

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 90  
Committee Substitute Favorable 4/19/95  
Committee Substitute #2 Favorable 5/1/95

Short Title: Concealed Handgun Permit.

(Public)

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Sponsors:

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Referred to:

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February 1, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A PERSON WHO MEETS SPECIFIED STATUTORY  
3 CRITERIA MAY CARRY A CONCEALED HANDGUN IF THE PERSON HAS  
4 OBTAINED A CONCEALED HANDGUN PERMIT, TO AUTHORIZE SHERIFFS  
5 TO AUTHORIZE ISSUANCE OF CONCEALED HANDGUN PERMITS, TO  
6 ESTABLISH THE CRITERIA THAT MUST BE SATISFIED TO RECEIVE THE  
7 PERMIT, TO ESTABLISH THE PROCEDURE FOR THE ISSUANCE OF A  
8 CONCEALED HANDGUN PERMIT, AND TO MAKE CONFORMING  
9 STATUTORY CHANGES.

10 The General Assembly of North Carolina enacts:

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

13 **"ARTICLE 54B.**

14 **"CONCEALED HANDGUN PERMIT.**

15 **"§ 14-415.10. Definitions.**

16 The following definitions apply to this Article:

- 17 (1) Carry a concealed handgun. – The term includes possession of a  
18 concealed handgun.

1           (2) Handgun. – A firearm that has a short stock and is designed to be held  
2           and fired by the use of a single hand.

3           (3) Permit. – A concealed handgun permit issued in accordance with the  
4           provisions of this Article.

5           (4) Revolver. – The term includes any pistol that is not a semiautomatic.

6 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

7           (a) The sheriff shall authorize the issuance of a permit to carry a concealed  
8 handgun to a person who qualifies for a permit under G.S. 14-415.12. A permit shall be  
9 valid throughout the State for a period of five years from the date of issuance or until the  
10 next renewal of the person's drivers license, whichever is shorter. Any person in  
11 compliance with the terms of the permit may carry concealed about his or her person a  
12 handgun of the type (e.g. revolver or semiautomatic) specified in the permit, unless  
13 otherwise specifically prohibited by law.

14           The permit shall specify the type of handgun for which the permit is issued as either a  
15 revolver or a semiautomatic. The permit shall not specify the calibre of the handgun. If  
16 an applicant applies for and qualifies under this Article to carry both types of handguns,  
17 the permit shall indicate that fact.

18           The permittee shall carry the permit and one other form of identification at all times  
19 the permittee is carrying a concealed handgun and shall display the permit and  
20 identification upon the request of a law enforcement officer.

21           (b) A permit does not authorize a person to carry a concealed handgun in the areas  
22 prohibited by G.S. 14-269.2, 14-269.3, 14-269.4, and 14-277.2 or in any area prohibited  
23 by § 922 of Title 18 of the U.S. Code or any other federal law.

24           (c) A person who is issued a permit shall notify the sheriff who issued the permit  
25 and the Division of Motor Vehicles of any change in the person's permanent address  
26 within 30 days after the change of address. The sheriff who issued the permit shall send  
27 copies of all records concerning the permit that are in his possession to the sheriff of the  
28 county of the permittee's new residence.

29           (d) A permit that is lost or destroyed is automatically invalid and the person to  
30 whom the permit was issued shall notify the sheriff who authorized the permit and the  
31 Division of Motor Vehicles. A person may obtain a duplicate permit by submitting to the  
32 Division of Motor Vehicles a statement from the sheriff that the permit was lost or  
33 destroyed and paying to the Division a fee equal to the fee set in G.S. 20-14 for issuing a  
34 duplicate drivers license.

35           (e) A permit to carry a concealed handgun issued by another state shall not  
36 authorize the permit holder to carry a concealed handgun in this State.

37 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

38           The sheriff shall issue an authorization for issuance of a permit to an applicant if the  
39 applicant qualifies under the following criteria:

40           (1) The applicant is a resident of the county and has been a resident for six  
41 months or longer immediately preceding the filing of the application.

42           (2) The applicant is 21 years of age or older.

