

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 109  
Judiciary II Committee Substitute Adopted 3/9/05**

Short Title: Handgun Permit Renewal/Deployed Military.

(Public)

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Sponsors:

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Referred to:

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February 10, 2005

A BILL TO BE ENTITLED

AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION  
OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-415.10 reads as rewritten:

**"§ 14-415.10. Definitions.**

The following definitions apply to this Article:

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

(1a) Deployed or deployment. – Any military duty that removes a military  
permittee from the permittee's county of residence during which time  
the permittee's permit expires or will expire.

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

(2a) Military permittee. – A person who holds a permit who is also a  
member of the armed forces of the United States, the armed forces  
reserves of the United States, the North Carolina Army National  
Guard, or the North Carolina Air National Guard.

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

(3a) Proof of deployment. – A copy of the military permittee's deployment  
orders or other written notification from the permittee's command  
indicating the start and end date of deployment and that orders the  
permittee to travel outside the permittee's county of residence.

(4) Qualified former sworn law enforcement officer. – An individual who  
retired from service as a law enforcement officer with a local, State, or  
company police agency in North Carolina, other than for reasons of  
mental disability, who has been retired as a sworn law enforcement

1 officer two years or less from the date of the permit application, and  
2 who satisfies all of the following:

- 3 a. Immediately before retirement, the individual was a qualified  
4 law enforcement officer with a local, State, or company police  
5 agency in North Carolina.  
6 b. The individual has a nonforfeitable right to benefits under the  
7 retirement plan of the local, State, or company police agency as  
8 a law enforcement officer or has 20 or more aggregate years of  
9 law enforcement service and has retired from a company police  
10 agency that does not have a retirement plan.  
11 c. The individual is not prohibited by State or federal law from  
12 receiving a firearm.

13 (5) Qualified sworn law enforcement officer. – A law enforcement officer  
14 employed by a local, State, or company police agency in North  
15 Carolina who satisfies all of the following:

- 16 a. The individual is authorized by the agency to carry a handgun  
17 in the course of duty.  
18 b. The individual is not the subject of a disciplinary action by the  
19 agency that prevents the carrying of a handgun.  
20 c. The individual meets the requirements established by the  
21 agency regarding handguns."

22 **SECTION 2.** Article 54B of Chapter 14 of the General Statutes is amended  
23 by adding a new section to read:

24 "**§ 14-415.16A. Permit extensions and renewals for deployed military permittees.**

25 (a) A deployed military permittee whose permit will expire during the permittee's  
26 deployment, or the permittee's agent, may apply to the sheriff for an extension of the  
27 military permittee's permit by providing the sheriff with a copy of the permittee's proof  
28 of deployment. Upon receipt of the proof, the sheriff shall extend the permit for a period  
29 to end 90 days after the permittee's deployment is scheduled to end. A permit that has  
30 been extended under this section shall be valid throughout the State during the period of  
31 its extension.

32 (b) A military permittee's permit that is not extended under subsection (a) of this  
33 section and that expires during deployment shall remain valid during the deployment  
34 and for 90 days after the end of the deployment as if the permit had not expired. The  
35 military permittee may carry a concealed handgun during this period provided the  
36 permittee meets all the requirements of G.S. 14-415.11(a).

37 (c) A military permittee under subsection (a) or subsection (b) of this section  
38 shall have 90 days after the end of the permittee's deployment to renew the permit. In  
39 addition to the requirements of G.S. 14-415.16, the permittee shall provide to the sheriff  
40 proof of deployment. The sheriff shall renew the permit upon receipt of this  
41 documentation provided the permittee otherwise remains qualified to hold a concealed  
42 handgun permit."

43 **SECTION 3.** G.S 14-415.11(a) reads as rewritten:

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

11       **SECTION 4.** G.S. 14-269(a1) reads as rewritten:

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

- 14       (1) The person is on the person's own premises.  
15       (2) The deadly weapon is a handgun, and the person has a concealed  
16 handgun permit issued in accordance with Article 54B of this Chapter  
17 or considered valid under G.S. 14-415.24.  
18       (3) The deadly weapon is a handgun and the person is a military permittee  
19 as defined under G.S. 14-415.10(2a) who provides to the law  
20 enforcement officer proof of deployment as required under  
21 G.S. 14-415.11(a)."

22       **SECTION 5.** G.S. 14-269 is amended by adding a new subsection to read:

23       "(b2) It is a defense to a prosecution under this section that:

- 24       (1) The deadly weapon is a handgun;  
25       (2) The defendant is a military permittee as defined under  
26 G.S. 14-415.10(2a); and  
27       (3) The defendant provides to the court proof of deployment as defined  
28 under G.S. 14-415.10(3a)."

29       **SECTION 6.** This act is effective when it becomes law.