weapon by the defendant or a pattern of
prior conduct involving the use or threatened use of violence with a firearm
against persons.

(2) Threats to seriously injure or kill the aggrieved party or minor child by the
defendant.

(3) Threats to commit suicide by the defendant.

(4) Serious injuries inflicted upon the aggrieved party or minor child by the
defendant.

(d1) Transfer to Licensed Firearms Dealer. – After the defendant surrenders possession of
all firearms, machine guns, ammunition, and permits to the sheriff pursuant to subsection (d) of
this section, the defendant may enter into an agreement with a qualified licensed firearms dealer
to take possession of the surrendered items from the custody of the sheriff if (i) the defendant is
the owner of the items and (ii) the items have been in the custody of the sheriff at least 15 days.
The defendant shall authorize the qualified licensed firearms dealer to submit the form provided
for in this subsection requesting the transfer of the firearms, machine guns, and ammunition to
the sheriff currently storing the items. The qualified licensed firearms dealer must present the
completed form and a copy of the dealer's valid federal firearms license to the sheriff, who shall
have 24 hours to facilitate the transfer of the firearms, machine guns, and ammunition to the
defendant. Any funds received from the sale of a firearm, machine gun, or ammunition by a
defendant pursuant to this subsection are the property of the defendant. The defendant's permits
to purchase firearms and permits to carry concealed firearms shall remain in the care and custody
of the sheriff as provided in subsection (d) of this section.

At the time a qualified licensed firearms dealer takes possession of the firearms, machine
guns, and ammunition, the dealer shall provide a copy of the record required to be maintained
under federal law upon the receipt or disposition of the firearm, machine gun, or ammunition to
both the sheriff and the owner of the firearms, machine guns, and ammunition.

A qualified licensed firearms dealer that accepts firearms, machine guns, and ammunition
pursuant to this subsection shall not (i) release the firearms, machine guns, or ammunition to the
defendant unless the motion for a protective order is dismissed or any order of surrender has
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expired or (ii) transfer possession of the firearms, machine guns, or ammunition to any person

the dealer knows or reasonably should know will allow the defendant to exercise care, custody,

possession, ownership, or control of the firearms, machine guns, or ammunition, and any

violation of this prohibition is a Class 2 misdemeanor.

The Administrative Office of the Courts shall create a form for use in transferring firearms,

machine guns, and ammunition from the custody of the sheriff to a qualified licensed firearms

dealer pursuant to this subsection. The form shall require the notarized signatures of both the
defendant and the qualified licensed firearms dealer and shall allow for either the storage or sale
of the firearms, machine guns, and ammunition by the qualified licensed firearms dealer. The
form shall also include information concerning the defendant's rights to recover the surrendered
firearms, machine guns, or ammunition.

The sheriff shall not charge a fee for the first 15 days of storage for any items transferred to

a qualified licensed firearms dealer pursuant to this subsection.

(e) Retrieval. – If the court does not enter a protective order when the ex parte or
emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff or
the qualified licensed firearms dealer unless the court finds that the defendant is precluded from
owning or possessing a firearm pursuant to State or federal law or final disposition of any pending
criminal charges committed against the person that is the subject of the current protective order.

(f) Motion Request for Return. – The defendant may request the return of any firearms,
ammunition, or permits surrendered by filing a motion with the court submitting a written request
with the sheriff or the qualified licensed firearms dealer who has control of the firearms,
ammunition, or permits at the expiration of the current order or final disposition of any pending
criminal charges committed against the person that is the subject of the current protective order
and not later than 90 days 30 days after the expiration of the current order or final disposition of
any pending criminal charges committed against the person that is the subject of the current
protective order. Upon receipt of the motion, the sheriff or the qualified licensed firearms
dealer shall conduct a check through the National Instant Criminal Background Check System
(NICS). If the results of the NICS check provide grounds that preclude the defendant from
owning or possessing a firearm under State or federal law, the sheriff or the qualified licensed
firearms dealer shall file a motion with the court on a form created by the Administrative Office
of the Courts and shall not return the firearms, ammunition, or permits until the court has ruled
on the motion. Upon receipt of the motion, the court shall schedule a hearing and provide written
notice to the plaintiff who shall have the right to appear and be heard and to the sheriff or the
qualified licensed firearms dealer who has control of the firearms, ammunition, or permits. The
court shall determine whether the defendant is subject to any State or federal law or court order
that precludes the defendant from owning or possessing a firearm. The inquiry shall include:

(1) Whether the protective order has been renewed.

