

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 246

Short Title: The Gun Rights Amendment. (Public)

Sponsors: Representatives Pittman, Ford, Hardister, and Speciale (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

March 7, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO RESTRICT THE
3 LIMITATIONS THAT MAY BE PLACED ON A PERSON WHO HOLDS A
4 CONCEALED CARRY PERMIT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 30 of Article 1 of the North Carolina Constitution reads as
7 rewritten:

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

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

15 (2) A person who holds a valid permit to carry a concealed handgun shall not be
16 prohibited by the State from carrying a concealed handgun except:

17 (a) In courthouses.

18 (b) In federal government buildings where the federal government prohibits
19 weapons.

20 (c) On private property where the owner has posted prominently displayed signs
21 forbidding concealed weapons on the premises.

22 (d) On school campuses by persons not authorized to carry concealed weapons
23 on school campuses.

24 (e) In law enforcement or correctional facilities.

25 (f) While consuming alcohol or at any time while the person has remaining in
26 the person's body any alcohol or in the person's blood a controlled substance
27 previously consumed, but a person does not violate this condition if a
28 controlled substance in the person's blood was lawfully obtained and taken
29 in therapeutically appropriate amounts or if the person is on the person's own
30 property.

31 (g) Under domestic violence court order entered as provided by law.

32 (3) In accordance with the Second Amendment to the United States Constitution and
33 this Section, the State shall never engage in a general confiscation of the weapons of its citizens
34 and shall never cooperate in the effort of any other entity to do so."



- 1 (4c) Firearms in a courthouse, carried by detention officers employed by and
 2 authorized by the sheriff to carry firearms.
- 3 (4d) Any magistrate who carries or possesses a concealed handgun in any portion
 4 of a building housing a court of the General Court of Justice other than a
 5 courtroom itself unless the magistrate is presiding in that courtroom, if the
 6 magistrate (i) is in the building to discharge the magistrate's official duties,
 7 (ii) has a concealed handgun permit issued in accordance with Article 54B of
 8 this Chapter or considered valid under G.S. 14-415.24, (iii) has successfully
 9 completed a one-time weapons retention training substantially similar to that
 10 provided to certified law enforcement officers in North Carolina, and (iv)
 11 secures the weapon in a locked compartment when the weapon is not on the
 12 magistrate's person.
- 13 (5) State-owned rest areas, rest stops along the highways, and State-owned
 14 hunting and fishing reservations.
- 15 (6) A

16 (d) Subsection (b) of this section shall not apply to a person with a concealed handgun
 17 permit issued in accordance with Article 54B of this Chapter or considered valid under
 18 G.S. 14-415.24 who has a if the firearm in a closed compartment or container within the
 19 person's locked vehicle or in a locked container securely affixed to the person's vehicle. A
 20 person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the
 21 closed compartment at all times and the vehicle is locked immediately following the entrance
 22 or exit is a handgun, as defined in G.S. 14-309.39.

23 (e) Any person violating the provisions of this section shall be guilty of a Class 1
 24 misdemeanor."

25 **SECTION 5.** G.S. 14-277.2 reads as rewritten:

26 "**§ 14-277.2. Weapons at parades, etc., prohibited.**

27 (a) It shall be unlawful for any person participating in, affiliated with, or present as a
 28 spectator at any parade, funeral procession, picket line, or demonstration upon any private
 29 health care facility or upon any public place owned or under the control of the State or any of
 30 its political subdivisions to willfully or intentionally possess or have immediate access to any
 31 dangerous weapon. Violation of this subsection shall be a Class 1 misdemeanor. It shall be
 32 presumed that any rifle or gun carried on a rack in a pickup truck at a holiday parade or in a
 33 funeral procession does not violate the terms of this act.

34 (b) For the purposes of this section the term "dangerous weapon" shall include those
 35 weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or 14-288.8 or any other object capable
 36 of inflicting serious bodily injury or death when used as a weapon.

37 (c) The provisions of this section shall not apply to any of the following:

- 38 (1) ~~to a~~ A person exempted by the provisions of ~~G.S. 14-269(b)~~
 39 ~~or G.S. 14-269(b).~~
- 40 (2) ~~to persons~~ Persons authorized by State or federal law to carry dangerous
 41 weapons in the performance of their ~~duties~~ duties.
- 42 (3) ~~or to any~~ Any person who obtains a permit to carry a dangerous weapon at a
 43 parade, funeral procession, picket line, or demonstration from the sheriff or
 44 police chief, whichever is appropriate, of the locality where such parade,
 45 funeral procession, picket line, or demonstration is to take place.
- 46 (4) Any person who has a valid concealed handgun permit, and the firearm is a
 47 handgun as defined in G.S. 14-309.39."

48 **SECTION 6.** G.S. 14-415.11 reads as rewritten:

49 "**§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

50 (a) Any person who has a concealed handgun permit may carry a concealed handgun
 51 unless otherwise specifically prohibited by law. The person shall carry the permit together with

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

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

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

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

15 (2) Areas prohibited by ~~G.S. 14-269.4, except as allowed under~~
16 ~~G.S. 14-269.4(6).~~G.S. 14-269.4(b).

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

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

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

20 (6) In a building housing ~~only State or federal offices.~~offices if prohibited by
21 federal law.

22 (7) In an office of ~~the State or federal government~~ that is not located in a
23 building exclusively occupied by the ~~State or federal~~
24 ~~government.~~government if prohibited by federal law.

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

28 ~~(c1) Any person who has a concealed handgun permit may carry a concealed handgun on~~
29 ~~the grounds or waters of a park within the State Parks System as defined in G.S. 113-44.9.~~

30 (c2) It shall be unlawful for a person, with or without a permit, to carry a concealed
31 handgun while consuming alcohol or at any time while the person has remaining in the person's
32 body any alcohol or in the person's blood a controlled substance previously consumed, but a
33 person does not violate this condition if a controlled substance in the person's blood was
34 lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the
35 person's own property.

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

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

46 **SECTION 7.** G.S. 14-409.40(f) reads as rewritten:

47 "(f) Nothing contained in this section prohibits municipalities or counties from
48 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3,
49 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in
50 public-owned buildings, on the grounds or parking areas of those buildings, or in public parks
51 or recreation areas, except nothing in this subsection ~~shall~~shall:

- 1 (1) Further restrict the scope of a concealed carry permit, as provided in
2 G.S. 14-415.11(c).
3 (2) ~~prohibit~~ Prohibit a person from storing a firearm within a motor vehicle
4 while the vehicle is on these grounds or areas.

5 Nothing contained in this section prohibits municipalities or counties from exercising
6 powers provided by law in states of emergency declared under Article 1A of Chapter 166A of
7 the General Statutes."

8 **SECTION 8.** If a majority of votes cast on the question are in favor of the
9 constitutional amendment set out in this act, the State Board of Elections shall certify the
10 amendment to the Secretary of State. The constitutional amendment set out in Section 1 of this
11 act and the statutory amendments set out in Sections 3 through 7 of this act become effective
12 upon this certification. The Secretary of State shall enroll the amendments so certified among
13 the permanent records of that office. If a majority of votes cast on the question are not in favor
14 of the amendment set out in Section 1 of this act, that amendment and the amendments set out
15 in Sections 3 through 7 of this act do not go into effect.

16 **SECTION 9.** This act is effective when it becomes law.