- 1           (3)    The applicant is not ineligible to possess a handgun under § 922(g) or  
2           (n) of Title 18 of the U.S. Code or G.S. 14-415.1.
- 3           (4)    The applicant has not been indicted for or convicted of a felony and  
4           does not have proceedings pending for or a conviction of a violent  
5           misdemeanor or a violation of a misdemeanor under Article 8 of  
6           Chapter 14 of the General Statutes, or a violation of a misdemeanor  
7           under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4,  
8           14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1,  
9           14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12,  
10          14-288.13, 14-288.14, 14-318.2, or 14-415.19(a), and does not have  
11          proceedings pending and has not had an order entered against the  
12          applicant under G.S. 50B-3 in which the applicant is not the victim.
- 13          (5)    The applicant has not been committed or admitted to a private, State, or  
14          federal facility for the abuse of alcohol or a controlled substance listed  
15          in Article 5 of Chapter 90 of the General Statutes, or has waited three  
16          years from the date the applicant was discharged by a medical  
17          professional as no longer suffering from the abuse of alcohol or a  
18          controlled substance.
- 19          (6)    The applicant does not chronically and habitually use alcoholic  
20          beverages or a controlled substance listed in Article 5 of Chapter 90 of  
21          the General Statutes to the extent that the applicant's normal faculties  
22          are impaired. It shall be presumed that an applicant chronically and  
23          habitually uses alcoholic beverages or a controlled substance to the  
24          extent that the applicant's normal faculties are impaired if the applicant  
25          has been committed or admitted to a private, State, or federal facility as  
26          an alcoholic or a controlled substance dependent person within the  
27          three-year period immediately preceding the date on which the  
28          application is submitted.
- 29          (7)    The applicant has not been adjudicated incompetent under Article 1 of  
30          Subchapter I of Chapter 35A of the General Statutes, or has waited three  
31          years from the date the applicant's competency was restored by the court  
32          order under G.S. 35A-1130.
- 33          (8)    The applicant has not been voluntarily admitted or involuntarily  
34          committed to a mental institution pursuant to Part 7 of Article 5 of  
35          Chapter 122C of the General Statutes, unless the applicant possesses a  
36          certificate from a psychiatrist licensed in this State that the applicant has  
37          not suffered from disability for a period of three years.
- 38          (9)    The applicant has not been convicted of a second violation of driving  
39          while impaired under G.S. 20-138.1 or a similar law of another state,  
40          within four years of a previous conviction for the same offense or a  
41          similar offense in another state, or three years has elapsed since the  
42          second conviction.

- 1           (10) The applicant demonstrates proficiency in the use of the type of  
2           handgun (e.g. revolver or semiautomatic) for which the applicant is  
3           requesting a permit as provided in G.S. 14-415.13.

4 **"§ 14-415.13. Demonstration of competence with a handgun required.**

5           (a) An applicant shall demonstrate that the applicant is competent with the type of  
6           handgun (e.g. revolver or semiautomatic) for which the applicant has applied for a permit  
7           by any one of the following:

8           (1) Completion of any firearms safety and training course or class offered  
9           by law enforcement and available to the general public which involves  
10           the actual firing of handguns and instruction in the laws governing the  
11           use of deadly force.

12           (2) Completion of any law enforcement firearms safety and training course  
13           or class offered for security guards, investigators, special deputies, or  
14           any division or subdivision of law enforcement or security enforcement  
15           which involves the actual firing of handguns and instruction in the laws  
16           governing the use of deadly force.

17           (3) Completion of any firearms safety and training course or class offered  
18           by a community college or any other person or entity which involves the  
19           actual firing of handguns and instruction in the laws governing the use  
20           of deadly force and is taught by an instructor who is certified by the  
21           National Rifle Association or by the North Carolina Criminal Justice  
22           Education and Training Standards Commission or the North Carolina  
23           Sheriffs Education and Training Standards Commission.

24           (4) Participation in an organized shooting competition with a handgun of  
25           similar type to that for which the permit is sought.

26           (b) An applicant shall complete the firearms safety and training course required by  
27           subsection (a) of this section with a handgun of similar type (e.g. revolver or  
28           semiautomatic) to that for which the permit is sought. An applicant who has exhibited  
29           competence with more than one type handgun (e.g. revolver or semiautomatic) shall be  
30           issued a permit to carry more than one type of handgun (e.g. revolver or semiautomatic).

31           (c) The following shall constitute evidence of qualification under this section:

32           (1) A legible photocopy of a certificate of completion of any of the courses  
33           or classes or a notarized affidavit from the instructor who taught the  
34           course or class attesting to the successful completion of the course or  
35           class by the applicant and which specifies the type of handgun (e.g.  
36           revolver or semiautomatic) with which the applicant has completed the  
37           course; or

38           (2) A legible photocopy of any document which shows successful  
39           completion of the course or class or evidences participation in organized  
40           shooting competition which specifies the type of handgun (e.g. revolver  
41           or semiautomatic) with which the applicant has qualified.

