

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 90
Committee Substitute Favorable 4/19/95

Short Title: Concealed Handgun Permit.

(Public)

Sponsors:

Referred to:

February 1, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO MEETS SPECIFIED STATUTORY CRITERIA MAY CARRY A CONCEALED HANDGUN IF THE PERSON HAS OBTAINED A CONCEALED HANDGUN PERMIT, TO AUTHORIZE SHERIFFS TO AUTHORIZE ISSUANCE OF CONCEALED HANDGUN PERMITS, TO ESTABLISH THE CRITERIA THAT MUST BE SATISFIED TO RECEIVE THE PERMIT, TO ESTABLISH THE PROCEDURE FOR THE ISSUANCE OF A CONCEALED HANDGUN PERMIT, AND TO MAKE CONFORMING STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 54B.

"CONCEALED HANDGUN PERMIT.

"§ 14-415.10. Definitions.

The following definitions apply to this Article:

- (1) Carry a concealed handgun. – The term includes possession of a concealed handgun.

1 (2) Handgun. – A firearm that has a short stock and is designed to be held
2 and fired by the use of a single hand.

3 (3) Permit. – A concealed handgun permit issued in accordance with the
4 provisions of this Article.

5 (4) Revolver. – The term includes any pistol that is not a semiautomatic.

6 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

7 (a) The sheriff shall authorize the issuance of a permit to carry a concealed
8 handgun to a person who qualifies for a permit under G.S. 14-415.12. A permit shall be
9 valid throughout the State for a period of five years from the date of issuance or until the
10 next renewal of the person's drivers license whichever is shorter. Any person in
11 compliance with the terms of the permit may carry concealed about his or her person a
12 handgun of the type (e.g. revolver or semiautomatic) specified in the permit, unless
13 otherwise specifically prohibited by law.

14 The permit shall specify the type of handgun for which the permit is issued as either a
15 revolver or a semiautomatic. The permit shall not specify the calibre of the handgun. If
16 an applicant applies for and qualifies under this Article to carry both types of handguns,
17 the permit shall indicate that fact.

18 The permittee shall carry the permit and one other form of identification at all times
19 the permittee is carrying a concealed handgun and shall display the permit and
20 identification upon the request of a law enforcement officer.

21 (b) A permit does not authorize a person to carry a concealed handgun in the areas
22 prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and 14-277.2 or in any area prohibited
23 by § 922 of Title 18 of the U.S. Code or any other federal law.

24 (c) A person who is issued a permit shall notify the sheriff who issued the permit
25 and the Division of Motor Vehicles of any change in the person's permanent address
26 within 30 days after the change of address. The sheriff who issued the permit shall send
27 copies of all records concerning the permit that are in his possession to the sheriff of the
28 county of the permittee's new residence.

29 (d) A permit that is lost or destroyed is automatically invalid and the person to
30 whom the permit was issued shall notify the sheriff who authorized the permit and the
31 Division of Motor Vehicles. A person may obtain a duplicate permit by submitting to the
32 Division of Motor Vehicles a statement from the sheriff that the permit was lost or
33 destroyed and paying a fee of fifteen dollars (\$15.00).

34 (e) A permit to carry a concealed handgun issued by another state shall not
35 authorize the permit holder to carry a concealed handgun in this State.

36 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

37 The sheriff shall issue an authorization for issuance of a permit to an applicant if the
38 applicant qualifies under the following criteria:

39 (1) The applicant is a resident of the county and has been a resident for six
40 months or longer immediately preceding the filing of the application.

41 (2) The applicant is 21 years of age or older.

42 (3) The applicant is not ineligible to possess a handgun under § 922(g) or
43 (n) of Title 18 of the U.S. Code or G.S. 14-415.1.

