

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 499

Short Title: Omnibus Gun Changes. (Public)

Sponsors: Representatives Speciale, Kidwell, Hardister, and Brody (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Finance, if favorable, Rules, Calendar, and Operations of  
the House

March 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE MULTIPLE CHANGES TO THE STATE LAWS REGARDING  
3 FIREARMS.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. CARRY MODIFICATIONS**

7 **SECTION 1.1.** Chapter 14 of the General Statutes is amended by adding a new  
8 Article to read:

9 "Article 54C.

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

11 "Part 1. Carrying Handguns.

12 "**§ 14-415.35. Carrying handguns.**

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

15 (b) Carrying Handgun. – Any person who is a citizen of the United States and is at least  
16 18 years old may carry a handgun, openly or concealed, without a concealed handgun permit in  
17 this State unless provided otherwise by State law or by 18 U.S.C. § 922 or any other federal law.

18 (c) Prohibition on Carrying Handgun on Posted Private Property. – A person shall not  
19 carry a handgun on another person's private property if notice is given that carrying a handgun  
20 on the premises is prohibited by either the posting of a conspicuous notice or statement by the  
21 person in legal possession or control of the premises. This subsection does not apply to a law  
22 enforcement officer who is discharging the officer's official duties or a licensed bail bondsman  
23 while performing that bondsman's duties.

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

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

32 (1) Is ineligible to own, possess, or receive a firearm under the provisions of State  
33 or federal law.

34 (2) Is under indictment or a finding of probable cause exists for a felony.



- 1           (3)    Has been adjudicated guilty in any court of a felony, unless (i) the felony is  
2                    an offense that pertains to antitrust violations, unfair trade practices, or  
3                    restraints of trade or (ii) the person's firearms rights have been restored  
4                    pursuant to G.S. 14-415.4.
- 5           (4)    Is a fugitive from justice.
- 6           (5)    Is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant,  
7                    stimulant, or narcotic drug, or any other controlled substance as defined in 21  
8                    U.S.C. § 802.
- 9           (6)    Is currently, or has been previously adjudicated by a court to be, a danger to  
10                   self or others due to mental illness or lack of mental capacity. Receipt of  
11                    previous consultative services or outpatient treatment alone shall not  
12                    disqualify any citizen under this subdivision. Further, a person shall not be  
13                    ineligible under this subdivision if the person's rights have been restored under  
14                    G.S. 14-409.42.
- 15           (7)    Is or has been discharged from the Armed Forces of the United States under  
16                    conditions other than honorable.
- 17           (8)    Except as provided in subdivisions (9), (10), or (11) of this section, within the  
18                    three years prior to the date on which the person is carrying the concealed  
19                    handgun, is or has been adjudicated guilty of or received a prayer for judgment  
20                    continued or suspended sentence for one or more crimes of violence  
21                    constituting a misdemeanor, including, but not limited to, a violation of a  
22                    misdemeanor under Article 8 of Chapter 14 of the General Statutes except for  
23                    a violation of G.S. 14-33(a), or a violation of a misdemeanor under  
24                    G.S. 14-226.1, 14-258.1, 14-269.2, former 14-269.3, former 14-269.4,  
25                    14-269.6, 14-277, 14-277.1, former 14-277.2, 14-283 except for a violation  
26                    involving fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1),  
27                    14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,  
28                    14-415.21(b), 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, or 14-415.39.
- 29           (9)    Is or has been adjudicated guilty of or received a prayer for judgment  
30                    continued or suspended sentence for one or more crimes of violence  
31                    constituting a misdemeanor under G.S. 14-33(c)(1), 14-33(c)(2), 14-33(c)(3),  
32                    14-33(d), 14-277.3A, 14-318.2, 14-134.3, 50B-4.1, or former 14-277.3.
- 33           (10)   Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a  
34                    result of a conviction of a misdemeanor crime of domestic violence.
- 35           (11)   Has been adjudicated guilty of or received a prayer for judgment continued or  
36                    suspended sentence for one or more crimes involving an assault of or a threat  
37                    to assault a law enforcement officer, probation or parole officer, person  
38                    employed at a State or local detention facility, firefighter, emergency medical  
39                    technician, medical responder, or emergency department personnel.
- 40           (12)   Has had entry of a prayer for judgment continued for a criminal offense that  
41                    would make it unlawful under this section for the person to carry a concealed  
42                    handgun.
- 43           (13)   Is free on bond or personal recognizance pending trial, appeal, or sentencing  
44                    for a crime that would make it unlawful under this section for the person to  
45                    carry a concealed handgun.
- 46           (14)   Has been convicted of an impaired driving offense under G.S. 20-138.1,  
47                    20-138.2, or 20-138.3 within three years prior to the date on which the person  
48                    is carrying the concealed handgun.
- 49           (f)    Valid Identification Required; Disclosure to Law Enforcement Officer When  
50                    Carrying Concealed. – When carrying a concealed handgun, a person shall also carry valid  
51                    identification and shall disclose to any law enforcement officer that the person is carrying a

1 concealed handgun when approached or addressed by the officer and shall display the proper  
2 identification upon the request of a law enforcement officer.

3 (g) Penalty. – Any person who violates this section shall be punished as follows:

4 (1) Unless provided otherwise by State law, a violation of subsection (c) of this  
5 section is an infraction and a person found responsible for the infraction may  
6 be required to pay a fine of up to five hundred dollars (\$500.00).

7 (2) A violation of subsection (d) of this section is a Class 1 misdemeanor.

8 (3) A violation of subsection (e) of this section is a Class 2 misdemeanor for a  
9 first offense and is a Class H felony for a second or subsequent offense.

10 (4) A violation of subsection (f) of this section is an infraction and shall be  
11 punished in accordance with G.S. 14-3.1.

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

13 "§ 14-415.36. Reserved.

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

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

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

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

24 (1) The Governor and the Governor's immediate family if the property is the  
25 Executive Mansion or the Western Residence of the Governor.

26 (2) A person exempted by G.S. 14-415.41.

27 (3) A person with a permit that is valid under Article 54B of this Chapter, or who  
28 is exempt from obtaining a permit pursuant to G.S. 14-415.25, who has a  
29 firearm in a closed compartment or container within the person's locked  
30 vehicle or in a locked container securely affixed to the person's vehicle. A  
31 person may unlock the vehicle to enter or exit the vehicle provided the firearm  
32 remains in the closed compartment at all times and the vehicle is locked  
33 immediately following the entrance or exit.

34 (d) A violation of this section is an infraction.

35 "§ 14-415.38. No firearms or other weapons in courthouses or buildings housing any court  
36 of the General Court of Justice.

37 (a) It is unlawful for any person to possess or carry, whether openly or concealed, a  
38 firearm or any other deadly weapon not used solely for instructional or officially sanctioned  
39 ceremonial purposes in any building housing any court of the General Court of Justice. If a court  
40 is housed in a building containing nonpublic uses in addition to the court, then this prohibition  
41 shall apply only to that portion of the building used for court purposes while the building is being  
42 used for court purposes.

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

44 (1) Subject to any additional requirements of this subsection, any person  
45 exempted by G.S. 14-415.41.

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

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

1           (4) Any district court judge or superior court judge who carries or possesses a  
2 concealed handgun in a building housing a court of the General Court of  
3 Justice if the judge is in the building to discharge his or her official duties and  
4 the judge has a concealed handgun permit that is valid under Article 54B of  
5 this Chapter.

6           (5) Any magistrate who carries or possesses a concealed handgun in any portion  
7 of a building housing a court of the General Court of Justice other than a  
8 courtroom itself unless the magistrate is presiding in that courtroom, if the  
9 magistrate (i) is in the building to discharge the magistrate's official duties,  
10 (ii) has a concealed handgun permit that is valid under Article 54B of this  
11 Chapter, (iii) has successfully completed a one-time weapons retention  
12 training substantially similar to that provided to certified law enforcement  
13 officers in North Carolina, and (iv) secures the weapon in a locked  
14 compartment when the weapon is not on the magistrate's person.

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

22           (c) A violation of this section is an infraction.

23 **"§ 14-415.39. Firearms and other weapons prohibited at picket lines and certain**  
24 **demonstrations.**

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

30           (b) 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, 14-288.8, or 14-415.35 or any other  
32 object capable of inflicting serious bodily injury or death when used as a weapon.

33           (c) 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 picket line  
38 or demonstration from the sheriff or police chief, whichever is appropriate, of  
39 the locality where the picket line or demonstration is to take place.

40 **"§ 14-415.40. Unlawful to carry a handgun into certain areas.**

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

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

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

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

46           (b) This section does not apply to any person exempted by G.S. 14-415.27.

