

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 342

Short Title: Amend Gun Laws. (Public)

Sponsors: Senators Newton, Soucek, Tarte (Primary Sponsors); Apodaca, Brock, Daniel, Rabin, and Randleman.

Referred to: Rules and Operations of the Senate.

March 19, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO POSSESS HANDGUNS IN RESTAURANTS UNLESS A NOTICE PROHIBITING POSSESSION ON THE PREMISES IS POSTED; TO MAKE IT UNLAWFUL FOR FELONS TO POSSESS AMMUNITION, CERTAIN WEAPONS IN ADDITION TO FIREARMS, AND TO CARRY ANY CONCEALED WEAPON; AND TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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



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

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

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

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

13           ...."

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

15           "**§ 14-415.23. Statewide uniformity.**

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

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

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

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

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

38           (3) A facility used for athletic events, including, but not limited to, a  
39           gymnasium.

40           (d) For the purposes of this section, the term "recreational facilities" does not include  
41           any greenway, designated biking or walking path, an area that is customarily used as a  
42           walkway or bike path although not specifically designated for such use, open areas or fields  
43           where athletic events may occur unless the area qualifies as an "athletic field" pursuant to  
44           subdivision (1) of subsection (c) of this section, and any other area that is not specifically  
45           described in subsection (c) of this section."

46           **SECTION 4.** Section 1 of this act becomes effective January 1, 2014; Section 2 of  
47 this act becomes effective December 1, 2013, and applies to offenses committed on or after that  
48 date. The remainder of this act is effective when it becomes law.