

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**HOUSE BILL 1231
RATIFIED BILL**

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."

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

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

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

§ 14-415.25. Exemption from permit requirement.

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

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

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

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

- (1) Verification of completion of the firearms qualification criteria established by the Commission.
- (2) Photographic identification indicating retirement status issued by the agency from which the applicant retired from service.
- (3) Any other application information required by the Commission.

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

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

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

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

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

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

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

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

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

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

- (1) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school ~~authority;~~ authority.
- (1a) A person exempted by the provisions of G.S. ~~14-269(b);~~ 14-269(b).
- (2) Firefighters, emergency service personnel, and North Carolina Forest Service personnel, and any private police employed by an educational institution, a school, when acting in the discharge of their official ~~duties;~~ duties.
- (3) Home schools as defined in G.S. ~~115C-563(a);~~ or 115C-563(a).
- (4) Weapons used for hunting purposes on the Howell Woods Nature Center property in Johnston County owned by Johnston Community College when used with the written permission of Johnston

Community College or for hunting purposes on other educational property when used with the written permission of the governing body of the school that controls the educational property.

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

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

In the General Assembly read three times and ratified this the 1st day of August, 2007.

Beverly E. Perdue
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2007