

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 111
Corrected Copy 2/28/11
Committee Substitute Favorable 3/23/11
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Senate Judiciary II Committee Substitute Adopted 6/7/12

Short Title: Amend Firearms Laws.

(Public)

Sponsors:

Referred to:

February 16, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO
3 POSSESS HANDGUNS IN RESTAURANTS IF NOT PROHIBITED BY THE POSTING
4 OF A NOTICE PROHIBITING POSSESSION ON THE PREMISES, TO IMPOSE
5 CRIMINAL PENALTIES ON FELONS WHO UNLAWFULLY POSSESS FIREARMS
6 WHEN THE VIOLATION RESULTS IN INJURY TO A PERSON, AND TO CLARIFY
7 THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED
8 CARRY OF FIREARMS.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-269.3(b) is amended by adding a new subdivision to read:

11 "(5) A person on the premises of an eating establishment as defined in
12 G.S. 18B-1000(2) or a restaurant as defined in G.S. 18B-1000(6), provided
13 the person has a valid concealed handgun permit under Article 54B of
14 Chapter 14 of the General Statutes. This subdivision shall not be construed
15 to permit a person to carry a concealed handgun on the premises of an eating
16 establishment or a restaurant where the person in legal possession or control
17 of the premises has posted a conspicuous notice prohibiting the carrying of a
18 concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

19 **SECTION 2.** G.S. 14-415.1 reads as rewritten:

20 **"§ 14-415.1. Possession of firearms, etc., by felon prohibited.**

21 (a) It shall be unlawful for any person who has been convicted of a felony to purchase,
22 own, possess, or have in his custody, care, or control any ~~firearm or firearm~~, any weapon of
23 mass death and destruction as defined in ~~G.S. 14-288.8(e)~~ G.S. 14-288.8(c), any ammunition,
24 or any electric weapon or electric device intended to be used as a weapon. It is also unlawful
25 for any person who has been convicted of a felony to carry a concealed weapon, including a
26 tear gas gun or similar device intended to be used as a weapon.

27 For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which
28 will or is designed to or may readily be converted to expel a projectile by the action of an
29 explosive, or its frame or receiver, or (ii) any firearm muffler or firearm silencer. This section
30 does not apply to an antique firearm, as defined in G.S. 14-409.11.

31 ~~Every person violating the provisions of this section shall be punished as a Class G felon.~~

32 (a1) Unless the conduct is covered under some other provision of law providing greater
33 punishment:



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1 (1) A person who violates this section is guilty of a Class G felony.

2 (2) A person who violates this section and discharges the firearm, electric
3 weapon or device, or any other weapon described in subsection (a) of this
4 section is guilty of a Class E felony.

5 (3) A person who violates this section is guilty of a Class D felony if the
6 violation results in serious injury to a person.

7 (4) A person who violates this section is guilty of a Class C felony if the
8 violation results in serious bodily injury to a person.

9 (a2) For the purposes of this section, "serious bodily injury" has the same definition as
10 that term is defined in G.S. 14-32.4(a), and "serious injury" means a lesser degree of physical
11 harm than serious bodily injury, which includes, but is not limited to, bruises, lacerations,
12 sprains, broken bones, or any other indications of physical injury of a type which do not
13 constitute serious bodily injury.

14 "

15 **SECTION 3.** G.S. 14-415.23 reads as rewritten:

16 "**§ 14-415.23. Statewide uniformity.**

17 (a) It is the intent of the General Assembly to prescribe a uniform system for the
18 regulation of legally carrying a concealed handgun. To insure uniformity, no political
19 subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal
20 corporation, town, township, village, nor any department or agency thereof, may enact
21 ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of
22 local government may adopt an ordinance to permit the posting of a prohibition against
23 carrying a concealed handgun, in accordance with G.S. 14 415.11(c), on local government
24 buildings and their appurtenant premises.

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

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

33 (1) A playground with installed apparatus or equipment designed for use by
34 minors, and any appurtenant facilities, such as restrooms.

35 (2) An athletic field, including any appurtenant facilities such as restrooms,
36 during an organized athletic event if the field had been scheduled for use
37 with the municipality or county office responsible for operation of the park
38 or recreational area.

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

41 (4) A facility used for athletic events, including, but not limited to, a
42 gymnasium.

43 (d) For the purposes of this section, the term "recreational facilities" does not include
44 any greenway; designated biking or walking path; an area that is customarily used as a
45 walkway or bikepath although not specifically designated for such use; open areas or fields
46 where athletic events may occur unless the area qualifies as an "athletic field" pursuant to
47 subdivision (2) of subsection (c) of this section; and any other area that is not specifically
48 described in subsection (c) of this section."

49 **SECTION 4.** Section 1 of this act becomes effective January 1, 2013; Section 2 of
50 this act becomes effective December 1, 2012, and applies to offenses committed on or after that
51 date. The remainder of this act is effective when it becomes law.