

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 189

Short Title: Concealed Weapon License.

(Public)

Sponsors: Representatives K. Miller; Aldridge, Allred, Baker, Brawley, Buchanan, Cansler, Capps, Carpenter, Clary, Cocklereece, Davis, Decker, McComas, Nichols, Pate, Sexton, Sherrill, and G. Wilson.

Referred to: Judiciary II.

February 15, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A PERSON MAY CARRY A CONCEALED WEAPON
3 IF THE PERSON HAS A CONCEALED WEAPON LICENSE, TO CREATE A
4 CONCEALED WEAPON LICENSE AND LICENSING PROCEDURE, AND TO
5 MAKE CONFORMING STATUTORY CHANGES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 14 of the General Statutes is amended by adding a new
8 Article to read:

9 **"ARTICLE 54B.**

10 **"CONCEALED WEAPON LICENSE.**

11 **"§ 14-145.10. Policy statement.**

12 The General Assembly finds as a matter of public policy that it is necessary to provide
13 statewide uniform standards for issuing licenses to carry concealed weapons for self-
14 defense and finds it necessary to occupy the field of regulation of the bearing of
15 concealed weapons for self-defense to ensure that no honest, law-abiding person who
16 qualifies under the provisions of this Article is subjectively or arbitrarily denied his or her
17 rights.

1 Subjective or arbitrary actions or rules which encumber the issuing process by placing
2 burdens on the applicant beyond those sworn statements and specified documents
3 detailed in this Article or which create restrictions beyond those sworn statements and
4 specified documents detailed in this Article or which create restrictions beyond those
5 specified in this Article are in conflict with the intent of this Article and are prohibited.

6 **"§ 14-415.11. License to carry a concealed weapon; scope of license.**

7 (a) The State Bureau of Investigation may issue a license to carry a concealed
8 weapon to a person who qualifies for a license under G.S. 14-415.12. A license shall be
9 valid throughout the State for a period of four years from the date of issuance, or until the
10 next renewal date of the person's drivers license. Any person in compliance with the
11 terms of the license may carry a concealed weapon. The licensee shall carry the license
12 at all times in which the licensee is in actual possession of a concealed weapon and shall
13 display the license and proper identification upon demand by a law enforcement officer.

14 (b) A license does not authorize a person to carry a concealed weapon into any of
15 the following areas:

- 16 (1) A place of nuisance.
- 17 (2) Any police, sheriff, or highway patrol station.
- 18 (3) Any detention facility, prison, or jail.
- 19 (4) Any courthouse or courtroom.
- 20 (5) Any polling place.
- 21 (6) Any meeting of the governing body of a county, public school district,
22 municipality, or special district.
- 23 (7) Any meeting of the General Assembly or any legislative committee or
24 subcommittee meeting.
- 25 (8) Any school, college, school administration building, elementary school
26 facility, secondary school facility, area vocational facility, college or
27 university facility, unless the licensee is a registered student, employee,
28 or faculty member of the college or school and the weapon is a stun gun
29 or nonlethal electric weapon or device designed solely for defensive
30 purposes and the weapon does not fire a dart or projectile.
- 31 (9) Any school, college, or professional athletic event not related to
32 firearms.
- 33 (10) Any portion of an establishment licensed to dispense alcoholic beverage
34 for consumption on the premises, if that portion of the establishment is
35 primarily devoted to the dispensation and consumption of alcohol.
- 36 (11) Any passenger terminal and sterile area of any airport, provided that no
37 person shall be prohibited from carrying any legal firearm into the
38 terminal if the firearm is encased for shipment for purposes of checking
39 the firearm as baggage to be lawfully transported on any aircraft.
- 40 (12) Any place where the carrying of a firearm is prohibited by federal law.

41 (c) A person who is issued a license shall notify the State Bureau of Investigation
42 of any change in the person's permanent address within 30 days after the change of
43 address. A person who is issued a license and whose license is lost or destroyed shall so

1 notify the State Bureau of Investigation within 30 days of the discovery that the license is
2 lost or destroyed.

3 "14-415.12. Criteria to qualify for the issuance of a permit.