- 1 (4) The applicant has not been indicted for or convicted of a felony and
2 does not have proceedings pending for or a conviction of a violent
3 misdemeanor or a violation of a misdemeanor under Article 8 of
4 Chapter 14 of the General Statutes, or a violation of a misdemeanor
5 under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4,
6 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1,
7 14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12,
8 14-288.13, 14-288.14, 14-318.2, or 14-415.19(a), and does not have
9 proceedings pending or had an order entered against the applicant under
10 G.S. 50B-3 in which the applicant is not the victim.
- 11 (5) The applicant has not been committed or admitted to a private, State, or
12 federal facility for the abuse of alcohol or a controlled substance listed
13 in Article 5 of Chapter 90 of the General Statutes, or has waited three
14 years from the date the applicant was discharged by a medical
15 professional as no longer suffering from the abuse of alcohol or a
16 controlled substance.
- 17 (6) The applicant does not chronically and habitually use alcoholic
18 beverages or a controlled substance listed in Article 5 of Chapter 90 of
19 the General Statutes to the extent that the applicant's normal faculties
20 are impaired. It shall be presumed that an applicant chronically and
21 habitually uses alcoholic beverages or a controlled substance to the
22 extent that the applicant's normal faculties are impaired if the applicant
23 has been committed or admitted to a private, State, or federal facility as
24 an alcoholic or a controlled substance dependent person within the
25 three-year period immediately preceding the date on which the
26 application is submitted.
- 27 (7) The applicant has not been adjudicated incompetent under Article 1 of
28 Subchapter I of Chapter 35A of the General Statutes, or has waited three
29 years from the date the applicant's competency was restored by the court
30 order under G.S. 35A-1130.
- 31 (8) The applicant has not been voluntarily admitted or involuntarily
32 committed to a mental institution pursuant to Part 7 of Article 5 of
33 Chapter 122C of the General Statutes, unless the applicant possesses a
34 certificate from a psychiatrist licensed in this State that the applicant has
35 not suffered from disability for a period of three years.
- 36 (9) The applicant has not been convicted of a second violation of driving
37 while impaired under G.S. 20-138.1 or a similar law of another state,
38 within four years of a previous conviction for the same offense or a
39 similar offense in another state, or three years has elapsed since the
40 second conviction.
- 41 (10) The applicant demonstrates proficiency in the use of the type of
42 handgun (e.g. revolver or semiautomatic) for which the applicant is
43 requesting a permit as provided in G.S. 14-415.13.

1 **"§ 14-415.13. Demonstration of competence with a handgun required.**

2 (a) An applicant shall demonstrate that the applicant is competent with the type of
3 handgun (e.g. revolver or semiautomatic) for which the applicant has applied for a permit
4 by any one of the following:

5 (1) Completion of any firearms safety and training course or class offered
6 by law enforcement and available to the general public which involves
7 the actual firing of handguns and instruction in the laws governing the
8 use of deadly force.

9 (2) Completion of any law enforcement firearms safety and training course
10 or class offered for security guards, investigators, special deputies, or
11 any division or subdivision of law enforcement or security enforcement
12 which involves the actual firing of handguns and instruction in the laws
13 governing the use of deadly force.

14 (3) Completion of any firearms safety and training course or class offered
15 by a community college or any other person or entity which involves the
16 actual firing of handguns and instruction in the laws governing the use
17 of deadly force and is taught by an instructor who is certified by the
18 National Rifle Association or by the North Carolina Criminal Justice
19 Education and Training Standards Commission or the North Carolina
20 Sheriffs Education and Training Standards Commission.

21 (b) An applicant shall complete the firearms safety and training course required by
22 subsection (a) of this section with a handgun of similar type (e.g. revolver or
23 semiautomatic) to that for which the permit is sought. An applicant who has exhibited
24 competence with more than one type handgun (e.g. revolver or semiautomatic) shall be
25 issued a permit to carry more than one type of handgun (e.g. revolver or semiautomatic).

26 (c) The following shall constitute evidence of qualification under this section:

27 (1) A legible photocopy of a certificate of completion of any of the courses
28 or classes or a notarized affidavit from the instructor who taught the
29 course or class attesting to the successful completion of the course or
30 class by the applicant and which specifies the type of handgun (e.g.
31 revolver or semiautomatic) with which the applicant has completed the
32 course; or

33 (2) A legible photocopy of any document which shows successful
34 completion of the course or class or evidences participation in organized
35 shooting competition which specifies the type of handgun (e.g. revolver
36 or semiautomatic) with which the applicant has qualified.