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

48 **"§ 14-415.41. Exceptions to statutes restricting firearms and other weapons.**

49 The provisions of G.S. 14-415.36, 14-415.37, 14-415.38, and 14-415.39 do not apply to any  
50 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)   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 concealed  
9           handgun permit that is valid under Article 54B of this Chapter, and is acting  
10          in the discharge of his or her official duties.
- 11          (5)   Officers of the State, or of any county, city, town, or company police agency  
12          charged with the execution of the laws of the State, when acting in the  
13          discharge of their official duties.
- 14          (6)   Any person who is a district attorney, an assistant district attorney, or an  
15          investigator employed by the office of a district attorney and who has a  
16          concealed handgun permit that is valid under Article 54B of this Chapter. The  
17          district attorney, assistant district attorney, or investigator shall secure the  
18          weapon in a locked compartment when the weapon is not on the person of the  
19          district attorney, assistant district attorney, or investigator. A district attorney  
20          or assistant district attorney may carry a concealed weapon while in a  
21          courtroom; however, an investigator may not carry a concealed weapon at any  
22          time while in a courtroom.
- 23          (7)   Any person who is a qualified retired law enforcement officer as defined in  
24          G.S. 14-415.10 and meets any one of the following conditions:
- 25               a.    Is the holder of a concealed handgun permit in accordance with Article  
26                54B of this Chapter.
- 27               b.    Is exempt from obtaining a permit pursuant to G.S. 14-415.25.
- 28               c.    Is certified by the North Carolina Criminal Justice Education and  
29                Training Standards Commission pursuant to G.S. 14-415.26.
- 30          (8)   Detention personnel or correctional officers employed by the State or a unit  
31          of local government who park a vehicle in a space that is authorized for their  
32          use in the course of their duties may transport a firearm to the parking space  
33          and store that firearm in the vehicle parked in the parking space, provided that  
34          (i) the firearm is in a closed compartment or container within the locked  
35          vehicle or (ii) the firearm is in a locked container securely affixed to the  
36          vehicle.
- 37          (9)   Any person who is a North Carolina district court judge, North Carolina  
38          superior court judge, or a North Carolina magistrate and who has a concealed  
39          handgun permit that is valid under Article 54B of this Chapter. The judge or  
40          magistrate shall secure the weapon in a locked compartment when the weapon  
41          is not on the person of the judge or magistrate.
- 42          (10)  Any person who is serving as a clerk of court or as a register of deeds and who  
43          has a concealed handgun permit that is valid under Article 54B of this Chapter.  
44          The clerk of court or register of deeds shall secure the weapon in a locked  
45          compartment when the weapon is not on the person of the clerk of court or  
46          register of deeds. This subdivision does not apply to assistants, deputies, or  
47          other employees of the clerk of court or register of deeds.
- 48          (11)  Sworn law enforcement officers, when off duty.
- 49          (12)  State probation or parole certified officers, when off duty.
- 50          (13)  A person employed by the Department of Public Safety who has been  
51          designated in writing by the Secretary of the Department, who has a concealed

1 handgun permit that is valid under Article 54B of this Chapter, and has in the  
2 person's possession written proof of the designation by the Secretary of the  
3 Department.

4 (14) Any person who is an administrative law judge described in Article 60 of  
5 Chapter 7A of the General Statutes and who has a concealed handgun permit  
6 that is valid under Article 54B of this Chapter.

7 (15) State correctional officers, when off duty. If the concealed weapon is a  
8 handgun, the correctional officer must meet the firearms training standards of  
9 the Division of Adult Correction of the Department of Public Safety.

10 **"§ 14-415.42. Carrying handgun on premises of State-owned rest areas and within State**  
11 **Parks System.**

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

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

18 **SECTION 1.2.(a)** G.S. 14-269.3 is recodified as G.S. 14-415.36 under Article 54C  
19 of Chapter 14 of the General Statutes, as enacted by Section 1.3 of this act.

20 **SECTION 1.2.(b)** G.S. 14-269.3, recodified as G.S. 14-415.36 by subsection (a) of  
21 this section, reads as rewritten:

22 **"§ 14-415.36. Carrying weapons into assemblies and establishments where alcoholic**  
23 **beverages are sold and consumed.**

24 (a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any assembly  
25 where a fee has been charged for admission thereto, or into any establishment in which alcoholic  
26 beverages are sold and consumed. Any person violating the provisions of this section shall be  
27 guilty of a Class 1 misdemeanor.

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

29 (1) A person exempted ~~from the provisions of G.S. 14-269.~~ by G.S. 14-415.41.

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

31 (3) A person participating in the event, if the person is carrying a gun, rifle, or  
32 pistol with the permission of the owner, lessee, or person or organization  
33 sponsoring the event.

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

36 (5) A person carrying a handgun if the person has a valid concealed handgun  
37 permit ~~issued in accordance with that is valid under Article 54B of this~~  
38 ~~Chapter, has a concealed handgun permit considered valid under G.S.~~  
39 ~~14-415.24, Chapter~~ or is exempt from obtaining a permit pursuant to  
40 G.S. 14-415.25. This subdivision shall not be construed to permit a person to  
41 carry a handgun on any premises where the person in legal possession or  
42 control of the premises has posted a conspicuous notice prohibiting the  
43 carrying of a concealed handgun on the premises in accordance with  
44 G.S. 14-415.11(c)."

45 **SECTION 1.3.** The following statutes are repealed: G.S. 14-269.4 and  
46 G.S. 14-277.2.

47 **SECTION 1.4.** Article 54B of Chapter 14 of the General Statutes is amended by  
48 adding a new section to read:

49 **"§ 14-415.10A. Purpose.**

50 While G.S. 14-415.35 makes it lawful to carry a concealed handgun in this State without  
51 obtaining a concealed handgun permit, there are some locations where additional education and

1 training are necessary to ensure public safety; therefore, a concealed handgun permit may be  
2 required to carry a concealed handgun in those locations. Additionally, it is often convenient to  
3 have a concealed handgun permit for the purpose of reciprocity when traveling in another state,  
4 to make the purchase of a firearm more efficient, or for various other reasons. For these reasons,  
5 the State of North Carolina shall continue to make a concealed handgun permit available to any  
6 person who applies for and is eligible to receive a concealed handgun permit pursuant to this  
7 Article."

8         **SECTION 1.5.(a)** The North Carolina Criminal Justice Education and Training  
9 Standards Commission shall include all changes related to the possession and carrying of  
10 handguns enacted by this act into the general guidelines for approved firearms safety and training  
11 courses to ensure that changes in law in this area are included in those courses prior to December  
12 1, 2019.

13         **SECTION 1.5.(b)** This section becomes effective July 1, 2019.

## 14 **PART II. CLARIFYING CHANGES TO CARRY MODIFICATIONS**

15         **SECTION 2.1.** G.S. 14-269 reads as rewritten:

### 16 **"§ 14-269. Carrying concealed weapons.**

17         (a) ~~It shall be~~ Except as provided otherwise by law, it is unlawful for any person willfully  
18 and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung  
19 shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, gun, or other deadly weapon of  
20 like kind, except when the person is on the person's own premises. For purposes of this section,  
21 the terms "weapon" and "gun" do not include a handgun as defined in G.S. 14-415.35.

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

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

25             (2) ~~The deadly weapon is a handgun, the person has a concealed handgun permit~~  
26 ~~issued in accordance with Article 54B of this Chapter or considered valid~~  
27 ~~under G.S. 14-415.24, and the person is carrying the concealed handgun in~~  
28 ~~accordance with the scope of the concealed handgun permit as set out in G.S.~~  
29 ~~14-415.11(e).~~

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

33         ~~(a2) This prohibition does not apply to a person who has a concealed handgun permit~~  
34 ~~issued in accordance with Article 54B of this Chapter, has a concealed handgun permit~~  
35 ~~considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S.~~  
36 ~~14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the~~  
37 ~~person's locked vehicle, and the vehicle is in a parking area that is owned or leased by State~~  
38 ~~government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun~~  
39 ~~remains in the closed compartment at all times and the vehicle is locked immediately following~~  
40 ~~the entrance or exit.~~

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

42             (1) Officers and enlisted personnel of the Armed Forces of the United States when  
43 in discharge of their official duties as such and acting under orders requiring  
44 them to carry arms and ~~weapons;~~weapons.