4 The State Bureau of Investigation shall issue a license if the applicant satisfies all of
5 the following criteria:

- 6 (1) Is a citizen of the United States.
- 7 (2) Is 21 years of age or older.
- 8 (3) Is not ineligible to possess a firearm by virtue of having been convicted
9 of a felony.
- 10 (4) Has not been committed for the abuse of a controlled substance or
11 similar laws of any other state relating to controlled substances within a
12 four-year period immediately preceding the date on which the
13 application is submitted.
- 14 (5) Does not chronically and habitually use alcoholic beverages or other
15 substances to the extent that his or her normal faculties are impaired. It
16 shall be presumed that an applicant chronically and habitually uses
17 alcoholic beverages or other substances to the extent that his or her
18 normal faculties are impaired if the applicant had not been committed
19 for the abuse of a controlled substance or similar laws of any other state
20 relating to controlled substances within a four-year period immediately
21 preceding the date on which the application is submitted or similar laws
22 of any other state, within the five-year period immediately preceding the
23 date on which the application is submitted.
- 24 (6) Desires a legal means to carry a concealed weapon for lawful self-
25 defense.
- 26 (7) Demonstrates competence with a firearm as provided in G.S. 14-415.13.
- 27 (8) Has not been adjudicated an incapacitated person, or has waited five
28 years from the date of his or her restoration to capacity by court order.
- 29 (9) Has not been committed to a mental institution unless he or she
30 possesses a certificate from a psychiatrist licensed in this State that he or
31 she has not suffered from disability for a period of five years and is not
32 on medication for a serious illness.

33 **"§ 14-415.13. Demonstration of competence required.**

34 (a) An applicant for a license to carry a concealed weapon shall demonstrate
35 competence with the weapon by any one of the following:

- 36 (1) Completion of any pistol or handgun safety course approved by the
37 Wildlife Resources Commission or a similar agency of another state.
- 38 (2) Completion of any National Rifle Association safety or training course
39 for handguns.
- 40 (3) Completion of any firearms safety or training course or class available
41 to the general public offered by a law enforcement agency, a junior
42 college, a college, or a private or public institution or organization or

1 firearms training school, utilizing instructors certified by the National
2 Rifle Association, or law enforcement agency.

3 (4) Completion of any law enforcement firearms safety or training course or
4 class offered for investigators, special deputies, or any division or
5 subdivision of law enforcement or security enforcement.

6 (5) Completion of any firearms training or safety course or class conducted
7 by a State Bureau of Investigation or National Rifle Association
8 firearms instructor.

9 (b) A legible photocopy of a certificate of completion by the applicant of any of
10 the courses or classes listed in this section shall constitute evidence of competence under
11 this section.

12 **"§ 14-415.14. Application for license.**

13 A person shall apply to the State Bureau of Investigation to obtain a concealed
14 weapon license. The applicant shall submit to the State Bureau of Investigation all of the
15 following:

16 (1) A completed application as described in G.S. 14-415.19.

17 (2) A nonrefundable license fee.

18 (3) A full set of fingerprints of the applicant administered by a law
19 enforcement agency.

20 (4) A document verifying the applicant's competence with a weapon as
21 described in G.S. 14-415.13.

22 **"§ 14-415.15. Approval or denial of license; issuance of license by Division of Motor**
23 **Vehicles.**

24 (a) The State Bureau of Investigation shall approve or deny an application for a
25 license within 90 days of receipt of the items described in G.S. 14-415.14.

26 (b) If a person's application for a license is approved by the State Bureau of
27 Investigation, the person shall take the approved application form received from the State
28 Bureau of Investigation to the Division of Motor Vehicles in the Department of
29 Transportation. Upon receipt of the approved application form and the fee for the
30 issuance of a duplicate license, the Division of Motor Vehicles shall issue the approved
31 applicant a duplicate drivers license containing a color photograph of the applicant on a
32 yellow background. The Division of Motor Vehicles shall promptly notify the State
33 Bureau of Investigation that the license has been issued.