37 **"§ 14-415.14. Application for permit.**

38 A person shall apply to the sheriff of the county in which the person resides for
39 authorization to obtain a concealed handgun permit. The applicant shall submit to the
40 sheriff all of the following:

41 (1) An application, completed under oath, on a form provided by the
42 sheriff's office and the authorization forms needed for release of
43 information to the sheriff to complete his or her investigation.

- 1 (2) A nonrefundable permit fee equal to the actual cost to the sheriff's
2 department of processing the application not to exceed eighty-five
3 dollars (\$85.00).
- 4 (3) A full set of fingerprints of the applicant administered by a law
5 enforcement agency of this State. The actual cost of processing the set
6 of fingerprints shall be borne by the applicant.
- 7 (4) A document verifying the applicant's competence with a handgun (e.g.
8 revolver or semiautomatic) as described in G.S. 14-415.13(c).

9 **"§ 14-415.15. Issuance or denial of permit.**

10 (a) Within 45 days after receipt of the items listed in G.S. 14-415.14 from an
11 applicant, the sheriff shall either issue or deny authorization for issuance of the permit.
12 The sheriff may conduct an investigation necessary to determine the qualification or
13 competency of the person applying for the permit, including record checks.

14 (b) If the person's application for a permit is approved by the sheriff, the person
15 shall take the authorization form received from the sheriff to a Division of Motor
16 Vehicles office that issues drivers licenses. Upon receipt of the authorization form and a
17 fee equal to the Division of Motor Vehicle's cost for the issuance of a permit, the
18 Division of Motor Vehicles shall issue the approved applicant a permit which shall be in
19 a form similar to that of a drivers license, contain a color photograph of the applicant, and
20 indicate the type of handgun (e.g. revolver or semiautomatic) the permit authorizes the
21 permittee to carry concealed. The Division of Motor Vehicles shall assign a unique
22 identification number to the permit which shall be the same as permittee's drivers license
23 number, if the permittee has a drivers license. The Division of Motor Vehicles shall
24 promptly notify the sheriff that the permit has been issued.

25 (c) The Division of Motor Vehicles shall maintain an automated listing of all
26 persons issued a permit under this Article and shall also include that information in its
27 data-base of motor vehicle registrations. The listing and other information concerning
28 permits issued under this Article maintained by the Division is not a public record under
29 the provisions of Chapter 132 of the General Statutes. The list of permittees shall be
30 available on-line, upon request at all times to all law enforcement agencies through the
31 North Carolina Division of Motor Vehicle records. However, the information that a
32 person has a concealed handgun permit shall not be conveyed to out-of-state law
33 enforcement officers conducting routine motor vehicle violation checks.

34 (d) A person's application for a permit shall be denied only if the applicant fails to
35 qualify under the criteria listed in this Article. If the sheriff denies the application for a
36 permit, the sheriff shall notify the applicant in writing within ten days, stating the grounds
37 for denial and informing the applicant of the right to appeal.

38 (e) The sheriff shall maintain a listing of issued permits which shall include the
39 name of the person, the type of handgun permitted, and any information that would aid in
40 the identification and location of the person, and that information shall be available upon
41 request, at all times to all law enforcement agencies. Neither the listing of issued permits,
42 the applications for permits, nor any other records in the sheriff's possession obtained
43 with the authorization of an applicant supplied pursuant to G.S. 14-415.19(b), that were

1 used in the consideration of the issuance of a permit, are public records under Chapter
2 132 of the General Statutes.

3 (f) No liability nor cause of action of any nature arises against any sheriff or
4 employee of any sheriff's department for granting or denial of authorization for issuance
5 of a permit pursuant to this Article.