(2) Whether the defendant is subject to any other protective orders.

(3) Whether the defendant is disqualified from owning or possessing a firearm
pursuant to 18 U.S.C. § 922 or any State law.

(4) Whether the defendant has any pending criminal charges, in either State or
federal court, committed against the person that is the subject of the current
protective order.

The court shall deny the return of firearms, ammunition, or permits if the court finds that the
defendant is precluded from owning or possessing a firearm pursuant to State or federal law or
if the defendant has any pending criminal charges, in either State or federal court, committed
against the person that is the subject of the current protective order until the final disposition of
those charges.

(g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,
ammunition, or permits who is otherwise eligible to possess such items may file a motion
requesting the return to said third party of any such items in the possession of the sheriff or the
qualified licensed firearms dealer seized as a result of the entry of a domestic violence protective order. The motion must be filed not later than 30 days after the seizure of the items by the sheriff. Upon receipt of the third party's motion, the court shall schedule a hearing and provide written notice to all parties and the sheriff, sheriff or the qualified licensed firearms dealer. The court shall order return of the items to the third party unless the court determines that the third party is disqualified from owning or possessing said items pursuant to State or federal law. If the court denies the return of said items to the third party, the items shall be disposed of by the sheriff or the qualified licensed firearms dealer as provided in subsection (h) of this section.

(h) Disposal of Firearms. – If the defendant does not file a motion requesting the return of any firearms, ammunition, or permits surrendered within the time period prescribed by this section, if the court determines that the defendant is precluded from regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within 30 days of the request for the return of firearms, ammunition, or permits or entry of the order granting the return of the firearms, ammunition, or permits, the sheriff or the qualified licensed firearms dealer who has control of the firearms, ammunition, or permits shall give notice to the defendant, and the sheriff or the qualified licensed firearms dealer shall apply to the court for an order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. Additionally, for firearms and ammunition surrendered to a qualified licensed firearms dealer under subsection (d1) of this section, the judge may order the firearms and ammunition disposed of by sale by the qualified licensed firearms dealer. If a sale by the sheriff or a qualified licensed firearms dealer does occur, any proceeds from the sale after deducting any costs associated with the sale, sale and any storage fees owed to the sheriff or the qualified licensed firearms dealer, and in accordance with all applicable State and federal law, shall be provided to the defendant, if requested by the defendant by motion made before the hearing or at the hearing and if ordered by the judge-defendant.

(i) Failure to Surrender or Disclose. – It is unlawful for any person subject to a protective order prohibiting the possession or purchase of firearms to do any of the following:

(1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms to the sheriff as ordered by the court; court.
(2) Fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms as requested by the court; court.
(3) Provide false information to the court pertaining to any of these items.

... (l) Construction. – Nothing in this section is intended to limit the discretion of the court in granting additional relief as provided in other sections of this Chapter.

(m) Qualified Licensed Firearms Dealer. – For purposes of this section, the term "qualified licensed firearms dealer" shall mean a federally licensed firearms dealer that meets all of the following requirements:

(1) Operates a business in a commercial building located in the State.
(2) Is open to the public.
(3) Regularly engages in the purchase and sale of firearms with members of the public.

SECTION 6.2. This Part becomes effective December 1, 2023, and applies to orders issued on or after that date.

PART VII. MISCELLANEOUS
SECTION 7.1. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 7.2. Except as otherwise provided, this act is effective when it becomes law.