34 (c) The State Bureau of Investigation shall maintain an automated listing of all
35 persons issued a license under this Article. The list of licensees shall be available on-
36 line, upon request, at all times to all law enforcement agencies through the North
37 Carolina Crime Information Center.

38 (d) A person's application for a license to carry a concealed weapon shall be
39 denied if the applicant fails to qualify under the criteria listed in this Article. The State
40 Bureau of Investigation may also deny a license if the applicant has ever been convicted
41 of being an habitual felon. If the State Bureau of Investigation denies the application, it
42 shall notify the applicant in writing, stating the grounds for denial and informing the
43 applicant of any right to a hearing.

1 **"§ 14-415.16. Renewal of permit.**

2 (a) A licensee shall renew his or her license on or before the expiration date by
3 submitting a renewal application form and the renewal fee to the State Bureau of
4 Investigation.

5 The State Bureau of Investigation shall renew the license upon receipt of the
6 completed license renewal application form.

7 (b) A late fee of fifty dollars (\$50.00) shall be charged if the license expired before
8 an application to renew the license was received by the State Bureau of Investigation.

9 **"§ 14-415.17. Suspension or revocation of license.**

10 (a) A license issued under this Article shall be suspended or revoked if the
11 licensee:

12 (1) Becomes ineligible under the criteria set forth in this Article.

13 (2) Is convicted of a felony which would make the licensee ineligible to
14 possess a firearm.

15 (3) Is found guilty of a crime relating to controlled substances.

16 (4) Is committed as a substance abuser or is deemed an habitual felon.

17 (5) Is convicted of a second violation of driving while impaired under G.S.
18 20-138.1 or a similar law of another state, within four years of a
19 previous conviction for the same offense or a similar offense in another
20 state.

21 (6) Is adjudicated an incapacitated person.

22 (7) Is committed to a mental institution.

23 (b) The State Bureau of Investigation shall, upon notification by a law
24 enforcement agency or a court, suspend a license or the processing of an application for a
25 license if the licensee or applicant is arrested or formally charged with a crime that would
26 disqualify the person from having a license under this Article, until final disposition of
27 the case.

28 **"§ 14-415.18. Fees.**

29 (a) The State Bureau of Investigation may establish a fee schedule for initial
30 applications for licenses and renewals of licenses. The fee to be charged for an initial
31 license shall not exceed one hundred twenty-five dollars (\$125.00). The fee to be
32 charged for renewal of a license shall not exceed one hundred dollars (\$100.00).

33 (b) Fees collected under this section are receipts of the State Bureau of
34 Investigation.

35 **"§ 14-415.19. Application form.**

36 (a) The State Bureau of Investigation shall develop an application and renewal
37 form and shall disperse those forms to the sheriff of each county. The sheriff shall make
38 the initial and renewal application forms available.

39 (b) The form shall include the following:

40 (1) The name, address, place and date of birth, race, and occupation of the
41 applicant.

42 (2) A statement that the applicant is in compliance with criteria contained in
43 this Article.

1 (3) A statement that the applicant has been furnished a copy of this Article
2 and is knowledgeable of its provisions.

3 (4) A conspicuous warning that the application is executed under oath and
4 that a false answer to any questions or the submission of any false
5 document by the applicant subjects the applicant to criminal
6 prosecution.

7 (5) A statement that the applicant desires a concealed weapon or firearms
8 license as a means of lawful self-defense.

9 **"§ 14-415.20. Fingerprints.**

10 (a) An applicant shall submit with his or her application a full set of the applicant's
11 fingerprints administered by a law enforcement agency. The cost for processing the set
12 of fingerprints shall be borne by the applicant.

13 (b) The State Bureau of Investigation, upon receipt of the items listed in G.S. 14-
14 415.14, shall forward the full set of fingerprints to the appropriate departments of law
15 enforcement for State and federal processing, provided the federal service is available, to
16 be processed for any criminal justice information.

17 (c) The sheriff of the applicant's county of residence may, at the sheriff's
18 discretion, participate in the process by submitting a voluntary report to the State Bureau
19 of Investigation containing any readily discoverable prior information that the sheriff
20 feels may be pertinent to the licensing of any applicant. Any voluntary reporting shall be
21 made within 15 days after the sheriff fingerprints the applicant.