6 (g) If the sheriff denies authorization for issuance of a permit pursuant to this
7 Article, the applicant may appeal the denial to the resident superior court judge sitting in
8 the county of application. An applicant whose permit application is denied is entitled to
9 copies of all records in the sheriff's possession that were used in reaching the decision to
10 deny the permit. The sheriff may charge for the actual cost of making the copies. The
11 applicant shall bear the burden of proof that the authorization was improperly denied.

12 **"§ 14-415.16. Renewal of permit.**

13 (a) The holder of a permit shall apply to renew the permit at least 45 days before
14 its expiration date by filing with the sheriff of the county in which the person resides a
15 renewal form provided by the sheriff's office, a notarized affidavit stating that the
16 permittee remains qualified under the criteria provided in this Article, and a renewal fee
17 of fifteen dollars (\$15.00). Upon receipt of the completed renewal application and
18 appropriate payment of fees, the sheriff shall authorize the renewal of the permit if the
19 person remains qualified. No additional demonstration of competence is required to
20 renew a permit issued under this Article if the permit is to be renewed for the same type
21 of handgun (e.g. revolver or semiautomatic) for which a person already has a permit. The
22 provisions of G.S. 14-415.15(a), (d), (f), and (g) shall apply to any renewal application.

23 If the person's renewal application is approved by the sheriff, the person shall take the
24 authorization form received from the sheriff to a Division of Motor Vehicles office that
25 issues drivers licenses. Upon receipt of the renewal authorization form and a fee equal to
26 the Division of Motor Vehicle's cost for the issuance of a permit, the Division of Motor
27 Vehicles shall issue the renewed permit in the same manner as the original permit. The
28 Division of Motor Vehicles shall promptly notify the sheriff that the renewed permit has
29 been issued.

30 (b) Upon the expiration of a permit, there is a six-month grace period that begins
31 on the expiration date of the permit. A person who fails to apply to renew the permit at
32 least 45 days before the expiration date of the permit may renew the permit as provided
33 under subsection (a) of this section if the person applies for renewal prior to its expiration
34 date or during the six-month grace period. The applicant will pay a late fee of fifteen
35 dollars (\$15.00) in addition to the renewal fee of fifteen dollars (\$15.00) if the sheriff is
36 unable to issue the permit by the expiration date or if he applies after the expiration date.

37 (c) No permit shall be renewed more than six months after its expiration date. A
38 person whose permit has been expired more than six months may apply for a new permit
39 as provided by this Article.

40 **"§ 14-415.17. Revocation or suspension of permit.**

41 (a) A permit issued under this Article is automatically revoked if the permittee
42 becomes ineligible under the criteria set forth in this Article, and the permittee shall
43 immediately return the permit to the sheriff of the permittee's county of residence. If the

1 permittee does not return the permit, the sheriff shall take possession of the permit. An
2 appeal of a revocation shall follow the procedure set forth in G.S. 14-415(g).

3 (b) A permit issued under this Article shall be suspended if a permittee is charged
4 with a crime that would disqualify the permittee from having a permit under this Article,
5 or upon commencement of a proceeding against the applicant under Article 1 of
6 Subchapter I of Chapter 35A of the General Statutes or under Part 7 of Article 5 of
7 Chapter 122C of the General Statutes. The permittee shall, upon being charged with such
8 a crime, or upon commencement of a proceeding against the applicant under Article 1 of
9 Subchapter I of Chapter 35A of the General Statutes or under Part 7 of Article 5 of
10 Chapter 122C of the General Statutes, surrender the permit to the sheriff of the
11 permittee's county of residence. If the individual does not surrender the permit, the
12 sheriff shall take possession of it. Upon final disposition of the charge or proceeding, if
13 the applicant is convicted of the crime, adjudicated incompetent, or committed to a
14 mental institution, the permit shall be revoked. Any appeal of a suspension or revocation
15 shall follow the procedure set forth in G.S. 14-415(g).