42 **"§ 14-415.14. Application for permit.**

1       (a) A person shall apply to the sheriff of the county in which the person resides for  
2 authorization to obtain a concealed handgun permit. The applicant shall submit to the  
3 sheriff all of the following:

4           (1) An application, completed under oath, on a form provided by the  
5 sheriff's office and the authorization forms needed for release of  
6 information to the sheriff to complete his or her investigation.

7           (2) A nonrefundable permit fee of eighty-five dollars (\$85.00).

8           (3) A full set of fingerprints of the applicant administered by a law  
9 enforcement agency of this State. The actual cost of processing the set  
10 of fingerprints shall be borne by the applicant.

11           (4) A document verifying the applicant's competence with a handgun (e.g.  
12 revolver or semiautomatic) as described in G.S. 14-415.13(c).

13       (b) Fees payable under this section to the sheriff shall be administered by the  
14 county finance officer. The fees shall be used to defray the expenses of the sheriff's  
15 department.

16 **"§ 14-415.15. Issuance or denial of permit.**

17       (a) Within 45 days after receipt of the items listed in G.S. 14-415.14 from an  
18 applicant, the sheriff shall either issue or deny authorization for issuance of the permit.  
19 The sheriff may conduct an investigation necessary to determine the qualification or  
20 competency of the person applying for the permit, including record checks.

21       (b) If the person's application for a permit is approved by the sheriff, the person  
22 shall take the authorization form received from the sheriff to a Division of Motor  
23 Vehicles office that issues drivers licenses. Upon receipt of the authorization form and a  
24 fee of twenty dollars (\$20.00), the Division of Motor Vehicles shall issue the approved  
25 applicant a permit which shall be in a form similar to that of a drivers license, contain a  
26 color photograph of the applicant, and indicate the type of handgun (e.g. revolver or  
27 semiautomatic) the permit authorizes the permittee to carry concealed. The Division of  
28 Motor Vehicles shall assign a unique identification number to the permit which shall be  
29 the same as the permittee's drivers license number, if the permittee has a drivers license.  
30 The Division of Motor Vehicles shall promptly notify the sheriff that the permit has been  
31 issued. The fee paid to the Division of Motor Vehicles shall be credited to the Highway  
32 Fund and applied to the Division's cost of issuing the permit.

33       (c) The Division of Motor Vehicles shall maintain an automated listing of all  
34 persons issued a permit under this Article and shall also include that information in its  
35 data-base of motor vehicle registrations. The listing and other information concerning  
36 permits issued under this Article maintained by the Division is not a public record under  
37 the provisions of Chapter 132 of the General Statutes. The list of permittees shall be  
38 available on-line, upon request at all times to all law enforcement agencies through the  
39 North Carolina Division of Motor Vehicle records. However, the information that a  
40 person has a concealed handgun permit shall not be conveyed to out-of-state law  
41 enforcement officers conducting routine motor vehicle violation checks.

42       (d) A person's application for a permit shall be denied only if the applicant fails to  
43 qualify under the criteria listed in this Article. If the sheriff denies the application for a

1 permit, the sheriff shall notify the applicant in writing within ten days, stating the grounds  
2 for denial and informing the applicant of the right to appeal.

3 (e) The sheriff shall maintain a listing of issued permits which shall include the  
4 name of the person, the type of handgun permitted, and any information that would aid in  
5 the identification and location of the person, and that information shall be available upon  
6 request, at all times to all law enforcement agencies. Neither the listing of issued permits,  
7 the applications for permits, nor any other records in the sheriff's possession obtained  
8 with the authorization of an applicant supplied pursuant to G.S. 14-415.14(1), that were  
9 used in the consideration of the issuance of a permit, are public records under Chapter  
10 132 of the General Statutes.

11 (f) No liability nor cause of action of any nature arises against any sheriff or  
12 employee of any sheriff's department for granting or denial of authorization for issuance  
13 of a permit pursuant to this Article.

14 (g) If the sheriff denies authorization for issuance of a permit pursuant to this  
15 Article, the applicant may appeal the denial to the resident superior court judge sitting in  
16 the county of application. An applicant whose permit application is denied is entitled to  
17 copies of all records in the sheriff's possession that were used in reaching the decision to  
18 deny the permit. The sheriff may charge for the actual cost of making the copies. The  
19 applicant shall bear the burden of proof that the authorization was improperly denied.

