

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 410

Short Title: Enabling Heroes Act of 2013. (Public)

Sponsors: Senators Tarte, Randleman, Brock (Primary Sponsors); and Rabin.

Referred to: Rules and Operations of the Senate.

March 26, 2013

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES, CHILDREN, AND OTHERS FROM CRIMINALS AND VIOLENT SOCIOPATHS BY AMENDING LAWS THAT PROHIBIT CARRYING OF CONCEALED WEAPONS AND WEAPONS ON EDUCATIONAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269 is repealed.

SECTION 2. Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-269A. Carrying concealed weapons.

No person shall carry concealed about his or her person any deadly weapon for any illegal purpose. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor for the first offense. A second or subsequent offense is punishable as a Class I felony."

SECTION 3. G.S. 14-269.2 reads as rewritten:

"§ 14-269.2. Weapons on campus or other educational property.

(a) The following definitions apply to this section:

(1) Educational property. – Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any ~~school-school~~, excluding any property that is not used primarily for educational purposes.

(1a) Employee. – A person employed by a local board of education or school whether the person is an adult or a minor.

(1b) School. – A public or private school, community college, college, or university.

(2) Student. – A person enrolled in a school or a person who has been suspended or expelled within the last five years from a school, whether the person is an adult or a minor.

(3) Switchblade knife. – A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.

(4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this section.

(b) It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. ~~Unless the conduct is~~



1 covered under some other provision of law providing greater punishment, any person who
2 willfully discharges a firearm of any kind on educational property is guilty of a Class F felony.
3 However, this subsection does not apply to a to any of the following:

4 (1) A BB gun, stun gun, air rifle, or air pistol.

5 (2) A person not participating in curricular or extracurricular events held at
6 places other than educational property.

7 (b1) It shall be a Class G felony for any person to possess or carry, whether openly or
8 concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in
9 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored
10 by a school. This subsection shall not apply to fireworks.

11 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is
12 less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or
13 other firearm of any kind on educational property. However, this subsection does not apply to a
14 BB gun, stun gun, air rifle, or air pistol.

15 (c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who
16 is less than 18 years old to possess or carry, whether openly or concealed, any dynamite
17 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on
18 educational property. This subsection shall not apply to fireworks.

19 (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly
20 or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot,
21 leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except
22 solely for personal shaving), firework, or any sharp-pointed or edged instrument except
23 instructional supplies, unaltered nail files and clips and tools used solely for preparation of
24 food, instruction, and maintenance, on educational property.

25 (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor
26 who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun,
27 stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade
28 knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal
29 shaving), firework, or any sharp-pointed or edged instrument except instructional supplies,
30 unaltered nail files and clips and tools used solely for preparation of food, instruction, and
31 maintenance, on educational property.

32 (f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor
33 rather than a Class I felony for any person to possess or carry, whether openly or concealed,
34 any gun, rifle, pistol, or other firearm of any kind, on educational property or to a curricular or
35 extracurricular activity sponsored by a school if:

36 (1) The person is not a student attending school on the educational property or
37 an employee employed by the school working on the educational property;
38 and

39 (1a) The person is not a student attending a curricular or extracurricular activity
40 sponsored by the school at which the student is enrolled or an employee
41 attending a curricular or extracurricular activity sponsored by the school at
42 which the employee is employed; and

43 (2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
44 applicable to offenses committed on or after that date.

45 (3) The firearm is not loaded, is in a motor vehicle, and is in a locked container
46 or a locked firearm rack.

47 (4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
48 applicable to offenses committed on or after that date.