16 (c) The processing of an application for a permit shall be suspended if the
17 applicant is charged with a crime that would disqualify the applicant from having a
18 permit under this Article or upon commencement of a proceeding against the applicant
19 under Article 1 of Subchapter I of Chapter 35A of the General Statutes or under Part 7 of
20 Article 5 of Chapter 122C of the General Statutes. Upon final disposition of the charge
21 or proceeding, if the applicant is convicted of the crime, adjudicated incompetent, or
22 committed to a mental institution, the application shall be denied. Any appeal of the
23 denial shall follow the procedure set forth in G.S. 14-415(g).

24 (d) The clerk of superior court shall notify the sheriff of any charge or conviction
25 of any felony, of any charge or conviction of any misdemeanor which would disqualify a
26 person from the issuance of a permit, of any entry of an order pursuant to the provisions
27 of G.S. 50B-3, of any commencement of proceedings or adjudication of incompetency
28 under Article 1 of Subchapter I of Chapter 35A of the General Statutes, or of any
29 commencement of proceedings or involuntary commitment pursuant to Part 7 of Article 5
30 of Chapter 122C of the General Statutes.

31 (e) A permit issued under this Article shall be revoked if the permittee becomes
32 physically unable to safely use a handgun, and the sheriff shall take possession of that
33 permit. Any appeal of a revocation pursuant to this subsection shall follow the procedure
34 set forth in G.S. 14-415(g)."

35 **"§ 14-415.18. Application form.**

36 (a) The sheriff shall make available the following permit application form:

37 **CONCEALED HANDGUN PERMIT**
38 **APPLICATION FORM**

39
40 **WARNING: THIS APPLICATION IS EXECUTED UNDER OATH. A MATERIALLY**
41 **FALSE ANSWER TO ANY QUESTION, OR THE SUBMISSION OF ANY**
42 **MATERIALLY FALSE DOCUMENT BY THE APPLICANT SHALL SUBJECT THE**
43 **APPLICANT TO CRIMINAL PROSECUTION.**

- 1
2 (1) Last Name First Name Middle Name
3
4 (2) Street Address
5
6
7 City County State Zip Code
8 (3) Have you lived at this address for two years or more?
9 (4) If not, list addresses for the previous two years:
10
11 (5) Mailing Address if different from above address
12
13 (6) Place of Birth (City, State, and Country)
14
15 (7) Date of Birth Race Gender
16
17 (8) Drivers License Number Social Security Number
18
19 (9) Have you ever been committed or admitted to a mental institution or a facility
20 for the treatment of alcoholism or controlled substance
21 dependency? _____
22 If the answer is yes, supply the name and address of each institution or facility and dates
23 of admission and discharge. Use a separate sheet of paper.
24 (10) Indicate below the type of handgun for which this permit
25 is to be issued:
26 Revolver_____ Semiautomatic_____ Both_____
27 (11) Are you proficient in the use of that handgun? _____
28 (12) The following is a list of the criteria that must be satisfied in order to be issued
29 a concealed handgun permit in North Carolina. Please read the list and then indicate
30 whether you are, to the best of your knowledge in compliance with all of the listed
31 criteria.
32 a. The applicant is a resident of the county and has been a resident for six
33 months or longer immediately preceding the filing of the application.
34 b. The applicant is 21 years of age or older.
35 c. The applicant is not ineligible to possess a handgun under § 922(g) or
36 (n) of Title 18 of the U.S. Code or G.S. 14-415.1.
37 d. The applicant has not been indicted for or convicted of a felony and
38 does not have proceedings pending for or a conviction of a violent
39 misdemeanor or a violation of a misdemeanor under Article 8 of
40 Chapter 14 of the General Statutes, or a violation of a misdemeanor
41 under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4,
42 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1,
43 14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12,

14-288.13, 14-288.14, 14-318.2, or 14-415.19(a), and does not have proceedings pending or had an order entered against the applicant under G.S. 50B-3 in which the applicant is not the victim.

e. The applicant has not been committed or admitted to a private, State, or federal facility for the abuse of alcohol or a controlled substance listed in Article 5 of Chapter 90 of the General Statutes, or has waited three years from the date the applicant was discharged by a medical professional as no longer suffering from the abuse of alcohol or a controlled substance.