20 **"§ 14-415.16. Renewal of permit.**

21 (a) The holder of a permit shall apply to renew the permit at least 45 days before  
22 its expiration date by filing with the sheriff of the county in which the person resides a  
23 renewal form provided by the sheriff's office, a notarized affidavit stating that the  
24 permittee remains qualified under the criteria provided in this Article, and a renewal fee  
25 of fifteen dollars (\$15.00). Upon receipt of the completed renewal application and  
26 appropriate payment of fees, the sheriff shall authorize the renewal of the permit if the  
27 person remains qualified. No additional demonstration of competence is required to  
28 renew a permit issued under this Article if the permit is to be renewed for the same type  
29 of handgun (e.g. revolver or semiautomatic) for which a person already has a permit. The  
30 provisions of G.S. 14-415.15 apply to the renewal of a permit.

31 If the person's renewal application is approved by the sheriff, the person shall take the  
32 authorization form received from the sheriff to a Division of Motor Vehicles office that  
33 issues drivers licenses. Upon receipt of the renewal authorization form and a fee of  
34 twenty dollars (\$20.00), the Division of Motor Vehicles shall issue the renewed permit in  
35 the same manner as the original permit. The Division of Motor Vehicles shall promptly  
36 notify the sheriff that the renewed permit has been issued. The fee paid to the Division of  
37 Motor Vehicles shall be credited to the Highway Fund and applied to the Division's cost  
38 of issuing the permit.

39 (b) Upon the expiration of a permit, there is a six-month grace period that begins  
40 on the expiration date of the permit. A person who fails to apply to renew the permit at  
41 least 45 days before the expiration date of the permit may renew the permit as provided  
42 under subsection (a) of this section if the person applies for renewal prior to its expiration  
43 date or during the six-month grace period. The applicant will pay a late fee of fifteen

1 dollars (\$15.00) in addition to the renewal fee of fifteen dollars (\$15.00) if the sheriff is  
2 unable to issue the permit by the expiration date or if the applicant applies after the  
3 expiration date.

4 (c) No permit shall be renewed more than six months after its expiration date. A  
5 person whose permit has been expired more than six months may apply for a new permit  
6 as provided by this Article.

7 **"§ 14-415.17. Revocation or suspension of permit.**

8 (a) A permit issued under this Article is automatically revoked if the permittee  
9 becomes ineligible under the criteria set forth in this Article, and the permittee shall  
10 immediately return the permit to the sheriff of the permittee's county of residence. If the  
11 permittee does not return the permit, the sheriff shall take possession of the permit. An  
12 appeal of a revocation shall follow the procedure set forth in G.S. 14-415.15(g).

13 (b) A permit issued under this Article shall be suspended if a permittee is charged  
14 with a crime that would disqualify the permittee from having a permit under this Article,  
15 or upon commencement of a proceeding against the applicant under Article 1 of  
16 Subchapter I of Chapter 35A of the General Statutes or under Part 7 of Article 5 of  
17 Chapter 122C of the General Statutes. The permittee shall, upon being charged with such  
18 a crime, or upon commencement of a proceeding against the applicant under Article 1 of  
19 Subchapter I of Chapter 35A of the General Statutes or under Part 7 of Article 5 of  
20 Chapter 122C of the General Statutes, surrender the permit to the sheriff of the  
21 permittee's county of residence. If the individual does not surrender the permit, the  
22 sheriff shall take possession of it. Upon final disposition of the charge or proceeding, if  
23 the applicant is convicted of the crime, adjudicated incompetent, or committed to a  
24 mental institution, the permit shall be revoked. Any appeal of a suspension or revocation  
25 shall follow the procedure set forth in G.S. 14-415.15(g).

26 (c) The processing of an application for a permit shall be suspended if the  
27 applicant is charged with a crime that would disqualify the applicant from having a  
28 permit under this Article or upon commencement of a proceeding against the applicant  
29 under Article 1 of Subchapter I of Chapter 35A of the General Statutes or under Part 7 of  
30 Article 5 of Chapter 122C of the General Statutes. Upon final disposition of the charge  
31 or proceeding, if the applicant is convicted of the crime, adjudicated incompetent, or  
32 committed to a mental institution, the application shall be denied. Any appeal of the  
33 denial shall follow the procedure set forth in G.S. 14-415.15(g).

34 (d) The clerk of superior court shall notify the sheriff of any charge or conviction  
35 of any felony, of any charge or conviction of any misdemeanor which would disqualify a  
36 person from the issuance of a permit, of any entry of an order pursuant to the provisions  
37 of G.S. 50B-3, of any commencement of proceedings or adjudication of incompetency  
38 under Article 1 of Subchapter I of Chapter 35A of the General Statutes, or of any  
39 commencement of proceedings or involuntary commitment pursuant to Part 7 of Article 5  
40 of Chapter 122C of the General Statutes.

