

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-441
SENATE BILL 561

AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DULY SWORN AND COMMISSIONED COMPANY POLICE OFFICERS FROM THE CONCEALED HANDGUN STATUTES, TO EXEMPT ACTIVE OR RETIRED COMPANY POLICE OFFICERS FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR THE PERMIT WITHIN TWO YEARS OF RETIREMENT, AND TO CLARIFY THE MENTAL HEALTH REQUIREMENTS FOR A CONCEALED HANDGUN PERMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74E-6(c) reads as rewritten:

"(c) All Company Police. – Company police officers, while in the performance of their duties of employment, have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on any of the following:

- (1) Real property owned by or in the possession and control of their employer.
- (2) Real property owned by or in the possession and control of a person who has contracted with the employer to provide on-site company police security personnel services for the property.
- (3) Any other real property while in continuous and immediate pursuit of a person for an offense committed upon property described in subdivisions (1) or (2) of this subsection.

Company police officers shall have, if duly authorized by the superior officer in charge, the authority to carry concealed weapons pursuant to and in conformity with G.S. 14-269(b)(5)."

Section 2. G.S. 14-415.10(4) as enacted by S.L. 1997-274, reads as rewritten:

- "(4) Qualified former sworn law enforcement officer. – An individual who retired from service as a law enforcement officer with a ~~local or State~~ 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 or State~~ 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~~ 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."

Section 3. G.S. 14-415.10(5), as enacted by S.L. 1997-274, reads as rewritten:

- "(5) Qualified sworn law enforcement officer. – A law enforcement officer employed by a ~~local or State~~ 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 4. G.S. 14-415.12(b)(6) reads as rewritten:

- "(6) Is currently, or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be, lacking mental capacity or mentally ill. Receipt of previous consultative services or outpatient treatment alone shall not disqualify an applicant under this subdivision."

Section 5. Sections 2 and 3 of this act become effective December 1, 1997. The remainder of this act is effective when it becomes law, and Section 4 applies to applications made before, on, or after the effective date.

In the General Assembly read three times and ratified this the 19th day of August, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 10:23 a.m. this 28th day of August, 1997