



HOUSE BILL 937: Amend Various Firearms Laws

2013-2014 General Assembly

Committee:	Senate Judiciary I	Date:	June 11, 2013
Introduced by:	Reps. Schaffer, Burr, Faircloth, Cleveland	Prepared by:	Susan Sitze
Analysis of:	PCS to Second Edition H937-CSSA-50		Committee Counsel

SUMMARY: *This PCS for H937 makes various changes to the firearms laws.*

BILL ANALYSIS:

Section 1 would specifically provide in statute that a person with a concealed carry permit may have a handgun in a closed compartment in a locked vehicle that is in a parking lot owned or leased by State government.

Section 2 would make changes to the statute prohibiting firearms on educational property to allow certain persons to possess a handgun on certain educational property under specific conditions as follows:

- Employees of colleges and universities, and of boarding schools, who reside on campus in a detached, single family dwelling where only they and their immediate family reside, may have a handgun on the premises of their residence. If they have a concealed carry permit, they may also keep a handgun in their locked vehicle. Private schools have the option to specifically prohibit possession pursuant to these provisions.
- Authorizes anyone with a concealed carry permit to have a handgun in a locked vehicle on any educational property.

Section 3 would authorize a person with a concealed carry permit to carry a concealed handgun at assemblies where an admission fee is charged and any establishment that serves alcohol unless the person in control of the premises has posted a notice prohibiting carrying a concealed handgun on the premises.

Section 4 would amend the statute creating a criminal offense for permitting young children to use a firearm. Under current law it is unlawful for anyone other than a parent, guardian, or person standing in loco parentis to permit a child under 12 to use a firearm without supervision by the parent, guardian, or person standing in loco parentis. This section would require parent or guardian permission for any person to allow a child under 12 to have access to, or possess a firearm and would require adult supervision, but the supervision could be provided by any adult with the parent or guardian's permission.

Section 5 would amend the statute that provides for an enhanced sentence when a defendant uses, displays or threatens to use or display a firearm in the commission of a felony. Current law provides an additional 60 month sentence upon conviction of a Class A through E felony. This section would increase the enhancement for an A through E felony to 72 months, and would provide an enhanced sentence of 36 months for an F or G felony, and an enhanced sentence of 12 months for a Class H or I felony.



House PCS 937

Page 2

Section 6 would amend the statute designating the areas in which local governments can regulate the possession of concealed handguns by more specifically defining the term "recreational facilities" and also specifically excluding certain areas from the definition.

Sections 7 and 8 would specify what mental health determinations must be transferred by the clerk of court to the National Instant Criminal Background Check System (NICS) and require the transmission be done within 48 hours, excluding weekends and holidays, of receipt by the clerk of the judicial determination. The Administrative Office of the Courts shall adopt rules to ensure transmission in a uniform manner.

Sections 9 through 11 would make changes to various statutes governing the reinstatement of the right to possess firearms after certain mental health determinations or findings and would create a process that applies to all determinations or findings. These sections make clarifying changes to several statutes.

Sections 12 and 13 would amend the statutes relating to records of concealed carry permits and sale of weapons to provide that they are not public records under the public records law. The records still remain available upon request to all State and local law enforcement agencies.

Section 14 would amend G.S. 14-269.4, which prohibits weapons on specified State property, to clarify that the current exemption for concealed carry permit holders also applies to those who are exempt from obtaining a concealed carry permit by virtue of federal law which authorizes them to carry concealed as current and retired law enforcement officers.

Section 15 would amend G.S. 14-277.2, which prohibits weapons at parades, funeral processions, picket lines, or demonstrations, to provide an exception that allows a person with a concealed carry permit to carry a concealed handgun at parades and funeral processions, so long as the person in legal possession or control of the property on which they are carrying concealed has not posted a notice prohibiting concealed handguns.

Section 16 would amend G.S. 14-415.21, which provides criminal penalties for violating the conditions of a concealed carry permit, to increase the penalty for carrying concealed on property that has a posted notice prohibiting concealed carry and for carrying concealed while consuming alcohol or with any amount of alcohol in the person's system, from a Class 2 misdemeanor to a Class 1 misdemeanor.

Sections 17 through 19 would repeal the requirement that a person have a pistol permit to purchase a handgun or a blank cartridge pistol, and also the statutes relating to issuance of that permit.

Section 20 would require a sheriff to revoke the concealed carry permit of any permittee who is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit.

Sections 21 and 22 would provide that any North Carolina district court or superior court judge, magistrate, clerk of court, or register of deeds who has a concealed handgun permit is exempt from the general prohibition against carrying a concealed weapon and from the prohibitions against carrying a weapon on certain premises or in certain circumstances.

Section 23 would allow hunting with a suppressor or other device designed to muffle or minimize the report of a firearm.

Sections 24 and 25 would amend the definition of "qualified retired law enforcement officer" as it applies to carrying a concealed handgun to make it consistent with the definition in federal law for which this definition is used and make clarifying changes.

EFFECTIVE DATE: Sections 1 through 6, 14 through 18, 23, and 25 of this act become effective October 1, 2013, and apply to offenses committed on or after that date. Prosecutions for offenses

House PCS 937

Page 3

committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecution. The remainder of this act becomes effective October 1, 2013.