41 (e) A permit issued under this Article shall be revoked if the permittee becomes  
42 physically unable to safely use a handgun, and the sheriff shall take possession of that

1 permit. Any appeal of a revocation pursuant to this subsection shall follow the procedure  
2 set forth in G.S. 14-415.15(g).

3 **"§ 14-415.18. Application form.**

4 (a) The sheriff shall make available the following permit application form:

5 **CONCEALED HANDGUN PERMIT**  
6 **APPLICATION FORM**

7  
8 WARNING: THIS APPLICATION IS EXECUTED UNDER OATH. A MATERIALLY  
9 FALSE ANSWER TO ANY QUESTION, OR THE SUBMISSION OF ANY  
10 MATERIALLY FALSE DOCUMENT BY THE APPLICANT SHALL SUBJECT THE  
11 APPLICANT TO CRIMINAL PROSECUTION.

12  
13 (1)

14 Last Name      First Name      Middle Name

15 (2)

16 Street Address

17  
18 City      County      State      Zip Code

19 (3) Have you lived at this address for two years or more?

20 (4) If not, list addresses for the previous two years:

21  
22 (5)

23 Mailing Address if different from above address

24 (6)

25 Place of Birth (City, State, and Country)

26 (7)

27 Date of Birth      Race      Gender

28 (8)

29 Drivers License Number      Social Security Number

30 (9) Have you ever been committed or admitted to a mental institution or a facility  
31 for the treatment of alcoholism or controlled substance  
32 dependency? \_\_\_\_\_

33 If the answer is yes, supply the name and address of each institution or facility and dates  
34 of admission and discharge. Use a separate sheet of paper.

35 (10) Indicate below the type of handgun for which this permit  
36 is to be issued:

37 Revolver \_\_\_\_\_ Semiautomatic \_\_\_\_\_ Both \_\_\_\_\_

38 (11) Are you proficient in the use of that handgun? \_\_\_\_\_

39 (12) The following is a list of the criteria that must be satisfied in order to be issued  
40 a concealed handgun permit in North Carolina. Please read the list and then indicate  
41 whether you are, to the best of your knowledge in compliance with all of the listed  
42 criteria.



- 1           a.     The applicant is a resident of the county and has been a resident for six  
2           months or longer immediately preceding the filing of the application.
- 3           b.     The applicant is 21 years of age or older.
- 4           c.     The applicant is not ineligible to possess a handgun under § 922(g) or  
5           (n) of Title 18 of the U.S. Code or G.S. 14-415.1.
- 6           d.     The applicant has not been indicted for or convicted of a felony and  
7           does not have proceedings pending for or a conviction of a violent  
8           misdemeanor or a violation of a misdemeanor under Article 8 of  
9           Chapter 14 of the General Statutes, or a violation of a misdemeanor  
10           under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4,  
11           14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1,  
12           14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12,  
13           14-288.13, 14-288.14, 14-318.2, or 14-415.19(a), and does not have  
14           proceedings pending and has not had an order entered against the  
15           applicant under G.S. 50B-3 in which the applicant is not the victim.
- 16           e.     The applicant has not been committed or admitted to a private, State, or  
17           federal facility for the abuse of alcohol or a controlled substance listed  
18           in Article 5 of Chapter 90 of the General Statutes, or has waited three  
19           years from the date the applicant was discharged by a medical  
20           professional as no longer suffering from the abuse of alcohol or a  
21           controlled substance.
- 22           f.     The applicant does not chronically and habitually use alcoholic  
23           beverages or a controlled substance listed in Article 5 of Chapter 90 of  
24           the General Statutes to the extent that the applicant's normal faculties  
25           are impaired. It shall be presumed that an applicant chronically and  
26           habitually uses alcoholic beverages or a controlled substance to the  
27           extent that the applicant's normal faculties are impaired if the applicant  
28           has been committed or admitted to a private, State, or federal facility as  
29           an alcoholic or a controlled substance dependent person within the  
30           three-year period immediately preceding the date on which the  
31           application is submitted.
- 32           g.     The applicant has not been adjudicated incompetent under Article 1 of  
33           Subchapter I of Chapter 35A of the General Statutes, or has waited three  
34           years from the date the applicant's competency was restored by the court  
35           order under G.S. 35A-1130.
- 36           h.     The applicant has not been voluntarily admitted or involuntarily  
37           committed to a mental institution pursuant to Part 7 of Article 5 of  
38           Chapter 122C of the General Statutes, unless the applicant possesses a  
39           certificate from a psychiatrist licensed in this State that the applicant has  
40           not suffered from disability for a period of three years.
- 41           i.     The applicant has not been convicted of a second violation of driving  
42           while impaired under G.S. 20-138.1 or a similar law of another state,  
43           within four years of a previous conviction for the same offense or a

1 similar offense in another state, or three years has elapsed since the  
2 second conviction.

