

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH80294-LH-148C (03/14)

Short Title: Amend Various Firearms Laws.

(Public)

Sponsors: Representatives Schaffer, Burr, Faircloth, and Cleveland (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON THE PREMISES OF A COMMUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO LIVES ON CAMPUS AND HAS A CONCEALED HANDGUN PERMIT MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; AND TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269 is amended by adding a new subsection to read:

"(a2) This prohibition does not apply to a person who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, provided the firearm is in a closed compartment or container within the person's locked vehicle and the vehicle is in a parking area that is owned or leased by State government. A person may unlock the vehicle to enter or exit the vehicle, provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit."

SECTION 2. G.S. 14-269.2 is amended by adding the following new subsections to read:

"(i) The provisions of this section shall not apply to an employee of a public institution of higher education who resides on the campus of the institution at which the person is



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1 employed and has a concealed handgun permit that is valid under Article 54B of this Chapter
2 when all of the following criteria are met:

3 (1) The weapon is a handgun and is either on the premises of the employee's
4 residence or is in a closed compartment or container within the employee's
5 locked vehicle that is located in a parking area of the educational property of
6 the public institution of higher education at which the person is employed
7 and resides.

8 (2) The handgun remains at all times either on the premises of the employee's
9 residence or in the closed compartment of the employee's locked vehicle.
10 The employee may unlock the vehicle to enter or exit, but must lock the
11 vehicle immediately following the entrance or exit.

12 (j) The provisions of this section shall not apply to a person who has a concealed
13 handgun permit that is valid under Article 54B of this Chapter when all of the following criteria
14 are met: (i) the weapon is a handgun, (ii) the handgun is in a locked compartment or container
15 within the person's vehicle, and (iii) the vehicle is on the educational property of a community
16 college, public college, or public university."

17 **SECTION 3.** G.S. 14-269.3(b) reads as rewritten:

18 "(b) This section shall not apply to any of the following:

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

20 (2) The owner or lessee of the premises or business ~~establishment;~~establishment.

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

24 (4) A person registered or hired as a security guard by the owner, lessee, or
25 person or organization sponsoring the event.

26 (5) A person carrying a handgun if the person has a valid concealed handgun
27 permit issued in accordance with Article 54B of this Chapter, has a
28 concealed handgun permit considered valid under G.S. 14-415.24, or is
29 exempt from obtaining a permit pursuant to G.S. 14-415.25. This
30 subdivision shall not be construed to permit a person to carry a handgun on
31 any premises where the person in legal possession or control of the premises
32 has posted a conspicuous notice prohibiting the carrying of a concealed
33 handgun on the premises in accordance with G.S. 14-415.11(c)."

34 **SECTION 4.** G.S. 14-316 reads as rewritten:

35 "**§ 14-316. Permitting young children to use dangerous firearms**

36 (a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to
37 knowingly permit ~~his~~ a child under the age of 12 years to have ~~the~~ access to, or possession,
38 custody or use in any manner whatever, of, any gun, pistol or other dangerous firearm, whether
39 such weapon be loaded or unloaded, except when such child is under the supervision of the
40 parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to
41 knowingly furnish such child any weapon enumerated herein. ~~Any person violating the~~
42 ~~provisions of this section shall be guilty of a Class 2 misdemeanor.~~

43 (a1) It shall be unlawful for any person to knowingly permit a child under 12 years of
44 age to have the access to, or possession, custody, or use in any manner whatever, of any gun,
45 pistol or other dangerous firearm, whether such weapon be loaded or unloaded, without consent
46 from the child's parent, guardian, or person acting in loco parentis and without providing
47 adequate supervision.

48 (a2) Any person violating the provisions of this section shall be guilty of a Class 2
49 misdemeanor.

50 (b) Air rifles, air pistols, and BB guns shall not be deemed "dangerous firearms" within
51 the meaning of subsection (a) of this section except in the following counties: Anson, Caldwell,

1 Caswell, Chowan, Cleveland, Cumberland, Durham, Forsyth, Gaston, Harnett, Haywood,
2 Mecklenburg, Stanly, Stokes, Surry, Union, Vance."