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

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

48             (3a) A member of the North Carolina National Guard who has been designated in  
49 writing by the Adjutant General, State of North Carolina, who has a concealed  
50 handgun permit ~~issued in accordance with~~ that is valid under Article 54B of  
51

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

- 1 alcohol or an unlawful controlled substance remains in the person's body. The  
 2 clerk of court or register of deeds shall secure the weapon in a locked  
 3 compartment when the weapon is not on the person of the clerk of court or  
 4 register of deeds. This subdivision does not apply to assistants, deputies, or  
 5 other employees of the clerk of court or register of ~~deeds;~~deeds.
- 6 (5) Sworn law-enforcement officers, when off-duty, provided that an officer does  
 7 not carry a concealed weapon while consuming alcohol or an unlawful  
 8 controlled substance or while alcohol or an unlawful controlled substance  
 9 remains in the officer's ~~body;~~body.
- 10 (6) State probation or parole certified officers, when off-duty, provided that an  
 11 officer does not carry a concealed weapon while consuming alcohol or an  
 12 unlawful controlled substance or while alcohol or an unlawful controlled  
 13 substance remains in the officer's body.
- 14 (7) A person employed by the Department of Public Safety who has been  
 15 designated in writing by the Secretary of the Department, who has a concealed  
 16 handgun permit ~~issued in accordance with that is valid under Article 54B of this Chapter or~~  
 17 ~~considered valid under G.S. 14-415.24, Chapter,~~ and has in the  
 18 person's possession written proof of the designation by the Secretary of the  
 19 Department, provided that the person shall not carry a concealed weapon at  
 20 any time while consuming alcohol or an unlawful controlled substance or  
 21 while alcohol or an unlawful controlled substance remains in the person's  
 22 body.
- 23 (8) Any person who is an administrative law judge described in Article 60 of  
 24 Chapter 7A of the General Statutes and who has a concealed handgun permit  
 25 ~~issued in accordance with that is valid under Article 54B of this Chapter or~~  
 26 ~~considered valid under G.S. 14-415.24, Chapter,~~ provided that the person shall  
 27 not carry a concealed weapon at any time while consuming alcohol or an  
 28 unlawful controlled substance or while alcohol or an unlawful controlled  
 29 substance remains in the person's body.
- 30 (9) 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~~  
 35 ~~and Juvenile Justice of the Department of Public Safety.~~
- 36 (b1) It is a defense to a prosecution under this section ~~that:~~if all of the following apply:  
 37 (1) The weapon was not a ~~firearm;~~handgun.  
 38 (2) The defendant was engaged in, or on the way to or from, an activity in which  
 39 the defendant legitimately used the ~~weapon;~~weapon.  
 40 (3) The defendant possessed the weapon for that legitimate ~~use;~~ and use.  
 41 (4) The defendant did not use or attempt to use the weapon for an illegal purpose.  
 42 The burden of proving this defense is on the defendant.
- 43 ~~(b2) It is a defense to a prosecution under this section that:~~  
 44 ~~(1) The deadly weapon is a handgun;~~  
 45 ~~(2) The defendant is a military permittee as defined under G.S. 14-415.10(2a);~~  
 46 ~~and~~  
 47 ~~(3) The defendant provides to the court proof of deployment as defined under G.S.~~  
 48 ~~14-415.10(3a).~~
- 49 (c) ~~Any~~Except as provided otherwise by law, any person violating the provisions of  
 50 subsection (a) of this section shall be guilty of a Class 2 misdemeanor. ~~Any person violating the~~  
 51 ~~provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the first~~

1 offense and a Class H felony for a second or subsequent offense. A violation of subsection (a1)  
2 of this section punishable under G.S. 14-415.21(a) is not punishable under this section.

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

7 **SECTION 2.2.** 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. 14-269.7, 14-269.7,~~  
10 ~~14-415.35,~~ or any other offense involving the use of a ~~deadly weapon of a type referred to in~~  
11 ~~G.S. 14-269,~~ firearm or other deadly weapon, the firearm or other deadly weapon with reference  
12 to which the defendant shall have been convicted shall be ordered confiscated and disposed of  
13 by the presiding judge at the trial in one of the following ways in the discretion of the presiding  
14 judge.

15 ...."

16 **SECTION 2.3.** G.S. 14-269.2(g) reads as rewritten:

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

- 18 (1) A weapon used solely for educational or school-sanctioned ceremonial  
19 purposes, or used in a school-approved program conducted under the  
20 supervision of an adult whose supervision has been approved by the school  
21 authority.
- 22 (1a) A person exempted by the provisions of ~~G.S. 14-269(b)~~ G.S. 14-415.41.
- 23 (2) Firefighters, emergency service personnel, North Carolina Forest Service  
24 personnel, detention officers employed by and authorized by the sheriff to  
25 carry firearms, and any private police employed by a school, when acting in  
26 the discharge of their official duties.
- 27 (3) Home schools as defined in G.S. 115C-563(a).
- 28 (4) Weapons used for hunting purposes on the Howell Woods Nature Center  
29 property in Johnston County owned by Johnston Community College when  
30 used with the written permission of Johnston Community College or for  
31 hunting purposes on other educational property when used with the written  
32 permission of the governing body of the school that controls the educational  
33 property.
- 34 (5) A person registered under Chapter 74C of the General Statutes as an armed  
35 armored car service guard or an armed courier service guard when acting in  
36 the discharge of the guard's duties and with the permission of the college or  
37 university.
- 38 (6) A person registered under Chapter 74C of the General Statutes as an armed  
39 security guard while on the premises of a hospital or health care facility  
40 located on educational property when acting in the discharge of the guard's  
41 duties with the permission of the college or university.
- 42 (7) A volunteer school safety resource officer providing security at a school  
43 pursuant to an agreement as provided in G.S. 115C-47(61) and either  
44 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety  
45 resource officer is acting in the discharge of the person's official duties and is  
46 on the educational property of the school that the officer was assigned to by  
47 the head of the appropriate local law enforcement agency."

48 **SECTION 2.4.** G.S. 14-288.8(b)(1) reads as rewritten:

49 "**§ 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase,**  
50 **delivery, or acquisition of weapon of mass death and destruction; exceptions.**

51 ...

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

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

5 **SECTION 2.5.** G.S. 14-401.24 reads as rewritten:

6 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

7 ...

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

9 ...

- 10 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, ~~or~~  
11 ~~14-288.8~~ 14-288.8, or 14-415.35 and any other object capable of inflicting  
12 serious bodily injury or death when used as a weapon.

13 ...."

14 **SECTION 2.6.** G.S. 14-409.40 reads as rewritten:

15 **"§ 14-409.40. Statewide uniformity of local regulation.**

16 ...

17 (f) Nothing contained in this section prohibits municipalities or counties from application  
18 of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, ~~14-269.3, 14-269.4,~~  
19 ~~14-277.2,~~ 14-415.11, 14-415.23, 14-415.35, 14-415.36, 14-415.38, or 14-415.39, including  
20 prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas  
21 of those buildings, or in public parks or recreation areas, except nothing in this subsection shall  
22 prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these  
23 grounds or areas. Nothing contained in this section prohibits municipalities or counties from  
24 exercising powers provided by law in states of emergency declared under Article 1A of Chapter  
25 166A of the General Statutes.

26 ...."

27 **SECTION 2.7.** G.S. 14-415.4 reads as rewritten:

28 **"§ 14-415.4. Restoration of firearms rights.**

29 ...

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

- 32 (1) The petitioner is ineligible to purchase, own, possess, or have in the person's  
33 custody, care, or control a firearm under the provisions of any law in North  
34 Carolina other than G.S. 14-415.1.
- 35 (2) The petitioner is under indictment for a felony or a finding of probable cause  
36 exists against the petitioner for a felony.
- 37 (3) The petitioner is a fugitive from justice.
- 38 (4) The petitioner is an unlawful user of, or addicted to, marijuana, alcohol, or  
39 any depressant, stimulant, or narcotic drug, or any other controlled substance  
40 as defined in 21 U.S.C. § 802.
- 41 (5) The petitioner is or has been dishonorably discharged from the Armed Forces  
42 of the United States.
- 43 (6) The petitioner is or has been adjudicated guilty of or received a prayer for  
44 judgment continued or suspended sentence for one or more crimes of violence  
45 constituting a misdemeanor, including a misdemeanor under Article 8 of  
46 Chapter 14 of the General Statutes, or a misdemeanor under G.S. 14-225.2,  
47 14-226.1, 14-258.1, 14-269.2, ~~14-269.3, 14-269.4,~~ 14-269.6, 14-276.1,  
48 14-277, 14-277.1, ~~14-277.2,~~ 14-277.3, 14-281.1, 14-283, 14-288.2,  
49 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, former 14-288.12, former  
50 14-288.13, former 14-288.14, 14-288.20A, 14-318.2, 14-415.21(b), or

1 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, 14-415.39, or a substantially  
2 similar out-of-state or federal offense.

3 ...."

4 **SECTION 2.8.** G.S. 14-415.11 reads as rewritten:

5 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

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

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

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

20 (1) ~~Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2.~~G.S. 14-269.2,  
21 14-415.36, and 14-415.39.

