

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 466

Short Title: Amend Concealed Weapons Law.

(Public)

Sponsors: Senator Boseman.

Referred to: Judiciary 1 (Civil).

March 5, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING CONCEALED WEAPONS.  
3 The General Assembly of North Carolina enacts:

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

5 "**§ 14-269. Carrying concealed weapons.**

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

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

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

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

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

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

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

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

28 (3) Officers and soldiers of the militia and the national guard when called  
29 into actual service;

- 1           (4) Officers of the State, or of any county, city, town, or company police  
2           agency charged with the execution of the laws of the State, when  
3           acting in the discharge of their official duties;
- 4           (5) Sworn law-enforcement officers, when off-duty, provided that an  
5           officer does not carry a concealed weapon while consuming alcohol or  
6           an unlawful controlled substance or while alcohol or an unlawful  
7           controlled substance remains in the officer's body.
- 8       ~~(b1) It is a defense to a prosecution under this section that:~~
- 9           ~~(1) The weapon was not a firearm;~~
- 10          ~~(2) The defendant was engaged in, or on the way to or from, an activity in~~  
11          ~~which he legitimately used the weapon;~~
- 12          ~~(3) The defendant possessed the weapon for that legitimate use; and~~
- 13          ~~(4) The defendant did not use or attempt to use the weapon for an illegal~~  
14          ~~purpose.~~

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

- 16       (b2) It is a defense to a prosecution under this section that:
- 17           (1) The deadly weapon is a handgun;
- 18           (2) The defendant is a military permittee as defined under  
19           G.S. 14-415.10(2a); and
- 20           (3) The defendant provides to the court proof of deployment as defined  
21           under G.S. 14-415.10(3a).
- 22       (c) Any person violating the provisions of subsection (a) of this section shall be  
23       guilty of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1)  
24       of this section shall be guilty of a Class 2 misdemeanor for the first offense. A second or  
25       subsequent offense is punishable as a Class I felony.
- 26       (d) This section does not apply to an ordinary pocket knife carried in a closed  
27       position. As used in this section, "ordinary pocket knife" means a small knife, designed  
28       for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by  
29       its handle, and that may not be opened by a throwing, explosive, or spring action."

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