

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

4

HOUSE BILL 90
Committee Substitute Favorable 4/19/95
Committee Substitute #2 Favorable 5/1/95
Fourth Edition Engrossed 5/3/95

Short Title: Concealed Handgun Permit.

(Public)

Sponsors:

Referred to:

February 1, 1995

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

The General Assembly of North Carolina enacts:

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

"ARTICLE 54B.

"CONCEALED HANDGUN PERMIT.

"§ 14-415.10. Definitions.

The following definitions apply to this Article:

1 (1) Carry a concealed handgun. – The term includes possession of a
2 concealed handgun.

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

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

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

8 **"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

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

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

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

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

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

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

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

39 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

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

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

1 within four years of a previous conviction for the same offense or a
2 similar offense in another state, or three years has elapsed since the
3 second conviction.

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

7 **"§ 14-415.13. Demonstration of competence with a handgun required.**

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

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

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

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

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

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

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

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

- 41 (2) A legible photocopy of any document which shows successful
42 completion of the course or class or evidences participation in organized

1 shooting competition which specifies the type of handgun (e.g. revolver
2 or semiautomatic) with which the applicant has qualified.

3 **"§ 14-415.14. Application for permit.**

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

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

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

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

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

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

19 **"§ 14-415.15. Issuance or denial of permit.**

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

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

36 (c) The Division of Motor Vehicles shall maintain an automated listing of all
37 persons issued a permit under this Article and shall also include that information in its
38 data-base of motor vehicle registrations. The listing and other information concerning
39 permits issued under this Article maintained by the Division is a public record under the
40 provisions of Chapter 132 of the General Statutes. The list of permittees shall be
41 available on-line, upon request at all times to all law enforcement agencies through the
42 North Carolina Division of Motor Vehicle records. However, the information that a

1 person has a concealed handgun permit shall not be conveyed to out-of-state law
2 enforcement officers conducting routine motor vehicle violation checks.

3 (d) A person's application for a permit shall be denied only if the applicant fails to
4 qualify under the criteria listed in this Article. If the sheriff denies the application for a
5 permit, the sheriff shall notify the applicant in writing within ten days, stating the grounds
6 for denial and informing the applicant of the right to appeal.

7 (e) The sheriff shall maintain a listing of issued permits which shall include the
8 name of the person, the type of handgun permitted, and any information that would aid in
9 the identification and location of the person, and that information shall be available upon
10 request, at all times to all law enforcement agencies. The listing of issued permits shall
11 be a public record under Chapter 132 of the General Statutes.

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

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

21 **"§ 14-415.16. Renewal of permit.**

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

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

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

1 date or during the six-month grace period. The applicant will pay a late fee of fifteen
2 dollars (\$15.00) in addition to the renewal fee of fifteen dollars (\$15.00) if the sheriff is
3 unable to issue the permit by the expiration date or if the applicant applies after the
4 expiration date.

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

8 **"§ 14-415.17. Revocation or suspension of permit.**

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

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

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

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

42 (e) A permit issued under this Article shall be revoked if the permittee becomes
43 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) Are you a citizen of the United States?

27 (8)

28 Date of Birth Race Gender

29 (9)

30 Drivers License Number Social Security Number

31 (10) Have you ever been committed or admitted to a mental institution or a facility
32 for the treatment of alcoholism or controlled substance
33 dependency? _____

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

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

38 Revolver _____ Semiautomatic _____ Both _____

39 (12) Are you proficient in the use of that handgun? _____

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

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

1 within four years of a previous conviction for the same offense or a
2 similar offense in another state, or three years has elapsed since the
3 second conviction.

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

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

8 YES NO

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

16
17
18 Signature Date

19 Seal-Stamp North Carolina, County

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

24
25 My Commission expires:

26 Notary Public

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

36 **"§ 14-415.19. Violations of this Article; punishments.**

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

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

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

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

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

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

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

10 (3) Intentionally alters or counterfeits a permit.

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

12 **"§ 14-415.20. Preemption doctrine.**

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

19 **"§ 14-415.21. Construction of Article.**

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

22 **"§ 14-415.22. Fees.**

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

26 **"§ 14-415.23. Reports by law enforcement on use of concealed handguns.**

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

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

32 **"§ 14-269. Carrying concealed weapons.**

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

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

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

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

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

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

33 (c) Any person convicted of violating the provisions of this section shall be guilty

34 of a Class 2 misdemeanor.

35 (d) This section does not apply to an ordinary pocket knife carried in a closed

36 position. As used in this section, 'ordinary pocket knife' means a small knife, designed

37 for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by

38 its handle, and that may not be opened by a throwing, explosive, or spring action."

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

- 40 "(g) This section shall not apply to:
- 41 (1) A weapon used solely for educational or school-sanctioned ceremonial
- 42 purposes, or used in a school-approved program conducted under the

1 supervision of an adult whose supervision has been approved by the
2 school authority;

3 (2) Armed forces personnel, officers and soldiers of the militia and national
4 guard, law-enforcement personnel, and any private police employed by
5 an educational institution, when acting in the discharge of their official
6 duties; or

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

8 (4) A handgun on educational property, except property on which any of
9 the grades kindergarten through 12 are taught, used in connection with a
10 firearms safety or training course or class described in G.S. 14-
11 415.13(a)."

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

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

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

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

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

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

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

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

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

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

32 (1) This Chapter.

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

35 Chapter 150B of the General Statutes governs the adoption of rules by the
36 Commissioner."

37 Sec. 5.1. The Office of the Attorney General shall study the effects of this act.
38 The study shall review the number of permits denied, issued, and revoked and any data
39 on the use of concealed handguns by those who have permits to carry concealed
40 handguns. The data shall include, to the extent available, instances where a crime was
41 prevented by a person who was carrying a concealed handgun pursuant to a permit, a
42 child or another person was accidentally injured by a handgun carried by a person with a
43 concealed handgun permit, or a handgun was used inappropriately by a person with a

1 concealed weapon permit. The study shall also attempt to determine the effect of the act
2 on crime in the State and on the safety of the public. The Attorney General's Office shall
3 report the results of its study to the General Assembly by January 1, 1999.

4 Sec. 6. This act becomes effective July 1, 1996, and applies to offenses
5 committed on or after that date.