22 (2) ~~Areas prohibited by G.S. 14-269.4, except as allowed under G.S.~~  
23 ~~14-269.4(6).~~An area prohibited by G.S. 14-415.37, except that a person may  
24 have a concealed handgun if it is in a closed compartment or container within  
25 the person's locked vehicle or in a locked container securely affixed to the  
26 person's vehicle. A person may unlock the vehicle to enter or exit the vehicle,  
27 provided the firearm remains in the closed compartment at all times and the  
28 vehicle is locked immediately following the entrance or exit.

29 (2a) An area prohibited by G.S. 14-415.38, except that a person may have a  
30 concealed handgun if it is in a closed compartment or container within the  
31 person's locked vehicle or in a locked container securely affixed to the person's  
32 vehicle. A person may unlock the vehicle to enter or exit the vehicle, provided  
33 the firearm remains in the closed compartment at all times and the vehicle is  
34 locked immediately following the entrance or exit.

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

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

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

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

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

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

44 ~~(e1) Any person who has a concealed handgun permit may carry a concealed handgun on~~  
45 ~~the grounds or waters of a park within the State Parks System as defined in G.S. 143B-135.44.~~

46 ~~(e2) It shall be unlawful for a person, with or without a permit, to carry a concealed~~  
47 ~~handgun while consuming alcohol or at any time while the person has remaining in the person's~~  
48 ~~body any alcohol or in the person's blood a controlled substance previously consumed, but a~~  
49 ~~person does not violate this condition if a controlled substance in the person's blood was lawfully~~  
50 ~~obtained and taken in therapeutically appropriate amounts or if the person is on the person's own~~  
51 ~~property.~~

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

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

11 **SECTION 2.9.** G.S. 14-415.12(b)(8) reads as rewritten:

12 "(8) Except as provided in subdivision (8a), (8b), or (8c) of this section, within the  
 13 three years prior to the date on which the application is submitted, is or has  
 14 been adjudicated guilty of or received a prayer for judgment continued or  
 15 suspended sentence for one or more crimes of violence constituting a  
 16 misdemeanor, including but not limited to, a violation of a misdemeanor under  
 17 Article 8 of Chapter 14 of the General Statutes except for a violation of  
 18 G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1, 4-258.1,  
 19 14-269.2, former 14-269.3, former 14-269.4, 14-269.6, 14-277, 14-277.1,  
 20 former 14-277.2, 14-283 except for a violation involving fireworks exempted  
 21 under G.S. 14-414, 14-288.2, 14-288.4(a)(1), 14-288.6, 14-288.9, former  
 22 14-288.12, former 14-288.13, former 14-288.14, 14-415.21(b), ~~or~~  
 23 ~~14-415.26(d) within three years prior to the date on which the application is~~  
 24 ~~submitted.~~ 14-415.26(d), 14-415.36, 14-415.37, 14-415.38, or 14-415.39."

25 **SECTION 2.10.** G.S. 14-415.22 is repealed.

26 **SECTION 2.11.** G.S. 74E-6 reads as rewritten:

27 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

28 ...

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

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

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

42 ...."

43 **SECTION 2.12.** G.S. 74G-6 reads as rewritten:

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

45 ...

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

50 ...."

51 **SECTION 2.13.** G.S. 106-503.2 reads as rewritten:

1 **"§ 106-503.2. Regulation of firearms at State Fair.**

2 ...  
3 (b) Notwithstanding subsection (a) of this section, any prohibition under this section shall  
4 not apply to the following persons:

5 (1) Any person exempted by ~~G.S. 14-269(b)(1), (2), (3), (4), or~~  
6 ~~(5); G.S. 14-415.41(1), (2), (3), (5), or (11).~~

7 (2) Any person who has a concealed handgun permit that is valid under Article  
8 54B of ~~this Chapter, Chapter 14 of the General Statutes,~~ or who is exempt  
9 from obtaining a permit pursuant to that Article, who has a handgun in a closed  
10 compartment or container within the person's locked vehicle or in a locked  
11 container securely affixed to the person's vehicle. A person may unlock the  
12 vehicle to enter or exit the vehicle provided the firearm remains in the closed  
13 compartment at all times and the vehicle is locked immediately following the  
14 entrance or exit."

15 **SECTION 2.14.** G.S. 113-136 reads as rewritten:

16 **"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow**  
17 **inspection by inspectors and protectors.**

18 ...  
19 (d) Inspectors and protectors are additionally authorized to arrest without warrant under  
20 the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or in  
21 their presence, and for other offenses evincing a flouting of their authority as enforcement  
22 officers or constituting a threat to public peace and order which would tend to subvert the  
23 authority of the State if ignored. In particular, they are authorized, subject to the direction of the  
24 administrative superiors, to arrest for violations of G.S. 14-223, 14-225, 14-269, ~~and~~  
25 ~~14-277, 14-277,~~ and 14-415.35.

26 ...."  
27

28 **PART III. STANDARDIZE AND ENSURE UNIFORMITY OF CONCEALED**  
29 **HANDGUN PERMIT APPLICATIONS AND MAKE CONFORMING CHANGES**

30 **SECTION 3.1.** G.S. 14-415.10 reads as rewritten:

31 **"§ 14-415.10. Definitions.**

32 The following definitions apply to this Article:

- 33 ...  
34 (4) Qualified former sworn law enforcement officer. – An individual who retired  
35 from service as a law enforcement officer with a local, State, campus police,  
36 or company police agency in North Carolina, other than for reasons of mental  
37 disability, who has been retired as a sworn law enforcement officer ~~two~~ five  
38 years or less from the date of the permit application, and who satisfies all of  
39 the following:  
40 a. Immediately before retirement, the individual was a qualified law  
41 enforcement officer with a local, State, or company police agency in  
42 North Carolina.  
43 b. The individual has a nonforfeitable right to benefits under the  
44 retirement plan of the local, State, or company police agency as a law  
45 enforcement officer; or has 20 or more aggregate years of law  
46 enforcement service and has retired from a company police agency  
47 that does not have a retirement plan; or has 20 or more aggregate years  
48 of part-time or auxiliary law enforcement service.  
49 c. The individual is not prohibited by State or federal law from receiving  
50 a firearm.

- 1 (4a) Qualified retired correctional officer. – An individual who retired from service  
2 as a State correctional officer, other than for reasons of mental disability, who  
3 has been retired as a correctional officer ~~two~~five years or less from the date  
4 of the permit application and who meets all of the following criteria:
- 5 a. Immediately before retirement, the individual met firearms training  
6 standards of the Division of Adult Correction of the Department of  
7 Public Safety and was authorized by the Division of Adult Correction  
8 of the Department of Public Safety to carry a handgun in the course of  
9 assigned duties.
- 10 b. The individual retired in good standing and was never a subject of a  
11 disciplinary action by the Division of Adult Correction of the  
12 Department of Public Safety that would have prevented the individual  
13 from carrying a handgun.
- 14 c. The individual has a vested right to benefits under the Teachers' and  
15 State Employees' Retirement System of North Carolina established  
16 under Article 1 of Chapter 135 of the General Statutes.
- 17 d. The individual is not prohibited by State or federal law from receiving  
18 a firearm.
- 19 (4b) Qualified retired law enforcement officer. – An individual who meets the  
20 definition of "qualified retired law enforcement officer" contained in section  
21 926C of Title 18 of the United States Code.
- 22 (4c) Qualified retired probation or parole certified officer. – An individual who  
23 retired from service as a State probation or parole certified officer, other than  
24 for reasons of mental disability, who has been retired as a probation or parole  
25 certified officer ~~two~~five years or less from the date of the permit application  
26 and who meets all of the following criteria:
- 27 a. Immediately before retirement, the individual met firearms training  
28 standards of the Division of Adult Correction of the Department of  
29 Public Safety and was authorized by the Division of Adult Correction  
30 of the Department of Public Safety to carry a handgun in the course of  
31 duty.
- 32 b. The individual retired in good standing and was never a subject of a  
33 disciplinary action by the Division of Adult Correction of the  
34 Department of Public Safety that would have prevented the individual  
35 from carrying a handgun.
- 36 c. The individual has a vested right to benefits under the Teachers' and  
37 State Employees' Retirement System of North Carolina established  
38 under Article 1 of Chapter 135 of the General Statutes.
- 39 d. The individual is not prohibited by State or federal law from receiving  
40 a firearm.
- 41 (5) Qualified sworn law enforcement officer. – A law enforcement officer  
42 employed by a local, State, campus police, or company police agency in North  
43 Carolina who satisfies all of the following:
- 44 a. The individual is authorized by the agency to carry a handgun in the  
45 course of duty.
- 46 b. The individual is not the subject of a disciplinary action by the agency  
47 that prevents the carrying of a handgun.
- 48 c. The individual meets the requirements established by the agency  
49 regarding handguns."

