

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH70023-LH-34A (12/22)

Short Title: Concealed Carry Permit/Elected Officials.

(Public)

Sponsors: Representative LaRoque.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A PERSON ELECTED TO A PUBLIC OFFICE IN NORTH
3 CAROLINA OR APPOINTED TO FILL A VACANCY IN ONE OF THOSE OFFICES
4 WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY A CONCEALED
5 HANDGUN AND MAY CARRY A POCKET KNIFE ANYWHERE IN THE STATE
6 WHILE HOLDING THAT OFFICE, UNLESS OTHERWISE PROHIBITED BY
7 FEDERAL LAW.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Article 54B of Chapter 14 of the General Statutes is amended by
10 adding a new section to read:

11 "**§ 14-415.27. Expanded permit scope for elected officials; handgun and pocket knife.**

12 Notwithstanding G.S. 14-415.11(c) or any other provision of State or local law, a person
13 who has a concealed handgun permit issued pursuant to Article 54B of Chapter 14 of the
14 General Statutes or that is considered valid under G.S. 14-415.24 and who is either elected to a
15 public office in North Carolina or appointed to fill a vacancy in one of those elected offices
16 may carry an ordinary pocket knife as defined in G.S. 14-269(d) and may carry a handgun,
17 whether openly or concealed, anywhere in the State while the person holds that office, unless
18 otherwise prohibited by federal law."

19 **SECTION 2.** G.S. 14-415.11 reads as rewritten:

20 "**§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

21 (a) Any person who has a concealed handgun permit may carry a concealed handgun
22 unless otherwise specifically prohibited by law. The person shall carry the permit together with
23 valid identification whenever the person is carrying a concealed handgun, shall disclose to any
24 law enforcement officer that the person holds a valid permit and is carrying a concealed
25 handgun when approached or addressed by the officer, and shall display both the permit and the
26 proper identification upon the request of a law enforcement officer. In addition to these
27 requirements, a military permittee whose permit has expired during deployment may carry a
28 concealed handgun during the 90 days following the end of deployment and before the permit
29 is renewed provided the permittee also displays proof of deployment to any law enforcement
30 officer.

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

34 (c) ~~A~~ Except as provided in G.S. 14-415.27, a permit does not authorize a person to
35 carry a concealed handgun in the areas prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and



1 14-277.2, in an area prohibited by rule adopted under G.S. 120-32.1, in any area prohibited by
2 18 U.S.C. § 922 or any other federal law, in a law enforcement or correctional facility, in a
3 building housing only State or federal offices, in an office of the State or federal government
4 that is not located in a building exclusively occupied by the State or federal government, a
5 financial institution, or on any other premises, except state-owned rest areas or state-owned rest
6 stops along the highways, where notice that carrying a concealed handgun is prohibited by the
7 posting of a conspicuous notice or statement by the person in legal possession or control of the
8 premises.

9 (c1) It shall be unlawful for a person, with or without a permit, to carry a concealed
10 handgun while consuming alcohol or at any time while the person has remaining in his body
11 any alcohol or in his blood a controlled substance previously consumed, but a person does not
12 violate this condition if a controlled substance in his blood was lawfully obtained and taken in
13 therapeutically appropriate amounts.

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

20 **SECTION 3.** G.S. 14-269 is amended by adding a new subsection to read:

21 "(a2) This prohibition shall not apply if the deadly weapon is a handgun and the person
22 has a concealed handgun permit with an expanded scope as provided by G.S. 14-415.27."

23 **SECTION 4.** G.S. 14-269.2(g) is amended by adding a new subdivision to
24 read:

25 "(7) A weapon that is an ordinary pocket knife as defined in G.S. 14-269(d) or a
26 handgun, provided the person who possesses or carries the ordinary pocket
27 knife or handgun has a concealed handgun permit with an expanded scope as
28 provided by G.S. 14-415.27."