3 j. The applicant demonstrates proficiency in the use of the type of  
4 handgun (e.g. revolver or semiautomatic) for which the applicant is  
5 requesting a permit as provided in G.S. 14-415.13.

6 Are you in compliance with all of the criteria listed above?

7 YES \_\_\_\_\_ NO \_\_\_\_\_

8  
9 I, (Name of applicant) do swear (or affirm) that to the best of my knowledge I comply  
10 with all of the criteria listed above. I do further swear (or affirm) that all of the  
11 information I have provided on this application and any attachments is true to the best of  
12 my knowledge. I further acknowledge that I have been furnished a copy of Article 54B of  
13 Chapter 14 of the General Statutes of North Carolina (Concealed Handgun Permits) and  
14 that I am knowledgeable of its provisions.

15  
16  
17 Signature Date

18 Seal-Stamp North Carolina, \_\_\_\_\_ County

19 I, a Notary Public of the County and State aforesaid certify  
20 that \_\_\_\_\_, personally appeared before me this day and swore to  
21 (or affirmed) and signed the foregoing application. Witness my hand  
22 and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_.

23  
24 My Commission expires:

25 Notary Public

26 (b) At the time the applicant submits the application specified in subsection (a) of  
27 this section, the applicant must complete and sign a form provided by the sheriff which  
28 will authorize the sheriff to obtain any confidential records of the applicant which are  
29 necessary to investigate any criteria which must be satisfied in order for the permit to be  
30 authorized. The applicant must complete and sign any additional forms required for the  
31 sheriff's investigation upon notification by the sheriff that they are necessary. Any  
32 information obtained from the sheriff from the use of the authorization forms required  
33 under this subsection is confidential and is not a public record under Chapter 132 of the  
34 General Statutes.

35 **"§ 14-415.19. Violations of this Article; punishments.**

36 (a) Unless a person's conduct is covered under some other provision of law  
37 providing greater punishment, a person who commits the following is guilty of a Class 3  
38 misdemeanor:

39 (1) Fails to have in the person's possession the valid permit that has been  
40 issued to the person and one other valid form of identification whenever  
41 actually carrying a concealed handgun.

42 (2) Carries a concealed handgun of a type which the person's permit does  
43 not authorize.

1           (3)    Carries a concealed handgun while consuming any amount of alcoholic  
2                    beverage or other impairing substance.

3           (b)    Unless a person's conduct is covered under some other provision of law  
4 providing greater punishment, a person who commits any of the following is guilty of a  
5 Class I felony:

6           (1)    Gives false information to obtain a permit.

7           (2)    Possesses and uses a permit that has been revoked or suspended.

8           (3)    Intentionally alters or counterfeits a permit.

9           (4)    Sells, gives, or transfers a permit to another person.

10 **"§ 14-415.20. Preemption doctrine.**

11           This Article applies throughout the State, and no county or municipality may pass an  
12 ordinance which is in conflict with this Article. Any existing ordinance in conflict with  
13 this Article is unenforceable to the extent of the conflict. Any local act in conflict with  
14 the provisions of this Article is repealed to the extent of the conflict. Nothing contained  
15 in this Article prohibits municipalities or counties from enacting ordinances under the  
16 authority of G.S. 14-288.12, 14-288.13, or 14-288.14.

17 **"§ 14-415.21. Construction of Article.**

18           This Article shall not be construed to require a person who may carry a concealed  
19 weapon under the provisions of G.S. 14-269(b) to obtain a concealed handgun permit.

20 **"§ 14-415.22. Fees.**

21           The sheriff shall remit one dollar (\$1.00) of each fee received for a permit to the State  
22 Treasurer to be credited to the General Fund. It is the intent of the General Assembly that  
23 these funds be used to support firearm safety and training courses throughout the State.

24 **"§ 14-415.23. Reports by law enforcement on use of concealed handguns.**

25           A law enforcement officer who has evidence of the use of a handgun by a person who  
26 has a concealed handgun permit in a manner that deters or prevents a crime or in a  
27 manner that threatens the safety of others shall report this to the Office of the Attorney  
28 General. The report shall describe the circumstances of the use."

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

30 **"§ 14-269. Carrying concealed weapons.**

31           (a)    It shall be unlawful for any person, ~~except when on his own premises,~~ person  
32 willfully and intentionally to carry concealed about his person any bowie knife, dirk,  
33 dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, pistol, gun  
34 or other deadly weapon of like kind. ~~kind,~~ except in the following circumstances:

35           (1)    The person is on the person's own premises.

