

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 1231
Committee Substitute Favorable 5/22/07**

Short Title: Certain Law Officers/Waive Handgun Permit.

(Public)

Sponsors:

Referred to:

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. 14-415.10 is amended by adding a new subdivision to
9 read:

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

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

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

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

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

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

27 "(16) Establish standards and guidelines for the annual firearms certification
28 and recertification of qualified retired law enforcement officers, as
29 defined in G.S. 14-415.10(6), to efficiently implement the provisions

1 of G.S. 14-415.25. The standards shall provide for the courses,
2 qualifications, and the issuance of the annual firearms qualification
3 certification. The Commission may adopt any rules necessary to effect
4 the provisions of this section, and may charge a reasonable fee to
5 applicants for the costs incurred in 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 Law enforcement officers and qualified retired law enforcement officers authorized
10 by federal law to carry a concealed handgun pursuant to section 926B or 926C of Title
11 18 of the United States Code, who are in compliance with the requirements of those
12 sections, are exempt from obtaining the permit described in G.S. 14-415.11."

13 **SECTION 4.** Article 54B of Chapter 14 of the General Statutes is amended
14 by adding a new section to read:

15 **"§ 14-415.26. Certification of qualified retired law enforcement officers.**

16 (a) In lieu of obtaining a permit under this Article, a qualified retired law
17 enforcement officer may apply to the North Carolina Criminal Justice Education and
18 Training Standards Commission for certification. The application shall include all of the
19 following:

20 (1) Verification of completion of the firearms qualification criteria
21 established by the Commission.

22 (2) Photographic identification indicating retirement status issued by the
23 agency from which the applicant retired from service.

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

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

29 (c) The Commission shall not incur any civil or criminal liability as the result of
30 the performance of its duties under this section.

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

37 **SECTION 5.** G.S. 14-415.12(b)(8) reads as rewritten:

38 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

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

40 ...

41 (8) Is or has been adjudicated guilty of or received a prayer for judgment
42 continued or suspended sentence for one or more crimes of violence
43 constituting a misdemeanor, including but not limited to, a violation of
44 a misdemeanor under Article 8 of Chapter 14 of the General Statutes,

1 or a violation of a misdemeanor under G.S. 14-225.2, 14-226.1,
2 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277,
3 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2,
4 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13,
5 14-288.14, 14-318.2, ~~or 14-415.21(b).~~ 14-415.21(b), or 14-415.26(d)."

6 **SECTION 6.** Section 2 of this act is effective when it becomes law. The
7 remainder of this act becomes effective December 1, 2007, and applies to offenses
8 committed on or after that date.