29 **SECTION 5.** G.S. 14-269.3(b) reads as rewritten:

30 "(b) This section shall not apply to the following:

- 31 (1) A person exempted from the provisions of G.S. 14-269;
- 32 (2) The owner or lessee of the premises or business establishment;
- 33 (3) A person participating in the event, if he is carrying a gun, rifle, or pistol
34 with the permission of the owner, lessee, or person or organization
35 sponsoring the event; ~~and~~
- 36 (4) A person registered or hired as a security guard by the owner, lessee, or
37 person or organization sponsoring the ~~event~~.event; and
- 38 (5) A person carrying a handgun provided the person has a concealed handgun
39 permit with an expanded scope as provided by G.S. 14-415.27."

40 **SECTION 6.** G.S. 14-269.4 reads as rewritten:

41 "**§ 14-269.4. Weapons on State property and in courthouses.**

42 It shall be unlawful for any person to possess, or carry, whether openly or concealed, any
43 deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in
44 the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or
45 on the grounds of any of these buildings, and in any building housing any court of the General
46 Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the
47 court, then this prohibition shall apply only to that portion of the building used for court
48 purposes while the building is being used for court purposes.

49 This section shall not apply to:

- 50 (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
- 51 (1a) A person exempted by the provisions of G.S. 14-269(b),

- 1 (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
2 (4a) Any person in a building housing a court of the General Court of Justice in
3 possession of a weapon for evidentiary purposes, to deliver it to a
4 law-enforcement agency, or for purposes of registration,
5 (4b) Any district court judge or superior court judge who carries or possesses a
6 concealed handgun in a building housing a court of the General Court of
7 Justice if the judge is in the building to discharge his or her official duties
8 and the judge has a concealed handgun permit issued in accordance with
9 Article 54B of this Chapter or considered valid under G.S. 14-415.24,
10 (4c) Firearms in a courthouse, carried by detention officers employed by and
11 authorized by the sheriff to carry firearms,
12 (4d) Any magistrate who carries or possesses a concealed handgun in any portion
13 of a building housing a court of the General Court of Justice other than a
14 courtroom itself unless the magistrate is presiding in that courtroom, if the
15 magistrate (i) is in the building to discharge the magistrate's official duties,
16 (ii) has a concealed handgun permit issued in accordance with Article 54B of
17 this Chapter or considered valid under G.S. 14-415.24, (iii) has successfully
18 completed a one-time weapons retention training substantially similar to that
19 provided to certified law enforcement officers in North Carolina, and (iv)
20 secures the weapon in a locked compartment when the weapon is not on the
21 magistrate's person,
22 (5) State-owned rest areas, rest stops along the highways, and State-owned
23 hunting and fishing ~~reservations-reservations~~,
24 (6) A person possessing or carrying a handgun provided the person has a
25 concealed handgun permit with an expanded scope as provided by
26 G.S. 14-415.27.

27 Any person violating the provisions of this section shall be guilty of a Class 1
28 misdemeanor."

29 **SECTION 7.** G.S. 14-277.2 is amended by adding a new subsection to read:

30 "(d) The provisions of this section shall not apply if the weapon is an ordinary pocket
31 knife as defined in G.S. 14-269(d) or a handgun and the person has a concealed handgun permit
32 with an expanded scope as provided by G.S. 14-415.27."

33 **SECTION 8.** G.S. 14-288.7 is amended by adding a new subsection to read:

34 "(b1) This section does not apply if the weapon is a handgun and the person has a
35 concealed handgun permit with an expanded scope as provided by G.S. 14-415.27."

36 **SECTION 9.** G.S. 120-32.1 is amended by adding a new subsection to read:

37 "(a1) A person may carry a handgun, either concealed or openly, on the premises of the
38 State legislative buildings and grounds if the person has a concealed handgun permit with an
39 expanded scope as provided by G.S. 14-415.27."

40 **SECTION 10.** This act becomes effective October 1, 2011.