36           (2)    The deadly weapon is a handgun and the person has a concealed  
37 handgun permit issued in accordance with Article 54B of this Chapter.

38 This section does not apply to an ordinary pocket knife carried in a closed position. As  
39 used in this section, 'ordinary pocket knife' means a small knife, designed for carrying in  
40 a pocket or purse, which has its cutting edge and point entirely enclosed by its handle,  
41 and that may not be opened by a throwing, explosive or spring action.

42           (b)    This prohibition shall not apply to the following persons:

- 1 (1) Officers and enlisted personnel of the armed forces of the United States  
2 when in discharge of their official duties as such and acting under orders  
3 requiring them to carry arms and weapons;
- 4 (2) Civil officers of the United States while in the discharge of their official  
5 duties;
- 6 (3) Officers and soldiers of the militia and the national guard when called  
7 into actual service;
- 8 (4) Officers of the State, or of any county, city, or town, charged with the  
9 execution of the laws of the State, when acting in the discharge of their  
10 official duties;
- 11 (5) Full-time sworn ~~law enforcement~~ North Carolina law enforcement  
12 officers when off-duty, in the jurisdiction where they are assigned, and  
13 within the State if:
- 14 a. Written regulations authorizing the carrying of concealed  
15 weapons have been filed with the clerk of superior court in the  
16 county where the ~~law enforcement~~ law enforcement unit is located  
17 by the sheriff or chief of police or other superior officer in ~~charge;~~  
18 ~~and charge;~~
- 19 b. Such regulations specifically prohibit the carrying of concealed  
20 weapons while the officer is consuming or under the influence of  
21 alcoholic ~~beverages~~ beverages; and
- 22 c. The full-time sworn law enforcement officer is not in violation of  
23 the written regulations.
- 24 (b1) It is a defense to a prosecution under this section that:
- 25 (1) The weapon was not a firearm;
- 26 (2) The defendant was engaged in, or on the way to or from, an activity in  
27 which he legitimately used the weapon;
- 28 (3) The defendant possessed the weapon for that legitimate use; and
- 29 (4) The defendant did not use or attempt to use the weapon for an illegal  
30 purpose.

31 The burden of proving this defense is on the defendant.

32 (c) Any person convicted of violating the provisions of this section by carrying  
33 concealed any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles,  
34 razor, shurikin, stun gun, gun, or other deadly weapon of like kind shall be guilty of a  
35 Class 2 misdemeanor.

36 (c1) Any person convicted of violating the provisions of this section by carrying  
37 concealed a handgun shall be guilty of a Class I felony.

38 (d) This section does not apply to an ordinary pocket knife carried in a closed  
39 position. As used in this section, 'ordinary pocket knife' means a small knife, designed  
40 for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by  
41 its handle, and that may not be opened by a throwing, explosive, or spring action."

42 Sec. 2.1. G.S. 14-269 reads as rewritten:

43 "**§ 14-269. Carrying concealed weapons.**

1 (a) It shall be unlawful for any ~~person, except when on his own premises, person~~  
2 willfully and intentionally to carry concealed about his person any bowie knife, dirk,  
3 dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, pistol, gun  
4 or other deadly weapon of like ~~kind.~~ kind, except in the following circumstances:

5 (1) The person is on the person's own premises.

6 (2) The deadly weapon is a handgun and the person has a concealed  
7 handgun permit issued in accordance with Article 54B of this Chapter.

8 ~~This section does not apply to an ordinary pocket knife carried in a closed position. As~~  
9 ~~used in this section, 'ordinary pocket knife' means a small knife, designed for carrying in~~  
10 ~~a pocket or purse, which has its cutting edge and point entirely enclosed by its handle,~~  
11 ~~and that may not be opened by a throwing, explosive or spring action.~~

12 (b) This prohibition shall not apply to the following persons:

13 (1) Officers and enlisted personnel of the armed forces of the United States  
14 when in discharge of their official duties as such and acting under orders  
15 requiring them to carry arms and weapons;

16 (2) Civil officers of the United States while in the discharge of their official  
17 duties;

18 (3) Officers and soldiers of the militia and the national guard when called  
19 into actual service;

20 (4) Officers of the State, or of any county, city, or town, charged with the  
21 execution of the laws of the State, when acting in the discharge of their  
22 official duties;

23 (5) Full-time sworn law enforcement North Carolina law enforcement  
24 officers when off-duty, in the jurisdiction where they are assigned, and  
25 within the State if:

26 a. Written regulations authorizing the carrying of concealed  
27 weapons have been filed with the clerk of superior court in the  
28 county where the ~~law enforcement~~ law enforcement unit is located  
29 by the sheriff or chief of police or other superior officer in ~~charge;~~  
30 ~~and charge;~~

31 b. Such regulations specifically prohibit the carrying of concealed  
32 weapons while the officer is consuming or under the influence of  
33 alcoholic ~~beverages~~ beverages; and

34 c. The full-time sworn law enforcement officer is not in violation of  
35 the written regulations.

