

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1231
Committee Substitute Favorable 5/22/07
Committee Substitute #2 Favorable 6/5/07
Senate Judiciary I (Civil) Committee Substitute Adopted 7/23/07

Short Title: Certain Law Officers/Waive Handgun Permit.

(Public)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED
HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN
PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED
HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW
ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR
SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE
PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS
ON CERTAIN EDUCATIONAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-415.10 is amended by adding a new subdivision to
read:

"(6) Qualified retired law enforcement officer. – An individual who meets
all of the following qualifications:

- a. Retired in good standing from service with a public agency
located in the United States as a law enforcement officer, other
than for reasons of mental instability.
- b. Prior to retirement, was authorized by law to engage in or
supervise the prevention, detection, investigation, or
prosecution of, or the incarceration of, any person for any
violation of law, and had statutory powers of arrest.
- c. Prior to retirement, was regularly employed as a law
enforcement officer for a total of 15 years or more, or retired
after completing probationary periods of service due to a
service-connected disability, as determined by the agency.
- d. Has a vested right to benefits under the retirement plan of the
agency."

1 **SECTION 2.** G.S. 17C-6(a) is amended by adding a new subdivision to
2 read:

3 "(16) Establish standards and guidelines for the annual firearms certification
4 of qualified retired law enforcement officers, as defined in
5 G.S. 14-415.10(6), to efficiently implement the provisions of
6 G.S. 14-415.25. The standards shall provide for the courses,
7 qualifications, and the issuance of the annual firearms qualification
8 certification. The Commission may adopt any rules necessary to effect
9 the provisions of this section, and may charge a reasonable fee to
10 applicants for the costs incurred in compliance with this subdivision."

11 **SECTION 3.** Article 54B of Chapter 14 of the General Statutes is amended
12 by adding a new section to read:

13 **"§ 14-415.25. Exemption from permit requirement.**

14 Law enforcement officers and qualified retired law enforcement officers authorized
15 by federal law to carry a concealed handgun pursuant to section 926B or 926C of Title
16 18 of the United States Code, who are in compliance with the requirements of those
17 sections, are exempt from obtaining the permit described in G.S. 14-415.11."

18 **SECTION 4.** Article 54B of Chapter 14 of the General Statutes is amended
19 by adding a new section to read:

20 **"§ 14-415.26. Certification of qualified retired law enforcement officers.**

21 (a) In lieu of obtaining a permit under this Article, a qualified retired law
22 enforcement officer may apply to the North Carolina Criminal Justice Education and
23 Training Standards Commission for certification. The application shall include all of the
24 following:

25 (1) Verification of completion of the firearms qualification criteria
26 established by the Commission.

27 (2) Photographic identification indicating retirement status issued by the
28 agency from which the applicant retired from service.

29 (3) Any other application information required by the Commission.

30 (b) The Commission shall include with the certification a notice of the limitations
31 applicable under federal or State law to the concealed carry of firearms in this State. The
32 failure to receive a notification under this subsection shall not be a defense to any
33 offense or violation of applicable State or federal laws.

34 (c) The Commission shall not incur any civil or criminal liability as the result of
35 the performance of its duties under this section.

36 (d) It shall be unlawful for an applicant, or any person assisting an applicant, to
37 make a willful and intentional misrepresentation on any form or application submitted
38 to the Commission. A violation of this subsection shall be a Class 2 misdemeanor, and
39 shall result in the immediate revocation of any certification issued by the Commission.
40 A person convicted under this subsection shall be ineligible for certification under this
41 section, or from obtaining a concealed carry permit under State law.

42 (e) This section shall not exempt any individual engaged in the private protective
43 services profession in this State from fulfilling the registration and training requirements
44 in Chapter 74C of the General Statutes."

1 **SECTION 5.** G.S. 14-415.12(b)(8) reads as rewritten:

2 "**§ 14-415.12. Criteria to qualify for the issuance of a permit.**

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

4 ...

5 (8) Is or has been adjudicated guilty of or received a prayer for judgment
6 continued or suspended sentence for one or more crimes of violence
7 constituting a misdemeanor, including but not limited to, a violation of
8 a misdemeanor under Article 8 of Chapter 14 of the General Statutes,
9 or a violation of a misdemeanor under G.S. 14-225.2, 14-226.1,
10 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277,
11 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2,
12 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13,
13 14-288.14, 14-318.2, ~~or 14-415.21(b).~~ 14-415.21(b), or 14-415.26(d)."

14 **SECTION 6.** G.S. 14-269.2(g) reads as rewritten:

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

16 (1) A weapon used solely for educational or school-sanctioned ceremonial
17 purposes, or used in a school-approved program conducted under the
18 supervision of an adult whose supervision has been approved by the
19 school ~~authority;~~ authority.

20 (1a) A person exempted by the provisions of G.S. ~~14-269(b);~~ 14-269(b).

21 (2) Firefighters, emergency service personnel, and North Carolina Forest
22 Service personnel, and any private police employed by ~~an educational~~
23 ~~institution, a school,~~ when acting in the discharge of their official
24 ~~duties;~~ duties.

25 (3) Home schools as defined in G.S. ~~115C-563(a); or~~ 115C-563(a).

26 (4) Weapons used for hunting purposes on the Howell Woods Nature
27 Center property in Johnston County owned by Johnston Community
28 College when used with the written permission of Johnston
29 Community College or for hunting purposes on other educational
30 property when used with the written permission of the governing body
31 of the school that controls the educational property.

32 (5) A person registered under Chapter 74C of the General Statutes as an
33 armed armored car service guard or an armed courier service guard
34 when acting in the discharge of the guard's duties and with the
35 permission of the college or university.

36 (6) A person registered under Chapter 74C of the General Statutes as an
37 armed security guard while on the premises of a hospital or health care
38 facility located on educational property when acting in the discharge of
39 the guard's duties with the permission of the college or university."

40 **SECTION 7.** Sections 2, 6, and 7 of this act are effective when it becomes
41 law. The remainder of this act becomes effective December 1, 2007, and applies to
42 offenses committed on or after that date.