

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 810

Short Title: 1997 Personal Protection Reform Act.

(Public)

---

Sponsors: Senators Webster; Ballantine, Blust, Clark, East, Garwood, Hoyle, and Ledbetter.

---

Referred to: Judiciary.

---

April 10, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF  
NORTH CAROLINA TO PROTECT THEMSELVES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269 is repealed.

Section 2. Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

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

No person shall carry concealed about his person any deadly weapon for any illegal purpose. Any violation of this section is a Class I felony."

Section 3. G.S. 14-269.2 reads as rewritten:

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

(a) The following definitions apply to this section:

(1) Educational property. – Any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education, school, college, or university board of trustees, or directors for the administration of any public or private educational institution.

- 1           (2) Student. – A person enrolled in a public or private school, college or  
2           university, or a person who has been suspended or expelled within the  
3           last five years from a public or private school, college or university,  
4           whether the person is an adult or a minor.
- 5           (3) Switchblade knife. – A knife containing a blade that opens  
6           automatically by the release of a spring or a similar contrivance.
- 7           (4) Weapon. – Any device enumerated in subsection (b) or (d) of this  
8           section.
- 9           (b) It shall be a Class I felony for any person to possess or carry, whether openly  
10          or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite  
11          cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on  
12          educational property. However, this subsection does not apply to a BB gun, stun gun, air  
13          rifle, or air pistol.
- 14          (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor  
15          who is less than 18 years old to possess or carry, whether openly or concealed, any gun,  
16          rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade,  
17          mine, or powerful explosive as defined in G.S. 14-284.1, on educational property.  
18          However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.
- 19          (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether  
20          openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger,  
21          slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor  
22          blades (except solely for personal shaving), and any sharp-pointed or edged instrument  
23          except instructional supplies, unaltered nail files and clips and tools used solely for  
24          preparation of food, instruction, and maintenance, on educational property.
- 25          (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a  
26          minor who is less than 18 years old to possess or carry, whether openly or concealed, any  
27          BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane,  
28          switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for  
29          personal shaving), and any sharp-pointed or edged instrument except instructional  
30          supplies, unaltered nail files and clips and tools used solely for preparation of food,  
31          instruction, and maintenance, on educational property.
- 32          (f) Notwithstanding subsection (b) of this section it shall be a Class ~~1~~3  
33          misdemeanor rather than a Class I felony for any person to possess or carry, whether  
34          openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational  
35          property if:
- 36                  (1) The person is not a student attending school on the educational property;  
37                  (2) The firearm is not concealed within the meaning of G.S. 14-269;  
38                  (3) The firearm is not loaded and is in a locked container, a locked vehicle,  
39                  or a locked firearm rack which is on a motor vehicle; and  
40                  (4) The person does not brandish, exhibit, or display the firearm in any  
41                  careless, angry, or threatening manner.
- 42          (g) This section shall not apply to:

- 1 (1) A weapon used solely for educational or school-sanctioned ceremonial  
2 purposes, or used in a school-approved program conducted under the  
3 supervision of an adult whose supervision has been approved by the  
4 school authority;
- 5 (2) Armed forces personnel, officers and soldiers of the militia and national  
6 guard, law-enforcement personnel, fire fighters, emergency service  
7 personnel, North Carolina Forest Service personnel, and any private  
8 police employed by an educational institution, when acting in the  
9 discharge of their official duties; or
- 10 (3) Home schools as defined in G.S. ~~115C-563(a)~~-115C-563(a); or
- 11 (4) A person who possesses or carries a handgun if the person has been  
12 issued a concealed handgun permit in accordance with Article 54B of  
13 this Chapter."

14 Section 4. G.S. 14-269.3 reads as rewritten:

15 **"§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic**  
16 **beverages are sold and consumed.**

- 17 (a) ~~It shall be unlawful for any person to carry any gun, rifle, or pistol into any~~  
18 ~~assembly where a fee has been charged for admission thereto, or into any establishment~~  
19 ~~in which alcoholic beverages are sold and consumed. It is unlawful for any person~~  
20 possessing a firearm while in an establishment licensed to dispense alcohol to possess the  
21 firearm in any portion of the establishment that is primarily devoted to the purpose of  
22 dispensing and consuming alcoholic beverages. Any person violating the provisions of  
23 this section shall be guilty of a Class 1 misdemeanor.
- 24 (b) This section shall not apply to the following:
- 25 (1) ~~A person exempted from the provisions of G.S. 14-269;~~
- 26 (2) The owner or lessee of the premises or business establishment;
- 27 (3) A person participating in the event, if he is carrying a gun, rifle, or pistol  
28 with the permission of the owner, lessee, or person or organization  
29 sponsoring the event; ~~and~~
- 30 (4) A person registered or hired as a security guard by the owner, lessee, or  
31 person or organization sponsoring the ~~event~~-event;
- 32 (5) A person who is an officer or enlisted personnel in the armed forces of  
33 the United States when in the discharge of his or her official duties and  
34 acting under orders requiring him or her to carry arms and weapons;
- 35 (6) A civil officer of the United States while in the discharge of the officer's  
36 official duties;
- 37 (7) An officer or soldier of the militia or national guard when called into  
38 actual service;
- 39 (8) An officer of the State, or of any county, city or town, charged with the  
40 execution of the laws of the State, when acting in the discharge of the  
41 officer's official duties; or
- 42 (9) A sworn law enforcement officer who is authorized by the officer's  
43 employing agency to carry a firearm."

