

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS55143-LH-88 (02/12)

Short Title: Amend Concealed Weapons Law.

(Public)

Sponsors: Senator Boseman.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING CONCEALED WEAPONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269 reads as rewritten:

"§ 14-269. Carrying concealed weapons.

(a) It shall be unlawful for any person willfully and intentionally to carry concealed about his person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, switchblade knife, ballistic knife, machete, slingshot, blackjack, throwing star, oriental dart, or other ~~deadly~~-weapon of like kind, except when the person is on the person's own premises.

(a1) It shall be unlawful for any person willfully and intentionally to carry concealed about his person any ~~pistol or gun~~-pistol, gun, air or gas operated pistol or gun, or any object similar in appearance, whether capable of being fired or not, except in the following circumstances:

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

(2) The ~~deadly~~-weapon is a handgun, and the person has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24.

(3) The ~~deadly~~-weapon is a handgun and the person is a military permittee as defined under G.S. 14-415.10(2a) who provides to the law enforcement officer proof of deployment as required under G.S. 14-415.11(a).

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

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

(2) Civil and law enforcement officers of the United States;

- 1 (3) Officers and soldiers of the militia and the national guard when called
2 into actual service;
- 3 (4) Officers of the State, or of any county, city, town, or company police
4 agency charged with the execution of the laws of the State, when
5 acting in the discharge of their official duties;
- 6 (5) Sworn law-enforcement officers, when off-duty, provided that an
7 officer does not carry a concealed weapon while consuming alcohol or
8 an unlawful controlled substance or while alcohol or an unlawful
9 controlled substance remains in the officer's body.

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

- 11 ~~(1) The weapon was not a firearm;~~
- 12 ~~(2) The defendant was engaged in, or on the way to or from, an activity in~~
13 ~~which he legitimately used the weapon;~~
- 14 ~~(3) The defendant possessed the weapon for that legitimate use; and~~
- 15 ~~(4) The defendant did not use or attempt to use the weapon for an illegal~~
16 ~~purpose.~~

17 ~~The burden of proving this defense is on the defendant.~~

18 (b2) It is a defense to a prosecution under this section that:

- 19 (1) The deadly weapon is a handgun;
- 20 (2) The defendant is a military permittee as defined under
21 G.S. 14-415.10(2a); and
- 22 (3) The defendant provides to the court proof of deployment as defined
23 under G.S. 14-415.10(3a).

24 (c) Any person violating the provisions of subsection (a) of this section shall be
25 guilty of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1)
26 of this section shall be guilty of a Class 2 misdemeanor for the first offense. A second or
27 subsequent offense is punishable as a Class I felony.

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

32 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
33 offenses committed on or after that date. Prosecutions for offenses committed before
34 the effective date of this act are not abated or affected by this act, and the statutes that
35 would be applicable but for this act remain applicable to those prosecutions.