50 **SECTION 3.2.** G.S. 14-415.12 reads as rewritten:

51 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

1 (a) The sheriff shall issue a permit to an applicant if the applicant qualifies under the  
2 following criteria:

- 3 (1) The applicant is a citizen of the United States or has been lawfully admitted  
4 for permanent residence as defined in 8 U.S.C. § 1101(a)(20), and has been a  
5 resident of the State 30 days or longer immediately preceding the filing of the  
6 application.  
7 (2) The applicant is 21 years of age or older.  
8 (3) The applicant does not suffer from a ~~physical or mental infirmity that prevents~~  
9 ~~the safe handling of a handgun.~~ currently diagnosed and ongoing mental  
10 disorder, as defined by the most recent edition of the Diagnostic and Statistical  
11 Manual of Mental Disorders (DSM), that the sheriff determines would  
12 reasonably prevent the safe handling of a handgun. Previous treatment for  
13 transient disorders shall not be disqualifying.

14 ...

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

16 ...

- 17 (6) Is currently, or has been previously adjudicated by a court ~~or administratively~~  
18 ~~determined by a governmental agency whose decisions are subject to judicial~~  
19 ~~review to be, lacking mental capacity or mentally ill.~~ a danger to self or others  
20 due to mental illness or lack of mental capacity. Receipt of previous  
21 consultative services or outpatient treatment alone shall not disqualify an  
22 applicant under this subdivision.  
23 (7) Is or has been discharged from the Armed Forces of the United States under  
24 conditions other than honorable.

25 ...."

26 **SECTION 3.3.** G.S. 14-415.13(a) reads as rewritten:

27 "(a) A person shall apply to the sheriff of the county in which the person resides to obtain  
28 a concealed handgun permit. The applicant shall submit to the sheriff all of the following:

- 29 (1) An application, completed under oath, on a form provided by the sheriff, and  
30 such application form must be provided by the sheriff electronically. The  
31 sheriff shall not request employment information, character affidavits,  
32 additional background checks, photographs, or other information unless  
33 specifically permitted by this Article. A sheriff may schedule appointments  
34 for concealed handgun applications provided the appointments are scheduled  
35 for 15 business days or less from the date on which the applicant informs the  
36 sheriff that the applicant possesses all documentation necessary for the  
37 application.  
38 (2) A nonrefundable permit fee.  
39 (3) A full set of fingerprints of the applicant administered by the sheriff.  
40 (4) An original certificate of completion of an approved course, adopted and  
41 distributed by the North Carolina Criminal Justice Education and Training  
42 Standards Commission, signed by the certified instructor of the course  
43 attesting to the successful completion of the course by the applicant which  
44 shall verify that the applicant is competent with a handgun and knowledgeable  
45 about the laws governing the carrying of a concealed handgun and the use of  
46 deadly force.  
47 (5) A release, in a form to be prescribed by the Administrative Office of the  
48 Courts, that authorizes and requires disclosure to the sheriff of any of the  
49 following records concerning the mental health or capacity of the applicant to  
50 be used for the sole purpose of determining whether the applicant is

1 disqualified for a permit under the provisions of G.S.  
2 14-415.12.G.S. 14-415.12:

- 3 a. Records concerning an applicant's currently diagnosed and ongoing  
4 mental disorder, as defined by the most recent edition of the  
5 Diagnostic and Statistical Manual of Mental Disorders (DSM).  
6 b. Records showing that the applicant is currently, or has been  
7 previously, adjudicated by a court to be a danger to self or others due  
8 to mental illness or lack of mental capacity.

9 This provision does not prohibit submitting information related to involuntary  
10 commitment to the National Instant Criminal Background Check System  
11 (NICS)."

12 **SECTION 3.4.** G.S. 14-415.15(a) reads as rewritten:

13 "(a) Except as permitted under subsection (b) of this section, within 45-90 days after  
14 receipt of the items listed in G.S. 14-415.13 from an applicant, ~~and receipt of the required records~~  
15 ~~concerning the mental health or capacity of the applicant,~~ the sheriff shall either issue or deny  
16 the permit. The sheriff may conduct any investigation necessary to determine the qualification or  
17 competency of the person applying for the permit, including record checks. The sheriff shall  
18 make the request for any records concerning the mental health or capacity of the applicant within  
19 10 days of receipt of the items listed in G.S. 14-415.13. If the sheriff has not received the required  
20 records concerning mental health or capacity of the applicant after 45 days of the request, then  
21 the sheriff shall request the records again. No person, company, mental health provider, or  
22 governmental entity may charge additional fees to the applicant for background checks  
23 conducted under this subsection. A permit shall not be denied unless the applicant is determined  
24 to be ineligible pursuant to G.S. 14-415.12."

25 **SECTION 3.5.** This part becomes effective October 1, 2019, and applies to permit  
26 applications submitted on or after that date.

## 27 **PART IV. CONCEALED CARRY IN STATE LEGISLATIVE BUILDINGS**

28 **SECTION 4.1.** G.S. 120-32.1 is amended by adding the following new subsections  
29 to read:

30  
31 "(c2) No rule adopted under this section shall prohibit a legislator, a legislative employee,  
32 or a qualified former sworn law enforcement officer who has a concealed handgun permit  
33 considered valid under Article 54B of Chapter 14 of the General Statutes or a current sworn law  
34 enforcement officer from carrying a concealed handgun on the premises of the State legislative  
35 buildings and grounds. The Legislative Services Commission may adopt a rule requiring a  
36 legislator, a legislative employee, a qualified former sworn law enforcement officer, or a current  
37 sworn law enforcement officer to provide notice to the Chief of the General Assembly Special  
38 Police, or the Chief's designee, before carrying the handgun on the premises of the State  
39 legislative buildings and grounds; however, once initial notice is provided as required by this  
40 subsection, no subsequent notification shall be required. The Legislative Services Commission  
41 may also adopt rules establishing a procedure for such notification.

42 (c3) Notwithstanding subsection (c2) of this section, the Legislative Services Commission  
43 may adopt a rule prohibiting or regulating the carrying of a firearm openly or concealed in the  
44 Gallery of the State legislative building."

45 **SECTION 4.2.** G.S. 14-415.11(c)(3) reads as rewritten:

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

48 ...

- 49 (3) In an area prohibited by rule adopted under G.S. 120-32.1.G.S. 120-32.1,  
50 except that a legislator, legislative employee, or qualified former sworn law  
51 enforcement officer with a concealed handgun permit valid under Article 54B

1 of this Chapter may carry a concealed handgun on the premises of the State  
2 legislative buildings and grounds as defined in G.S. 120-32.1(d); provided, he  
3 or she complies with any notice requirement adopted by the Legislative  
4 Services Commission."

5 **SECTION 4.3.** This part becomes effective December 1, 2019.

6  
7 **PART V. CHANGES TO WEAPONS ON EDUCATIONAL PROPERTY**

8 **SECTION 5.1.** G.S. 14-269.2, as amended by Section 2.3 of this act, reads as  
9 rewritten:

10 **"§ 14-269.2. Weapons on campus or other educational property.**

11 (a) The following definitions apply to this section:

12 (1) Educational property. – Any school building or bus, school campus, grounds,  
13 recreational area, athletic field, or other property owned, used, or operated by  
14 any board of education or school board of trustees, or directors for the  
15 administration of any school.

16 (1a) Employee. – A person employed by a local board of education or school  
17 whether the person is an adult or a minor.

18 (1b) School. – A public or private school, community college, college, or  
19 university.

20 (1c) School operating hours. – Any time when curricular or extracurricular  
21 activities are taking place on the premises and any time when the premises are  
22 being used for educational, instructional, or school-sponsored activities.

23 (2) Student. – A person enrolled in a school or a person who has been suspended  
24 or expelled within the last five years from a school, whether the person is an  
25 adult or a minor.

26 (3) Switchblade knife. – A knife containing a blade that opens automatically by  
27 the release of a spring or a similar contrivance.

28 (3a) Volunteer school faculty guardian. – A person who (i) is a member of the  
29 faculty or staff of a school, (ii) is a full-time or part-time employee, and (iii)  
30 possesses a valid concealed handgun permit issued to the person in accordance  
31 with Article 54B of Chapter 14 of the General Statutes.

32 (3b) Volunteer school safety resource officer. – A person who volunteers as a  
33 school safety resource officer as provided by G.S. 162-26 or  
34 G.S. 160A-288.4.

35 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this  
36 section.

37 (b) It shall be a Class I felony for any person knowingly to possess or carry, whether  
38 openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property  
39 or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered  
40 under some other provision of law providing greater punishment, any person who willfully  
41 discharges a firearm of any kind on educational property is guilty of a Class F felony. However,  
42 this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

43 (b1) It shall be a Class G felony for any person to possess or carry, whether openly or  
44 concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in  
45 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by  
46 a school. This subsection shall not apply to fireworks.

47 (b2) Restrictions on extracurricular activities listed in subsection (b) of this section do not  
48 apply if both of the following criteria are met:

49 (1) The person is not a participant in, or chaperone or spectator of, the  
50 extracurricular activity.