3 **SECTION 5.** G.S. 15A-1340.16A reads as rewritten:

4 "**§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D,**
5 **or E felony and the defendant used, displayed, or threatened to use or display a**
6 **firearm or deadly weapon during the commission of the felony.**

7 (a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

8 (c) If a person is convicted of a ~~Class A, B1, B2, C, D, or E~~ felony and it is found as
9 provided in this section that: (i) the person committed the felony by using, displaying, or
10 threatening the use or display of a firearm or deadly weapon and (ii) the person actually
11 possessed the firearm or deadly weapon about his or her person, then the person shall have the
12 minimum term of imprisonment to which the person is sentenced for that felony increased ~~by~~
13 ~~60 months. The maximum term of imprisonment shall be the maximum term that corresponds~~
14 ~~to the minimum term after it is increased by 60 months, as specified in G.S. 15A-1340.17(e)~~
15 ~~and (e1).~~ as follows:

16 (1) If the felony is a Class A, B1, B2, C, D, or E felony, the minimum term of
17 imprisonment to which the person is sentenced for that felony shall be
18 increased by 72 months. The maximum term of imprisonment shall be the
19 maximum term that corresponds to the minimum term after it is increased by
20 72 months, as specified in G.S. 15A-1340.17(e) and (e1).

21 (2) If the felony is a Class F or G felony, the minimum term of imprisonment to
22 which the person is sentenced for that felony shall be increased by 36
23 months. The maximum term of imprisonment shall be the maximum term
24 that corresponds to the minimum term after it is increased by 36 months, as
25 specified in G.S. 15A-1340.17(d).

26 (3) If the felony is a Class H or I felony, the minimum term of imprisonment to
27 which the person is sentenced for that felony shall be increased by 12
28 months. The maximum term of imprisonment shall be the maximum term
29 that corresponds to the minimum term after it is increased by 12 months, as
30 specified in G.S. 15A-1340.17(d).

31 (d) An indictment or information for the ~~Class A, B1, B2, C, D, or E~~ felony shall allege
32 in that indictment or information the facts set out in subsection (c) of this section. The pleading
33 is sufficient if it alleges that the defendant committed the felony by using, displaying, or
34 threatening the use or display of a firearm or deadly weapon and the defendant actually
35 possessed the firearm or deadly weapon about the defendant's person. One pleading is sufficient
36 for all ~~Class A, B1, B2, C, D, or E~~ felonies that are tried at a single trial.

37 (e) The State shall prove the issues set out in subsection (c) of this section beyond a
38 reasonable doubt during the same trial in which the defendant is tried for the felony unless the
39 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest
40 to the felony but pleads not guilty to the issues set out in subsection (c) of this section, then a
41 jury shall be impaneled to determine the issues.

42 (f) Subsection (c) of this section does not apply if the evidence of the use, display, or
43 threatened use or display of the firearm or deadly weapon is needed to prove an element of the
44 felony or if the person is not sentenced to an active term of imprisonment."

45 **SECTION 6.** G.S. 14-415.23 reads as rewritten:

46 "**§ 14-415.23. Statewide uniformity.**

47 (a) It is the intent of the General Assembly to prescribe a uniform system for the
48 regulation of legally carrying a concealed handgun. To insure uniformity, no political
49 subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal
50 corporation, town, township, village, nor any department or agency thereof, may enact
51 ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of

1 local government may adopt an ordinance to permit the posting of a prohibition against
2 carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government
3 buildings and their appurtenant premises.

4 (b) A unit of local government may adopt an ordinance to prohibit, by posting, the
5 carrying of a concealed handgun on municipal and county recreational facilities that are
6 specifically identified by the unit of local government. If a unit of local government adopts
7 such an ordinance with regard to recreational facilities, then the concealed handgun permittee
8 may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other
9 enclosed compartment or area within or on the motor vehicle.

10 (c) For purposes of this section, the term "recreational facilities" includes only the
11 following: ~~a playground, an athletic field, a swimming pool, and an athletic facility.~~

12 (1) An athletic field, including any appurtenant facilities such as restrooms,
13 during an organized athletic event if the field had been scheduled for use
14 with the municipality or county office responsible for operation of the park
15 or recreational area.

16 (2) A swimming pool, including any appurtenant facilities used for dressing,
17 storage of personal items, or other uses relating to the swimming pool.

18 (3) A facility used for athletic events, including, but not limited to, a
19 gymnasium.

20 (d) For the purposes of this section, the term "recreational facilities" does not include
21 any greenway, designated biking or walking path, an area that is customarily used as a
22 walkway or bike path although not specifically designated for such use, open areas or fields
23 where athletic events may occur unless the area qualifies as an "athletic field" pursuant to
24 subdivision (1) of subsection (c) of this section, and any other area that is not specifically
25 described in subsection (c) of this section."

26 **SECTION 7.** This act becomes effective December 1, 2013, and applies to
27 offenses committed on or after that date.