36 (b1) It is a defense to a prosecution under this section that:

37 (1) The weapon was not a firearm;

38 (2) The defendant was engaged in, or on the way to or from, an activity in  
39 which he legitimately used the weapon;

40 (3) The defendant possessed the weapon for that legitimate use; and

41 (4) The defendant did not use or attempt to use the weapon for an illegal  
42 purpose.

43 The burden of proving this defense is on the defendant.

1 (c) Any person convicted of violating the provisions of this section shall be guilty  
2 of a Class 2 misdemeanor.

3 (d) This section does not apply to an ordinary pocket knife carried in a closed  
4 position. As used in this section, 'ordinary pocket knife' means a small knife, designed  
5 for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by  
6 its handle, and that may not be opened by a throwing, explosive, or spring action."

7 Sec. 3. G.S. 14-269.2(g) reads as rewritten:

8 "(g) This section shall not apply to:

9 (1) A weapon used solely for educational or school-sanctioned ceremonial  
10 purposes, or used in a school-approved program conducted under the  
11 supervision of an adult whose supervision has been approved by the  
12 school authority;

13 (2) Armed forces personnel, officers and soldiers of the militia and national  
14 guard, law-enforcement personnel, and any private police employed by  
15 an educational institution, when acting in the discharge of their official  
16 duties; ~~or~~

17 (3) Home schools as defined in G.S. ~~415C-563(a)~~-115C-563(a); or

18 (4) A handgun on educational property, except property on which any of  
19 the grades kindergarten through 12 are taught, used in connection with a  
20 firearms safety or training course or class described in G.S. 14-  
21 415.13(a)."

22 Sec. 4. G.S. 14-269.3(b) reads as rewritten:

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

24 (1) A person exempted from the provisions of G.S. 14-269;

25 (2) The owner or lessee of the premises or business establishment;

26 (3) A person participating in the event, if he is carrying a gun, rifle, or pistol  
27 with the permission of the owner, lessee, or person or organization  
28 sponsoring the event; ~~and~~

29 (4) A person registered or hired as a security guard by the owner, lessee, or  
30 person or organization sponsoring the ~~event~~-event;

31 (5) A person carrying a concealed handgun for which the person has a valid  
32 permit issued pursuant to Article 54B of this Chapter, on the premises  
33 of a hotel, or a restaurant that serves alcoholic beverages but that is  
34 substantially engaged in the business of preparing and serving meals;  
35 and

36 (6) A person carrying a concealed handgun for which the person has a valid  
37 permit issued pursuant to Article 54B of this Chapter, on the premises  
38 of an indoor theater or concert hall which seats 1200 people or less."

39 Sec. 5. G.S. 20-2(b) reads as rewritten:

40 "(b) Rules. – The Commissioner may adopt rules to implement ~~this Chapter~~-the  
41 following:

42 (1) This Chapter.

1           (2)    The provisions of Article 54B of Chapter 14 of the General Statutes that  
2                    apply to the Division.

3 Chapter 150B of the General Statutes governs the adoption of rules by the  
4 Commissioner."

5            Sec. 5.1. The Office of the Attorney General shall study the effects of this act.  
6 The study shall review the number of permits denied, issued, and revoked and any data  
7 on the use of concealed handguns by those who have permits to carry concealed  
8 handguns. The data shall include, to the extent available, instances where a crime was  
9 prevented by a person who was carrying a concealed handgun pursuant to a permit, a  
10 child or another person was accidentally injured by a handgun carried by a person with a  
11 concealed handgun permit, or a handgun was used inappropriately by a person with a  
12 concealed weapon permit. The study shall also attempt to determine the effect of the act  
13 on crime in the State and on the safety of the public. The Attorney General's Office shall  
14 report the results of its study to the General Assembly by January 1, 1999.

15            Sec. 6. This act becomes effective July 1, 1996, and applies to prosecutions for  
16 offenses committed on or after that date, except Section 2 of this act, which becomes  
17 effective July 1, 1997, and applies to offenses committed on or after that date. Section  
18 2.1 of this act expires on June 30, 1997.