f. The applicant does not chronically and habitually use alcoholic beverages or a controlled substance listed in Article 5 of Chapter 90 of the General Statutes to the extent that the applicant's normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or a controlled substance to the extent that the applicant's normal faculties are impaired if the applicant has been committed or admitted to a private, State, or federal facility as an alcoholic or a controlled substance dependent person within the three-year period immediately preceding the date on which the application is submitted.

g. The applicant has not been adjudicated incompetent under Article 1 of Subchapter I of Chapter 35A of the General Statutes, or has waited three years from the date the applicant's competency was restored by the court order under G.S. 35A-1130.

h. The applicant has not been voluntarily admitted or involuntarily committed to a mental institution pursuant to Part 7 of Article 5 of Chapter 122C of the General Statutes, unless the applicant possesses a certificate from a psychiatrist licensed in this State that the applicant has not suffered from disability for a period of three years.

i. The applicant has not been convicted of a second violation of driving while impaired under G.S. 20-138.1 or a similar law of another state, within four years of a previous conviction for the same offense or a similar offense in another state, or three years has elapsed since the second conviction.

j. The applicant demonstrates proficiency in the use of the type of handgun (e.g. revolver or semiautomatic) for which the applicant is requesting a permit as provided in G.S. 14-415.13.

Are you in compliance with all of the criteria listed above?

YES _____

NO _____

I, (Name of applicant) do swear (or affirm) that to the best of my knowledge I comply with all of the criteria listed above. I do further swear (or affirm) that all of the information I have provided on this application and any attachments is true to the best of my knowledge. I further acknowledge that I have been furnished a copy of Article 54B of

1 Chapter 14 of the General Statutes of North Carolina (Concealed Handgun Permits) and
2 that I am knowledgeable of its provisions.

3
4
5 Signature Date

6 Seal-Stamp North Carolina, County

7 I, a Notary Public of the County and State aforesaid certify
8 that _____, personally appeared before me this day and swore to
9 (or affirmed) and signed the foregoing application. Witness my hand
10 and official stamp or seal, this _____ day of _____.

11
12 My Commission expires:

13 Notary Public

14 (b) At the time the applicant submits the application specified in subsection (a) of
15 this section, the applicant must complete and sign a form provided by the sheriff which
16 will authorize the sheriff to obtain any confidential records of the applicant which are
17 necessary to investigate any criteria which must be satisfied in order for the permit to be
18 authorized. The applicant must complete and sign any additional forms required for the
19 sheriff's investigation upon notification by the sheriff that they are necessary. Any
20 information obtained from the sheriff from the use of the authorization forms required
21 under this subsection is confidential and is not a public record under Chapter 132 of the
22 General Statutes.

23 **"§ 14-415.19. Violations of this Article; punishments.**

24 (a) Unless a person's conduct is covered under some other provision of law
25 providing greater punishment, a person who commits the following is guilty of a Class 3
26 misdemeanor:

27 (1) Fails to have in the person's possession a valid permit and one other
28 valid form of identification whenever actually carrying a concealed
29 handgun.

30 (2) Carries a concealed handgun of a type which the person's permit does
31 not authorize.

32 (3) Carries a concealed handgun while consuming any amount of alcoholic
33 beverage or other impairing substance.

34 (b) Unless a person's conduct is covered under some other provision of law
35 providing greater punishment, a person who commits any of the following is guilty of a
36 Class I felony:

37 (1) Gives false information to obtain a permit.

38 (2) Possesses and uses a permit that has been revoked or suspended.

39 (3) Intentionally alters or counterfeits a permit.

40 (4) Sells, gives, or transfers a permit to another person.