- 1           (2)    The extracurricular activity is conducted in a public place, including, but not  
2           limited to, a restaurant, public park, or museum.
- 3           ...
- 4           (g)    This section shall not apply to any of the following:
- 5           ...
- 6           (8)    Subject to the condition set forth in subsection (m) of this section, a volunteer  
7           school faculty guardian, while on the grounds of the school the person is  
8           employed by or assigned to, who meets all of the following requirements:
- 9           a.     Successfully completes 16 hours of active shooter training in the  
10           School Faculty Guardian program developed and administered by the  
11           North Carolina Criminal Justice Education and Training Standards  
12           Commission pursuant to G.S. 17C-6(a)(18).
- 13           b.     Submits to the chief administrator of the school on an annual basis  
14           written notice that the person continues to possess a valid concealed  
15           handgun permit issued to the person in accordance with Article 54B  
16           of Chapter 14 of the General Statutes.
- 17           c.     Provides evidence satisfactory to the chief administrator of the school  
18           on an annual basis that the person has demonstrated proficiency with  
19           the type of handgun and handgun retention system used.
- 20           d.     When on school grounds, only possesses the handgun during the  
21           conduct of his or her duties.
- 22           e.     Except when responding to violence or an imminent threat of violence  
23           at the school, keeps the handgun concealed at all times while on the  
24           school grounds. For purposes of this subdivision, the term "violence"  
25           means physical injury that a reasonable person would conclude could  
26           lead to permanent injury or death.
- 27           f.     Submits to annual drug testing.
- 28           ...
- 29           (k1) The provisions of this section shall not apply to a person in a vehicle on a road not  
30           maintained by the school that crosses the educational property if the person has a weapon,  
31           including an open or concealed handgun, within the locked vehicle, and the person remains  
32           within the locked vehicle while crossing the educational property and only unlocks the vehicle  
33           to allow the entrance or exit of another person.
- 34           (k2) The provisions of this section shall not apply to a person who has a concealed handgun  
35           permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit  
36           pursuant to that Article, if all of the following conditions apply:
- 37           (1)    The person possesses and carries a handgun on educational property other than  
38           an institution of higher education, as defined by G.S. 116-143.1, or a  
39           nonpublic, postsecondary educational institution.
- 40           (2)    The educational property is the location of both a school and a building that is  
41           a place of religious worship, as defined in G.S. 14-54.1. For the purposes of  
42           this subsection, property owned by a local board of education or board of  
43           county commissioners shall not be construed as a building that is a place of  
44           religious worship, as defined in G.S. 14-54.1.
- 45           (3)    The weapon is a handgun.
- 46           (4)    The handgun is only possessed and carried on educational property outside of  
47           the school operating hours.
- 48           ...
- 49           (m)   The governing body or entity of a school may opt out of the authority granted under  
50           subdivision (8) of subsection (g) of this section and prohibit a person from possessing a handgun

1 pursuant to the authority in subdivision (8) of subsection (g) of this section on the grounds of the  
2 school or schools under its control."

3 **SECTION 5.2.** G.S. 17C-6(a) reads as rewritten:

4 "(a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the  
5 Commission shall have the following powers, which shall be enforceable through its rules and  
6 regulations, certification procedures, or the provisions of G.S. 17C-10:

7 ...

8 (21) Establish and administer the School Faculty Guardian program, which  
9 provides active shooter training to volunteer school faculty guardians, as  
10 defined under G.S. 14-269.2."

11 **SECTION 5.3.** This part becomes effective December 1, 2019, and applies to  
12 offenses committed on or after that date.

### 13 **PART VI. REPEAL REQUIREMENT FOR PISTOL PERMIT**

14 **SECTION 6.1.** G.S. 14-402, 14-403, 14-404, 14-405, and 14-407.1 are repealed.

15 **SECTION 6.2.** G.S. 14-315(b1)(1) is repealed.

16 **SECTION 6.3.** G.S. 122C-54(d2) is repealed.

17 **SECTION 6.4.** This section becomes effective December 1, 2019, and applies to  
18 pistol purchases on or after that date.

### 19 **PART VII. OTHER CHANGES TO WEAPONS LAW AND ADDITIONAL** 20 **CONFORMING CHANGES**

21 **SECTION 7.1.** G.S. 14-269.1, as amended by Section 2.2 of this act, reads as  
22 rewritten:

23 **"§ 14-269.1. Confiscation and disposition of deadly weapons.**

24 (a) Upon conviction of any person for violation of G.S. 14-269, G.S. 14-269.7,  
25 14-415.35, or any other offense involving the use of a firearm or other deadly weapon, the firearm  
26 or other deadly weapon with reference to which the defendant shall have been convicted shall be  
27 ordered confiscated and disposed of by the presiding judge at the trial ~~in one of the following~~  
28 ~~ways in the discretion of the presiding judge as provided in subdivision (1) of this subsection. If~~  
29 the owner of the weapon is the convicted defendant, then the weapon shall be disposed of as  
30 provided by subdivisions (4) through (6) of this subsection in the discretion of the presiding  
31 judge:

32 (1) By ordering the weapon returned to its rightful owner, but only when such  
33 owner is a person other than the defendant and has filed a petition for the  
34 recovery of such weapon with the presiding judge at the time of the  
35 defendant's conviction, and upon a finding by the presiding judge that  
36 petitioner is entitled to possession of same and that he was unlawfully  
37 deprived of the same without his consent.

38 (2), (3) Repealed by Session Laws 1994, Ex. Sess., c. 16, s. 2.

39 (4) By ordering such weapon turned over to the sheriff of the county in which the  
40 trial is held or his duly authorized agent to be destroyed if the firearm does not  
41 have a legible, unique identification number or is unsafe for use because of  
42 wear, damage, age, or modification. The sheriff shall maintain a record of the  
43 destruction thereof.

44 (4a) Repealed by Session Laws 2005-287, s. 3, effective August 22, 2005.

45 (4b) By ordering the weapon turned over to a law enforcement agency in the county  
46 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by  
47 the agency to a federally licensed firearm dealer in accordance with all  
48 applicable State and federal firearm laws. The court may order a disposition  
49 of the firearm pursuant to this subdivision only upon the written request of the  
50  
51

1 head or chief of the law enforcement agency or a designee of the head or chief  
2 of the law enforcement agency and only if the firearm has a legible, unique  
3 identification number. If the law enforcement agency sells the firearm, then  
4 the proceeds of the sale shall be remitted to the appropriate county finance  
5 officer as provided by G.S. 115C-452 to be used to maintain free public  
6 schools. The receiving law enforcement agency shall maintain a record and  
7 inventory of all firearms received pursuant to this subdivision.

8 (5) By ordering such weapon turned over to the North Carolina State Crime  
9 Laboratory's weapons reference library for official use by that agency. The  
10 Laboratory shall maintain a record and inventory of all such weapons  
11 received.

12 (6) By ordering such weapons turned over to the North Carolina Justice Academy  
13 for official use by that agency. The North Carolina Justice Academy shall  
14 maintain a record and inventory of all such weapons received.

15 (b) If the weapon is owned by the defendant, and the defendant is not convicted as  
16 provided in this section, the presiding judge shall order the weapon returned to the defendant."

17 **SECTION 7.2.** G.S. 15-11.1 reads as rewritten:

18 "**§ 15-11.1. Seizure, custody and disposition of articles; exceptions.**

19 (a) If a law-enforcement officer seizes property pursuant to lawful authority, he shall  
20 safely keep the property under the direction of the court or magistrate as long as necessary to  
21 assure that the property will be produced at and may be used as evidence in any trial. Upon  
22 application by the lawful owner or a person, firm or corporation entitled to possession or upon  
23 his own determination, the district attorney may release any property seized pursuant to his lawful  
24 authority if he determines that such property is no longer useful or necessary as evidence in a  
25 criminal trial and he is presented with satisfactory evidence of ownership. If the district attorney  
26 refuses to release such property, the lawful owner or a person, firm or corporation entitled to  
27 possession may make application to the court for return of the property. The court, after notice  
28 to all parties, including the defendant, and after hearing, may in its discretion order any or all of  
29 the property returned to the lawful owner or a person, firm or corporation entitled to possession.  
30 The court may enter such order as may be necessary to assure that the evidence will be available  
31 for use as evidence at the time of trial, and will otherwise protect the rights of all parties.  
32 Notwithstanding any other provision of law, photographs or other identification or analyses made  
33 of the property may be introduced at the time of the trial provided that the court determines that  
34 the introduction of such substitute evidence is not likely to substantially prejudice the rights of  
35 the defendant in the criminal trial.

