

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 1231

Short Title: Certain Law Officers/Waive Handgun Permit. (Public)

Sponsors: Representatives Gibson, Daughtridge (Primary Sponsors); Faison, Hurley, and R. Warren.

Referred to: Judiciary I.

March 29, 2007

A BILL TO BE ENTITLED

1 AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED
2 HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN
3 PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED
4 HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW
5 ENFORCEMENT OFFICERS.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 17C-2 is amended by adding a new subdivision to read:

9 "(5) Qualified retired law enforcement officer. – An individual who meets
10 all of the following qualifications:

11 a. Retired in good standing from service with a public agency
12 located in the United States as a law enforcement officer, other
13 than for reasons of mental instability.

14 b. Prior to retirement, was authorized by law to engage in or
15 supervise the prevention, detection, investigation, or
16 prosecution of or the incarceration of any person for any
17 violation of law, and had statutory powers of arrest.

18 c. Prior to retirement, was regularly employed as a law
19 enforcement officer for a total of 15 years or more, or retired
20 after completing probationary periods of service due to a
21 service-connected disability, as determined by the agency.

22 d. Has a vested right to benefits under the retirement plan of the
23 agency."

24 **SECTION 2.** G.S. 17C-6(a) is amended by adding a new subdivision to

25 read:

26 "(16) Establish standards and guidelines for the annual firearms certification
27 and recertification of qualified retired law enforcement officers to
28 efficiently implement the provisions of G.S. 14-415.25. The standards

1 shall provide for the courses, qualifications, and the issuance of the
2 annual firearms qualification certification. The Commission may adopt
3 any rules necessary to effect the provisions of this section, and may
4 charge a reasonable fee to applicants for the costs incurred in
5 compliance with this subdivision."

6 **SECTION 3.** Article 54B of Chapter 14 of the General Statutes is amended
7 by adding a new section to read:

8 **"§ 14-415.25. Exemption from permit requirement.**

9 (a) Persons authorized by federal law to carry a concealed handgun, including
10 law enforcement officers and qualified retired law enforcement officers under section
11 926 of Title 18 of the United States Code, are exempt from obtaining the permit
12 described in G.S. 14-415.11.

13 (b) A qualified retired law enforcement officer, as defined in G.S. 17C-2(5), in
14 lieu of obtaining a permit under this Article, may make application under oath for
15 certification to the North Carolina Criminal Justice Education and Training Standards
16 Commission, on forms approved by the Commission. The application shall include all
17 of the following:

18 (1) Verification of completion of the firearms qualification criteria
19 established by the Commission.

20 (2) Photographic identification, to include retirement status, issued by the
21 agency from which the applicant retired from service.

22 (3) Any other application information required by the Commission.

23 (c) The Commission shall include with the certification a notice of the limitations
24 applicable under federal or State law to the concealed carry of firearms in this State. The
25 failure to receive a notification under this subsection shall not be a defense to any
26 offense or violation of applicable State or federal laws.

27 (d) The Commission shall not incur any civil or criminal liability as the result of
28 the performance of its duties under this section.

29 (e) It shall be unlawful for an applicant, or any person assisting an applicant, to
30 make a willful and intentional misrepresentation on any form or application submitted
31 to the Commission. A violation of this subsection shall be a Class 2 misdemeanor, and
32 shall result in the immediate revocation of any certification issued by the Commission.
33 A person convicted under this subsection shall be ineligible for certification under this
34 section, or from obtaining a concealed carry permit under State law."

35 **SECTION 4.** G.S. 14-415-12(b)(8) reads as rewritten:

36 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

37 (b) The sheriff shall deny a permit to an applicant who:

38 ...

39 (8) Is or has been adjudicated guilty of or received a prayer for judgment
40 continued or suspended sentence for one or more crimes of violence
41 constituting a misdemeanor, including but not limited to, a violation of
42 a misdemeanor under Article 8 of Chapter 14 of the General Statutes,
43 or a violation of a misdemeanor under G.S. 14-225.2, 14-226.1,
44 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277,

1 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2,
2 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13,
3 14-288.14, 14-318.2, ~~or 14-415.21(b).~~ 14-415.21(b), or 14-415.25(e)."

4 **SECTION 5.** This act becomes effective December 1, 2007, and applies to
5 offenses committed on or after that date.