49 (g) This section shall not apply to any of the following:

50 (1) A weapon used solely for educational or school-sanctioned ceremonial
51 purposes, or used in a school-approved program conducted under the

- 1 supervision of an adult whose supervision has been approved by the school
2 authority.
- 3 ~~(1a) A person exempted by the provisions of G.S. 14-269(b).~~
- 4 (2) Firefighters, emergency service personnel, and North Carolina Forest
5 Service personnel, and any private police employed by a school, when acting
6 in the discharge of their official duties.
- 7 (3) Home schools as defined in G.S. 115C-563(a).
- 8 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
9 property in Johnston County owned by Johnston Community College when
10 used with the written permission of Johnston Community College or for
11 hunting purposes on other educational property when used with the written
12 permission of the governing body of the school that controls the educational
13 property.
- 14 (5) A person registered under Chapter 74C of the General Statutes as an armed
15 armored car service guard or an armed courier service guard when acting in
16 the discharge of the guard's duties and with the permission of the college or
17 university.
- 18 (6) A person registered under Chapter 74C of the General Statutes as an armed
19 security guard while on the premises of a hospital or health care facility
20 located on educational property when acting in the discharge of the guard's
21 duties with the permission of the college or university.
- 22 (7) A person who possesses or carries a handgun if the person has been issued a
23 concealed handgun permit in accordance with Article 54B of this Chapter.
- 24 (8) Officers and enlisted personnel of the Armed Forces of the United States
25 when in discharge of their official duties as such and acting under orders
26 requiring them to carry arms and weapons.
- 27 (9) Civil and law enforcement officers of the United States.
- 28 (10) Officers and soldiers of the militia and the National Guard when called into
29 actual service.
- 30 (11) Officers of the State, or of any county, city, town, or company police agency
31 charged with the execution of the laws of the State, when acting in the
32 discharge of their official duties.
- 33 (12) Any person who is a district attorney, an assistant district attorney, or an
34 investigator employed by the office of a district attorney and who has a
35 concealed handgun permit issued in accordance with Article 54B of this
36 Chapter or considered valid under G.S. 14-415.24; provided that the person
37 shall not carry a concealed weapon at any time while in a courtroom or while
38 consuming alcohol or an unlawful controlled substance or while alcohol or
39 an unlawful controlled substance remains in the person's body. The district
40 attorney, assistant district attorney, or investigator shall secure the weapon in
41 a locked compartment when the weapon is not on the person of the district
42 attorney, assistant district attorney, or investigator.
- 43 (13) Any person who meets all of the following conditions:
- 44 a. Is a qualified retired law enforcement officer as defined in
45 G.S. 14-415.10.
- 46 b. Is the holder of a concealed handgun permit in accordance with
47 Article 54B of this Chapter.
- 48 c. Is certified by the North Carolina Criminal Justice Education and
49 Training Standards Commission pursuant to G.S. 14-415.26.
- 50 (14) Detention personnel or correctional officers employed by the State or a unit
51 of local government who park a vehicle in a space that is authorized for their

1 use in the course of their duties may transport a firearm to the parking space
2 and store that firearm in the vehicle parked in the parking space, provided
3 that (i) the firearm is in a closed compartment or container within the locked
4 vehicle or (ii) the firearm is in a locked container securely affixed to the
5 vehicle.

6 (15) Sworn law enforcement officers, when off-duty, provided that an officer
7 does not carry a concealed weapon while consuming alcohol or an unlawful
8 controlled substance or while alcohol or an unlawful controlled substance
9 remains in the officer's body.

10 (16) State probation or parole certified officers, when off-duty, provided that an
11 officer does not carry a concealed weapon while consuming alcohol or an
12 unlawful controlled substance or while alcohol or an unlawful controlled
13 substance remains in the officer's body.

14 (h) No person shall be guilty of a criminal violation of this section with regard to the
15 possession or carrying of a weapon so long as both of the following apply:

16 (1) The person comes into possession of a weapon by taking or receiving the
17 weapon from another person or by finding the weapon.

18 (2) The person delivers the weapon, directly or indirectly, as soon as practical to
19 law enforcement authorities."

20 **SECTION 4.** This act becomes effective December 1, 2013, and applies to
21 offenses committed on or after that date.