41 **"§ 14-415.20. Preemption doctrine.**

42 This Article applies throughout the State, and no county or municipality may pass an
43 ordinance which is in conflict with this Article. Any existing ordinance in conflict with

1 this Article is unenforceable to the extent of the conflict. Any local act in conflict with
2 the provisions of this Article is repealed to the extent of the conflict. Nothing contained
3 in this Article prohibits municipalities or counties from enacting ordinances under the
4 authority of G.S. 14-288.12, 14-288.13, or 14-288.14.

5 **"§ 14-415.21. Construction of Article.**

6 This Article shall not be construed to require a person who may carry a concealed
7 weapon under the provisions of G.S. 14-269(b) to obtain a concealed handgun permit.

8 **"§ 14-415.22. Fees. The sheriff shall remit one dollar (\$1.00) of each fee received for
9 a permit to the Department of Revenue to be credited to the General
10 Fund; it is the intent of the General Assembly that these funds be used to
11 support firearm safety and training courses throughout the State."**

12 Sec. 2. G.S. 14-269 reads as rewritten:

13 **"§ 14-269. Carrying concealed weapons.**

14 (a) It shall be unlawful for any person, ~~except when on his own premises,~~ person
15 willfully and intentionally to carry concealed about his person any bowie knife, dirk,
16 dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, pistol, gun
17 or other deadly weapon of like ~~kind.~~ kind, except in the following circumstances:

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

19 (2) The deadly weapon is a handgun and the person has a concealed
20 handgun permit issued in accordance with Article 54B of this Chapter.

21 ~~This section does not apply to an ordinary pocket knife carried in a closed position. As
22 used in this section, 'ordinary pocket knife' means a small knife, designed for carrying in
23 a pocket or purse, which has its cutting edge and point entirely enclosed by its handle,
24 and that may not be opened by a throwing, explosive or spring action.~~

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

26 (1) Officers and enlisted personnel of the armed forces of the United States
27 when in discharge of their official duties as such and acting under orders
28 requiring them to carry arms and weapons;

29 (2) Civil officers of the United States while in the discharge of their official
30 duties;

31 (3) Officers and soldiers of the militia and the national guard when called
32 into actual service;

33 (4) Officers of the State, or of any county, city, or town, charged with the
34 execution of the laws of the State, when acting in the discharge of their
35 official duties;

36 (5) Full-time sworn law enforcement—North Carolina law enforcement
37 officers when off-duty, in the jurisdiction where they are assigned, and
38 within the State if:

39 a. Written regulations authorizing the carrying of concealed
40 weapons have been filed with the clerk of superior court in the
41 county where the ~~law enforcement~~ law enforcement unit is located
42 by the sheriff or chief of police or other superior officer in ~~charge;~~
43 and charge;

1 b. Such regulations specifically prohibit the carrying of concealed
2 weapons while the officer is consuming or under the influence of
3 alcoholic ~~beverages~~ beverages; and

4 c. The full-time sworn law enforcement officer is not in violation of
5 the written regulations.

6 (b1) It is a defense to a prosecution under this section that:

7 (1) The weapon was not a firearm;

8 (2) The defendant was engaged in, or on the way to or from, an activity in
9 which he legitimately used the weapon;

10 (3) The defendant possessed the weapon for that legitimate use; and

11 (4) The defendant did not use or attempt to use the weapon for an illegal
12 purpose.

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

14 (c) Any person convicted of violating the provisions of this section by carrying
15 concealed any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles,
16 razor, shurikin, stun gun, gun, or other deadly weapon of like kind shall be guilty of a
17 Class 2 misdemeanor.

18 (c1) Any person convicted of violating the provisions of this section by carrying
19 concealed a handgun shall be guilty of a Class I felony.

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

24 Sec. 2.1. G.S. 14-269 reads as rewritten:

25 "**§ 14-269. Carrying concealed weapons.**

26 (a) It shall be unlawful for any ~~person, except when on his own premises, person~~
27 willfully and intentionally to carry concealed about his person any bowie knife, dirk,
28 dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, pistol, gun
29 or other deadly weapon of like ~~kind.~~ kind, except in the following circumstances:

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

31 (2) The deadly weapon is a handgun and the person has a concealed
32 handgun permit issued in accordance with Article 54B of this Chapter.