1 Section 5. G.S. 14-277.2 is repealed.

2 Section 6. G.S. 14-288.8(b) reads as rewritten:

3 "(b) This section does not apply to:

- 4 (1) Persons ~~exempted from~~ described in the provisions of ~~G.S. 14-269~~ G.S.  
5 14-269.3(5) through (9) with respect to any activities lawfully engaged  
6 in while carrying out their duties.
- 7 (2) Importers, manufacturers, dealers, and collectors of firearms,  
8 ammunition, or destructive devices validly licensed under the laws of  
9 the United States or the State of North Carolina, while lawfully engaged  
10 in activities authorized under their licenses.
- 11 (3) Persons under contract with the United States, the State of North  
12 Carolina, or any agency of either government, with respect to any  
13 activities lawfully engaged in under their contracts.
- 14 (4) Inventors, designers, ordnance consultants and researchers, chemists,  
15 physicists, and other persons lawfully engaged in pursuits designed to  
16 enlarge knowledge or to facilitate the creation, development, or  
17 manufacture of weapons of mass death and destruction intended for use  
18 in a manner consistent with the laws of the United States and the State  
19 of North Carolina."

20 Section 7. G.S. 14-409.40 reads as rewritten:

21 "**§ 14-409.40. Statewide uniformity of local regulation.**

22 (a) It is declared by the General Assembly that the regulation of firearms is  
23 properly an issue of general, statewide concern, and that the entire field of regulation of  
24 firearms is preempted from regulation by local governments except as provided by this  
25 section.

26 (b) Unless otherwise permitted by statute, no county or municipality, by  
27 ordinance, resolution, or other enactment, shall regulate in any manner the possession,  
28 ownership, storage, transfer, sale, purchase, licensing, or registration of firearms, firearms  
29 ammunition, components of firearms, dealers in firearms, or dealers in handgun  
30 components or parts.

31 (c) Notwithstanding subsection (b) of this section, a county or ~~municipality, by~~  
32 ~~zoning or other ordinance,~~ municipality may regulate or prohibit the sale of firearms at a  
33 location only if there is a lawful, general, similar regulation or prohibition of commercial  
34 activities at that location. Nothing in this subsection shall restrict the right of a county or  
35 municipality to adopt a general zoning plan that prohibits any commercial activity within  
36 a fixed distance of a school or other educational institution except with a special use  
37 permit issued for a commercial activity found not to pose a danger to the health, safety, or  
38 general welfare of persons attending the school or educational institution within the fixed  
39 distance.

40 (d) No county or ~~municipality, by zoning or other ordinance,~~ municipality shall  
41 regulate in any manner firearms shows with regulations more stringent than those  
42 applying to shows of other types of items.

1 (e) A county or municipality may regulate the transport, carrying, or possession of  
2 firearms by employees of the local unit of government in the course of their employment  
3 with that local unit of government.

4 (f) Nothing contained in this section prohibits municipalities or counties from  
5 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-  
6 269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of  
7 firearms in public-owned buildings, on the grounds or parking areas of those buildings, or  
8 in public parks or recreation areas, except nothing in this subsection shall prohibit a  
9 person from storing a firearm within a motor vehicle while the vehicle is on these  
10 grounds or areas. Nothing contained in this section prohibits municipalities or counties  
11 from exercising powers provided by law in declared states of emergency under Article  
12 36A of this Chapter."

13 Section 8. G.S. 14-415.22 reads as rewritten:

14 **"§ 14-415.22. Construction of Article.**

15 This Article shall not be construed to require a person who may carry a concealed  
16 handgun under the provisions of ~~G.S. 14-269(b)~~ G.S. 14-269.3(b)(5) through (9) to obtain  
17 a concealed handgun permit."

18 Section 9. G.S. 14-415.23 reads as rewritten:

19 **"§ 14-415.23. Statewide uniformity.**

20 It is the intent of the General Assembly to prescribe a uniform system for the  
21 regulation of legally carrying a concealed handgun. To insure uniformity, no political  
22 subdivisions, boards, or agencies of the State nor any county, city, municipality,  
23 municipal corporation, town, township, village, nor any department or agency thereof,  
24 may enact ordinances, rules, or regulations concerning legally carrying a concealed  
25 handgun. ~~A unit of local government may adopt an ordinance to permit the posting of a~~  
26 ~~prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local~~  
27 ~~government buildings, their appurtenant premises, and parks."~~

28 Section 10. This act becomes effective December 1, 1997.