36 (b) In the case of unknown or unapprehended defendants or of defendants willfully absent  
37 from the jurisdiction, the court shall determine whether an attorney should be appointed as  
38 guardian ad litem to represent and protect the interest of such unknown or absent defendants.  
39 Appointment shall be in accordance with rules adopted by the Office of Indigent Defense  
40 Services. The judicial findings concerning identification or value that are made at such hearing  
41 whereby property is returned to the lawful owner or a person, firm, or corporation entitled to  
42 possession, may be admissible into evidence at the trial. After final judgment all property  
43 lawfully seized by or otherwise coming into the possession of law-enforcement authorities shall  
44 be disposed of as the court or magistrate in its discretion orders, and may be forfeited and either  
45 sold or destroyed in accordance with due process of law.

46 (b1) Notwithstanding subsections (a) and (b) of this section or any other provision of law,  
47 if the property seized is a firearm and the district attorney determines the firearm is no longer  
48 necessary or useful as evidence in a criminal trial, the district attorney, after notice to all parties  
49 known or believed by the district attorney to have an ownership or a possessory interest in the  
50 firearm, including the defendant, shall apply to the court for an order of disposition of the firearm.  
51 The judge, after hearing, ~~may~~ shall order the disposition of the firearm as provided in subdivision

1 (1) of this subsection unless the rightful owner is the defendant. If the rightful owner is the  
2 defendant, then the judge may order the disposition of the firearm in one of the following  
3 ways:ways described by subdivisions (2) through (4) of this subsection:

- 4 (1) By ordering the firearm returned to its rightful owner, when the rightful owner  
5 is someone other than the defendant and upon findings by the court (i) that the  
6 person, firm, or corporation determined by the court to be the rightful owner  
7 is entitled to possession of the firearm and (ii) that the person, firm, or  
8 corporation determined by the court to be the rightful owner of the firearm  
9 was unlawfully deprived of the same or had no knowledge or reasonable belief  
10 of the defendant's intention to use the firearm unlawfully.
- 11 (2) By ordering the firearm returned to the defendant, but only if the defendant is  
12 not convicted of any criminal offense in connection with the possession or use  
13 of the firearm, the defendant is the rightful owner of the firearm, and the  
14 defendant is not otherwise ineligible to possess such firearm.
- 15 (3) By ordering the firearm turned over to be destroyed by the sheriff of the county  
16 in which the firearm was seized or by his duly authorized agent if the firearm  
17 does not have a legible, unique identification number or is unsafe for use  
18 because of wear, damage, age, or modification. The sheriff shall maintain a  
19 record of the destruction of the firearm.
- 20 (4) By ordering the firearm turned over to a law enforcement agency in the county  
21 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by  
22 the agency to a federally licensed firearm dealer in accordance with all  
23 applicable State and federal firearm laws. The court may order a disposition  
24 of the firearm pursuant to this subdivision only if the firearm has a legible,  
25 unique identification number. If the law enforcement agency sells the firearm,  
26 then the proceeds of the sale shall be remitted to the appropriate county  
27 finance officer as provided by G.S. 115C-452 to be used to maintain free  
28 public schools. The receiving law enforcement agency shall maintain a record  
29 and inventory of all firearms received pursuant to this subdivision.

30 This subsection (b1) is not applicable to seizures pursuant to G.S. 113-137 of firearms used  
31 only in connection with a violation of Article 22 of Chapter 113 of the General Statutes or any  
32 local wildlife hunting ordinance.

33 (c) Any property, the forfeiture and disposition of which is specified in any general or  
34 special law, shall be disposed of in accordance therewith."

35 **SECTION 7.3.** Article 35 of Chapter 14 of the General Statutes is amended by  
36 adding a new section to read:

37 **"§ 14-277.9. Going armed to the terror of the people.**

38 (a) A person who arms himself or herself with an unusual and dangerous weapon for the  
39 purpose of terrifying others and goes about on public highways in a manner to cause terror to the  
40 people is guilty of a Class 1 misdemeanor.

41 (b) No person shall be convicted of a violation of subsection (a) of this section based only  
42 on the person's possession or carrying of a handgun, whether openly or concealed."

43 **SECTION 7.4.** G.S. 14-415.1 is amended by adding a new subsection to read:

44 "(f) This section does not apply to, there is no disentanglement under this section for, and  
45 the firearms rights as defined in G.S. 14-415.4 are restored to any person who satisfies all of the  
46 following criteria:

- 47 (1) The person's firearms rights were restored prior to December 1, 1995, and the  
48 forfeiture of the person's firearms rights on December 1, 1995, occurred only  
49 because amendments to G.S. 14-415.1, enacted by S.L. 1995-487 and further  
50 amended by S.L. 2004-186, and applicable to any person convicted of a felony  
51 before December 1, 1995, became effective.

- 1           (2)    The person's felony convictions prior to December 1, 1995, are only for  
2           nonviolent felonies as defined in G.S. 14-415.4.  
3           (3)    The person has not been convicted of any subsequent felony on or after  
4           December 1, 1995, that would require forfeiture of the person's firearms rights  
5           and cause the person to be disentitled under this section."

6           **SECTION 7.5.** G.S. 50B-3.1 reads as rewritten:

7    **"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.**

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

- 13           (1)    The use or threatened use of a deadly weapon by the defendant or a pattern of  
14           prior conduct involving the use or threatened use of violence with a firearm  
15           against persons.  
16           (2)    Threats to seriously injure or kill the aggrieved party or minor child by the  
17           defendant.  
18           (3)    Threats to commit suicide by the defendant.  
19           (4)    Serious injuries inflicted upon the aggrieved party or minor child by the  
20           defendant.

21           ...

22           (c1) Notice on Order. – If the court orders the defendant to surrender firearms,  
23           ammunition, and permits, the court shall inform the plaintiff and the defendant of the terms of  
24           the protective order and include these terms on the face of the order, including that the defendant  
25           is prohibited from possessing, purchasing, or receiving or attempting to possess, purchase, or  
26           receive a firearm for the duration of the protective order or any successive protective order in  
27           effect. The terms of the order shall include instructions on how the defendant may request  
28           retrieval of any firearms, ammunition, and permits surrendered to the sheriff when the protective  
29           order is no longer in effect. The terms shall also include notice of the penalty for violation of  
30           G.S. 14-269.8.

31           (d)    Surrender. – ~~Upon~~ Except as otherwise authorized in subsection (d1) of this section,  
32           upon service of the order, the defendant shall immediately surrender to the sheriff possession of  
33           all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry  
34           concealed firearms that are in the care, custody, possession, ownership, or control of the  
35           defendant. In the event that weapons cannot be surrendered at the time the order is served, the  
36           defendant shall surrender the firearms, ammunitions, and permits to the sheriff within 24 hours  
37           of service at a time and place specified by the sheriff. The sheriff shall store the firearms or  
38           contract with a licensed firearms dealer to provide storage.

- 39           ~~(1)    If the court orders the defendant to surrender firearms, ammunition, and~~  
40           ~~permits, the court shall inform the plaintiff and the defendant of the terms of~~  
41           ~~the protective order and include these terms on the face of the order, including~~  
42           ~~that the defendant is prohibited from possessing, purchasing, or receiving or~~  
43           ~~attempting to possess, purchase, or receive a firearm for so long as the~~  
44           ~~protective order or any successive protective order is in effect. The terms of~~  
45           ~~the order shall include instructions as to how the defendant may request~~  
46           ~~retrieval of any firearms, ammunition, and permits surrendered to the sheriff~~  
47           ~~when the protective order is no longer in effect. The terms shall also include~~  
48           ~~notice of the penalty for violation of G.S. 14-269.8.~~

49           (2)    The sheriff may charge the defendant a reasonable fee for the storage of any firearms  
50           and ammunition taken pursuant to a protective order. The fees are payable to the sheriff. The  
51           sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be

1 used by the sheriff to pay the costs of administering this section and for other law enforcement  
2 purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall  
3 not release firearms, ammunition, or permits without a court order granting the release. The  
4 defendant must remit all fees owed prior to the authorized return of any firearms, ammunition,  
5 or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or  
6 deterioration due to storage or transportation of any firearms or ammunition held pursuant to this  
7 ~~section~~section, but the sheriff shall store the firearms or ammunition in a manner designed to  
8 reasonably ensure against any deterioration or damage to the firearms or ammunition other than  
9 that caused by the passage of time.