33 ~~This section does not apply to an ordinary pocket knife carried in a closed position. As~~
34 ~~used in this section, 'ordinary pocket knife' means a small knife, designed for carrying in~~
35 ~~a pocket or purse, which has its cutting edge and point entirely enclosed by its handle,~~
36 ~~and that may not be opened by a throwing, explosive or spring action.~~

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

38 (1) Officers and enlisted personnel of the armed forces of the United States
39 when in discharge of their official duties as such and acting under orders
40 requiring them to carry arms and weapons;

41 (2) Civil officers of the United States while in the discharge of their official
42 duties;

- 1 (3) Officers and soldiers of the militia and the national guard when called
2 into actual service;
- 3 (4) Officers of the State, or of any county, city, or town, charged with the
4 execution of the laws of the State, when acting in the discharge of their
5 official duties;
- 6 (5) Full-time sworn ~~law enforcement~~ North Carolina law enforcement
7 officers when off-duty, in the jurisdiction where they are assigned, and
8 within the State if:
- 9 a. Written regulations authorizing the carrying of concealed
10 weapons have been filed with the clerk of superior court in the
11 county where the ~~law enforcement~~ law enforcement unit is located
12 by the sheriff or chief of police or other superior officer in ~~charge;~~
13 and charge;
- 14 b. Such regulations specifically prohibit the carrying of concealed
15 weapons while the officer is consuming or under the influence of
16 alcoholic ~~beverages~~ beverages; and
- 17 c. The full-time sworn law enforcement officer is not in violation of
18 the written regulations.
- 19 (b1) It is a defense to a prosecution under this section that:
- 20 (1) The weapon was not a firearm;
- 21 (2) The defendant was engaged in, or on the way to or from, an activity in
22 which he legitimately used the weapon;
- 23 (3) The defendant possessed the weapon for that legitimate use; and
- 24 (4) The defendant did not use or attempt to use the weapon for an illegal
25 purpose.

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

27 (c) Any person convicted of violating the provisions of this section shall be guilty
28 of a Class 2 misdemeanor.

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

33 Sec. 3. G.S. 14-269.2(g) reads as rewritten:

- 34 "(g) This section shall not apply to:
- 35 (1) A weapon used solely for educational or school-sanctioned ceremonial
36 purposes, or used in a school-approved program conducted under the
37 supervision of an adult whose supervision has been approved by the
38 school authority;
- 39 (2) Armed forces personnel, officers and soldiers of the militia and national
40 guard, law-enforcement personnel, and any private police employed by
41 an educational institution, when acting in the discharge of their official
42 duties;
- 43 (3) Home schools as defined in G.S. 115C-563(a); or

1 (4) A handgun on educational property, except property on which any of
2 the grades kindergarten through 12 are taught, used in connection with a
3 firearms safety or training course or class described in G.S. 14-
4 415.13(a)."

5 Sec. 4. G.S. 14-269.3(b) reads as rewritten:

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

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

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

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

12 (4) A person registered or hired as a security guard by the owner, lessee, or
13 person or organization sponsoring the ~~event~~-event;

14 (5) A person carrying a concealed handgun for which the person has a valid
15 permit issued pursuant to Article 54B of this Chapter, on the premises
16 of a hotel, or a restaurant that serves alcoholic beverages but that is
17 substantially engaged in the business of preparing and serving meals;
18 and

19 (6) A person carrying a concealed handgun for which the person has a valid
20 permit issued pursuant to Article 54B of this Chapter, on the premises
21 of an indoor theater or concert hall which seats 1200 people or less."

22 Sec. 5. The Division of Motor Vehicles shall adopt rules necessary to
23 implement the provisions of this act applicable to the Division.

24 Sec. 6. This act becomes effective December 1, 1995, and applies to
25 prosecutions for offenses committed on or after that date, except Section 2 of this act,
26 which becomes effective December 1, 1996, and applies to offenses committed on or
27 after that date. Section 2.1 of this act expires on November 30, 1996.