

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-232
SENATE BILL 109**

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 officer two years or less from the date of the permit application, and who satisfies all of the following:
 - a. Immediately before retirement, the individual was a qualified law enforcement officer with a local, State, or company police agency in North Carolina.
 - b. The individual has a nonforfeitable right to benefits under the retirement plan of the local, State, or company police agency as a law enforcement officer or has 20 or more aggregate years of

- law enforcement service and has retired from a company police agency that does not have a retirement plan.
- c. The individual is not prohibited by State or federal law from receiving a firearm.
- (5) Qualified sworn law enforcement officer. – A law enforcement officer employed by a local, State, or company police agency in North Carolina who satisfies all of the following:
- a. The individual is authorized by the agency to carry a handgun in the course of duty.
 - b. The individual is not the subject of a disciplinary action by the agency that prevents the carrying of a handgun.
 - c. The individual meets the requirements established by the agency regarding handguns."

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

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

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

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

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

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

"(a) Any person who has a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law. The person shall carry the permit together with valid identification whenever the person is carrying a concealed handgun, shall disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun when approached or addressed by the officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer. In addition to these requirements, a military permittee whose permit has expired during deployment may carry a concealed handgun during the

90 days following the end of deployment and before the permit is renewed provided the permittee also displays proof of deployment to any law enforcement officer."

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 18th day of July, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 8:01 a.m. this 28th day of July, 2005