10 (d1) Surrender or Sale to Dealer. – Upon service of the order, the defendant may choose  
11 to (i) enter into an agreement with a licensed firearms dealer to surrender possession of all  
12 firearms, machine guns, and ammunition that are in the care, custody, possession, ownership, or  
13 control of the defendant directly to the dealer or (ii) sell the firearms, machine guns, and  
14 ammunition to a licensed firearms dealer if the defendant is the owner of the firearms, machine  
15 guns, and ammunition. If the defendant intends to surrender or sell the firearms, machine guns,  
16 and ammunition pursuant to this subsection, at the time of service of the order the defendant shall  
17 notify the sheriff of that intent and the firearms, machine guns, and ammunition must be  
18 surrendered or sold to a licensed firearms dealer within 24 hours of service of the order. Any  
19 funds received from the sale of a firearm, machine gun, or ammunition by a defendant pursuant  
20 to this subsection are the property of the defendant. A defendant surrendering or selling firearms,  
21 machine guns, and ammunition pursuant to this subsection shall surrender all permits to purchase  
22 firearms and permits to carry concealed firearms to the sheriff as provided in subsection (d) of  
23 this section.

24 A licensed firearms dealer receiving possession of firearms, machine guns, and ammunition  
25 pursuant to this subsection must, within 24 hours of receipt of the firearms, machine guns, and  
26 ammunition, submit all of the following to the sheriff:

- 27 (1) A written record of all firearms, machine guns, and ammunition received from  
28 the defendant and a notation as to whether each item was sold or surrendered  
29 for retrieval at a later date.  
30 (2) A written document acknowledging all of the following:  
31 a. The dealer has been informed that the defendant has been ordered to  
32 surrender the firearms, machine guns, and ammunition pursuant to a  
33 domestic violence protective order.  
34 b. The dealer will not release the firearms, machine guns, or ammunition  
35 to the defendant without a court order granting the release.  
36 c. The dealer will not transfer possession of the firearms, machine guns,  
37 or ammunition to any person the dealer knows or reasonably should  
38 know will allow the defendant to exercise care, custody, possession,  
39 ownership, or control of the firearms, machine guns, or ammunition.

40 A dealer who accepts firearms, machine guns, and ammunition pursuant to this subsection  
41 shall (i) not release the firearms, machine guns, or ammunition to the defendant without a court  
42 order granting the release or (ii) not transfer possession of the firearms, machine guns, or  
43 ammunition to any person the dealer knows or reasonably should know will allow the defendant  
44 to exercise care, custody, possession, ownership, or control of the firearms, machine guns, or  
45 ammunition.

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

1 (f) Motion for Return. – The defendant may request the return of any firearms,  
2 ammunition, or permits surrendered by filing a motion with the court at the expiration of the  
3 current order or final disposition of any pending criminal charges committed against the person  
4 that is the subject of the current protective order and not later than 90 days after the expiration of  
5 the current order or final disposition of any pending criminal charges committed against the  
6 person that is the subject of the current protective order. Upon receipt of the motion, the court  
7 shall schedule a hearing and provide written notice to the plaintiff who shall have the right to  
8 appear and be heard and to the sheriff or licensed firearms dealer who has control of the firearms,  
9 ammunition, or permits. The court shall determine whether the defendant is subject to any State  
10 or federal law or court order that precludes the defendant from owning or possessing a firearm.  
11 The inquiry shall include:

- 12 (1) Whether the protective order has been renewed.
- 13 (2) Whether the defendant is subject to any other protective orders.
- 14 (3) Whether the defendant is disqualified from owning or possessing a firearm  
15 pursuant to 18 U.S.C. § 922 or any State law.
- 16 (4) Whether the defendant has any pending criminal charges, in either State or  
17 federal court, committed against the person that is the subject of the current  
18 protective order.

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

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

36 (h) Disposal of Firearms. – If the defendant does not file a motion requesting the return  
37 of any firearms, ammunition, or permits surrendered within the time period prescribed by this  
38 section, if the court determines that the defendant is precluded from regaining possession of any  
39 firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails to  
40 remit all fees owed for the storage of the firearms or ammunition within 30 days of the entry of  
41 the order granting the return of the firearms, ammunition, or permits, the sheriff or licensed  
42 firearms dealer who has control of the firearms, ammunition, or permits shall give notice to the  
43 defendant, and the sheriff or licensed firearms dealer shall apply to the court for an order of  
44 disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the  
45 disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law,  
46 including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. Additionally, for firearms and  
47 ammunition surrendered to a licensed firearms dealer under subsection (d1) of this section, the  
48 judge may order the firearms and ammunition disposed of by sale by the licensed firearms dealer.  
49 If a sale by the sheriff or a licensed firearms dealer does occur, occur pursuant to this subsection,  
50 any proceeds from the sale after deducting any costs associated with the sale, and in accordance

1 with all applicable State and federal law, shall be provided to the defendant, if requested by the  
2 defendant by motion made before the hearing or at the hearing and if ordered by the judge.

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

5 (1) Fail to sell all firearms and ammunition, or fail to surrender all firearms,  
6 ammunition, permits to purchase firearms, and permits to carry concealed  
7 firearms to the sheriff as ordered by the court; firearms, in accordance with the  
8 requirements of this section.

9 (2) Fail to disclose all information pertaining to the possession of firearms,  
10 ammunition, and permits to purchase and permits to carry concealed firearms  
11 as requested by the ~~court;~~ court.

12 (3) Provide false information to the court pertaining to any of these items.

13 ...

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

16 **SECTION 7.6.** G.S. 160A-189 reads as rewritten:

17 "**§ 160A-189. Firearms.**

18 A city may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time  
19 or place within the city except when used in defense of person or property or pursuant to lawful  
20 directions of law-enforcement ~~officers, and may regulate the display of firearms on the streets,~~  
21 ~~sidewalks, alleys, or other public property.~~ officers. Nothing in this section shall be construed to  
22 limit a city's authority to take action under Article 1A of Chapter 166A of the General Statutes."

23 **SECTION 7.7.** G.S. 153A-129(c) is repealed.

24 **SECTION 7.8.** Section 7.4 of this act becomes effective October 1, 2019. Section  
25 7.5 of this act becomes effective December 1, 2019, and applies to orders issued on or after that  
26 date. The remainder of this part becomes effective December 1, 2019, and applies to offenses  
27 committed on or after that date.

## 28 29 **PART VIII. DEVELOP COMPREHENSIVE FIREARM EDUCATION AND WILDLIFE** 30 **CONSERVATION COURSES**

31 **SECTION 8.1.** Article 8 of Chapter 115C of the General Statutes is amended by  
32 adding a new section to read:

33 "**§ 115C-81.90. Firearm Safety Elective Course.**

34 The State Board of Education, in consultation with law enforcement agencies and firearms  
35 associations, shall develop a comprehensive firearm education course that can be offered as an  
36 elective at the high school level to facilitate the learning of science, technology, engineering, and  
37 mathematics (STEM) principles. The firearm safety course shall include history, mathematics,  
38 and firearms functions and applications. Firearm safety shall be a key component of the course  
39 of study. The course shall rely on input from law enforcement agencies and firearms associations  
40 as well as related scientific engineering and design-related educational sources. The course of  
41 instruction shall not permit the use or presence of live ammunition. The course shall be conducted  
42 under the supervision of an adult who has been approved by the school principal in accordance  
43 with G.S. 14-296.2(g)(1)."

44 **SECTION 8.2.** Article 8 of Chapter 115C of the General Statutes is amended by  
45 adding a new section to read:

46 "**§ 115C-81.95. Wildlife Conservation Elective Course.**

47 The State Board of Education, in consultation with the Wildlife Resources Commission, the  
48 Division of Marine Fisheries, and the Wildlife Management Institute, shall develop a  
49 comprehensive course on the North American Model for Wildlife Conservation that can be  
50 offered as an elective at the high school level."

1           **SECTION 8.3.** This part is effective when it becomes law and applies beginning  
2 with the 2019-2020 school year.

3  
4 **PART IX. REPEAL THE CONSTITUTIONAL PROVISION ALLOWING THE**  
5 **REGULATION OF CARRYING A CONCEALED WEAPON**

6           **SECTION 9.1.** Section 30 of Article I of the North Carolina Constitution reads as  
7 rewritten:

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

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

15           **SECTION 9.2.** The amendment set out in Section 1 of this act shall be submitted to  
16 the qualified voters of the State at a statewide election to be conducted on November 3, 2020,  
17 which election shall be conducted under the laws then governing elections in the State. The  
18 question to be used in the voting systems and ballots shall be:

19   " FOR            AGAINST

20           A constitutional amendment to repeal the provision which provides that the General  
21 Assembly may prohibit the practice of carrying concealed weapons."

22           **SECTION 9.3.** If a majority of votes cast on the question are in favor of the  
23 amendment set out in Section 9.1 of this act, the State Board of Elections shall certify the  
24 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so  
25 certified among the permanent records of that office. The amendment set out in Section 9.1 of  
26 this act becomes effective upon certification.

27           **SECTION 9.4.** This part is effective when it becomes law.

28  
29 **PART X. EFFECTIVE DATE**

30           **SECTION 10.1.** This section is effective when it becomes law. Unless provided  
31 otherwise, the remainder of this act becomes effective December 1, 2019, and applies to offenses  
32 committed on or after that date.