22 (d) In the event a legible set of fingerprints, as determined by the State Bureau of
23 Investigation or the Federal Bureau of Investigation, cannot be obtained after two
24 attempts, the State Bureau of Investigation shall determine the eligibility of the applicant
25 to receive a concealed weapon license based on the name checks conducted by the State
26 Bureau of Investigation and the appropriate sheriff's department.

27 **"§ 14-415.21. Penalties for violations of this Article.**

28 (a) A person who is issued a license under this Article is guilty of an infraction if
29 the person:

30 (1) Fails to report a change to the person's permanent address or to report
31 the loss or destruction of a license as provided in G.S. 14-415.10(c).

32 (2) Fails to carry the license while possessing a concealed weapon or fails
33 to display the license and proper identification to a law enforcement
34 officer as provided by G.S. 14-415.11(a).

35 (b) A person who knowingly or willfully violates any other provision of this
36 Article is guilty of a Class 3 misdemeanor.

37 **"§ 14-415.22. Persons exempt from license requirements.**

38 A person who is a law enforcement officer, correctional officer, or correctional
39 probation officer is exempt from the licensing requirements of this Article. If a person
40 who is exempt under this section submits an application to obtain a concealed weapon
41 license under this Article, the application shall be approved by the State Bureau of
42 Investigation and the license issued upon receipt of the initial or renewal application fee
43 as appropriate.

1 **"§ 14-415.23. State Bureau of Investigation to implement this Article; clarify**
2 **delegation of authority.**

3 (a) The State Bureau of Investigation shall implement and administer the
4 provisions of this Article.

5 (b) The General Assembly does not delegate to the State Bureau of Investigation
6 the authority to regulate or restrict the issuing of licenses provided for in this Article,
7 beyond those provisions contained in this Article. The General Assembly does not
8 delegate to any other governmental agency the authority to regulate or restrict the
9 provisions in this Article.

10 **"§ 14-415.24. Attorney General to report licensing statistics.**

11 By March 1 of each year, the Attorney General shall submit a statistical report to the
12 Governor, the Lieutenant Governor, the Majority Leader of the Senate, the Minority
13 Leader of the Senate, the Speaker of the House of Representatives, the Majority Leader
14 of the House of Representatives, and the Minority Leader of the House of
15 Representatives indicating the number of licenses issued, denied, revoked, and suspended
16 under this Article.

17 **"§ 14-415.25. Construction of Article.**

18 (a) This Article shall not be construed to require a person who may carry a
19 concealed weapon under the provisions of G.S. 14-269(b) to obtain a concealed weapon
20 license. This Article shall not be construed to affect any open carry or firearm
21 transportation laws.

22 (b) This Article shall be liberally construed to carry out the constitutional right to
23 bear arms for self-defense. This Article is supplemental and additional to existing rights
24 to bear arms, and nothing in this Article shall impair or diminish those rights.

25 **"§ 14-415.26. Definition.**

26 For purposes of this Article, the term 'concealed weapon' means a handgun, electronic
27 weapon or device, tear gas gun, knife, or billy club. The term does not include a machine
28 gun."

29 Sec. 2. G.S. 14-269(a) reads as rewritten:

30 "(a) Except as provided under Article 54B of Chapter 14 of the General Statutes
31 and except when a person is on his or her own premises, it ~~it~~ shall be unlawful for any
32 person, ~~except when on his own premises,~~ willfully and intentionally to carry concealed
33 about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic
34 knuckles, razor, shurikin, stun gun, pistol, gun or other deadly weapon of like kind. This
35 section does not apply to an ordinary pocket knife carried in a closed position. As used in
36 this section, 'ordinary pocket knife' means a small knife, designed for carrying in a pocket
37 or purse, which has its cutting edge and point entirely enclosed by its handle, and that
38 may not be opened by a throwing, explosive or spring action."

39 Sec. 3. This act becomes effective December 1, 1995, and applies to offenses
40 committed on or after that date.