NORTH CAROLINA FIREARMS LAWS

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ROY COOPER
ATTORNEY GENERAL

JOHN J. ALDRIDGE, III
SPECIAL DEPUTY ATTORNEY GENERAL

NORTH CAROLINA DEPARTMENT OF JUSTICE
LAW ENFORCEMENT LIAISON SECTION

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I. INTRODUCTION

This publication is designed to assemble and present the basic firearms and weapons laws of North Carolina in an effort to educate and emphasize for the public, the responsibilities and duties pertaining to the possession and use of firearms and related weapons in North Carolina. Most of the guidelines regarding the use, possession, and transfer of firearms in this publication are based upon statutory authority, case law, and Attorney General opinions. As there is an ever increasing awareness of firearms and their potential for misuse, all gun owners are urged to carefully evaluate their current methods of using and transporting firearms to ensure compliance with North Carolina law. In those circumstances where a gun owner is unsure of his or her compliance, he/she is urged to contact his or her local District Attorney, the Attorney General's office, or private counsel for guidance.

II. REQUIREMENTS FOR THE PURCHASE OF FIREARMS

On February 28, 1994, the Brady Handgun Violence Prevention Act became law. The Brady Law established numerous procedures to govern purchases of firearms from federally licensed firearms dealers. On November 30, 1998, the permanent provisions of the Brady Law took effect. The permanent provisions of the Brady Law provide for the establishment of a National Instant Criminal Background Check System (NICS) that federally licensed firearms dealers must contact before transferring any firearm (handgun or long gun) to individuals. 28 CFR 25.1 The NICS system is operated by the Federal Bureau of Investigation (FBI).

Effective December 1, 1995, the Bureau of Alcohol, Tobacco and Firearms (BATF) concluded that the handgun permitting scheme established in North Carolina complies with the exceptions provided in the Brady Law. Therefore, North Carolina's handgun purchase permits will suffice as a suitable alternative method for the purchase of a firearm in North Carolina from a federally licensed firearms dealer under Brady.

Therefore, all firearm sales from federally licensed dealers after November 30, 1998 must include a NICS inquiry or a recognized alternative, such as a valid North Carolina-issued pistol purchase permit. The specifics of NICS and its alternatives are discussed below.

A. Federal Requirements

Unless an alternative is recognized, if an individual wants to purchase a firearm from a licensed dealer, the dealer must contact the FBI's NICS Operations Center by telephone. 18 U.S.C. 922(t)(1)(A) The dealer will provide pertinent information about the purchaser to the NICS Center, which will conduct a check of the available data to verify or deny the individual's eligibility to receive or possess firearms.

The NICS databases will include:

1. Illegal/Unlawful Alien Files

2. Controlled Substance Abuse Files

3. Dishonorable Discharge Files

4. Citizenship Renunciant Files

5. Mental Commitment Files

6. Wanted Persons Files

7. Domestic Violence Protection Order Files

8. Criminal History Files
   28 CFR 25.1

Whenever a judicial official has found a person to be a danger to himself or others and the person has been involuntary committed and required to undergo either inpatient or outpatient mental health treatment, or when an individual is found not guilty by reason of insanity or incompetent to proceed to trial in a criminal case, North Carolina law requires these acts to be reported to NICS. This information will then be used in determining if a person can purchase a firearm.

Prior to the sale taking place, the firearms dealer will have the purchaser complete and sign BATF Form 4473, Firearms Transactions Record. 27 CFR 478.124(a) The dealer will then verify the identity of the purchaser by examining a government issued photo identification card (for example, a driver's license). 27 CFR 478.124(c)(3)(I) The dealer will then contact NICS. The NICS Center will respond to the dealer with either a "proceed," "denied" or "delayed" response. If a "denied" response is received, the dealer will provide the person with literature on their appellate rights. If a "delayed" response is received and there is no additional response from the system, the sale can take place after three (3) business days have elapsed. 27 CFR 478.102(a)(1) Federal Firearms Licensees (FFLs) must keep a copy of each BATF 4473 for which a NICS check has been initiated, regardless of whether the transfer of the firearm was completed. If the transfer is not completed, the FFL must keep the Form 4473 for five (5) years after the date of the NICS inquiry. If the transfer is completed, the FFL must keep the Form 4473 for 20 years after the date of the sale or disposition. 27 CFR 478.129(b)

The Brady Law recognizes certain alternatives to the NICS checks. Since North Carolina handgun purchase permits qualify as an alternative to a NICS check, a firearms dealer may conclude a sale of a handgun or long gun without a NICS check, if the purchaser delivers a valid North Carolina-issued pistol purchase permit to the dealer.

NOTE: North Carolina law allows for the purchase of a single handgun with a single valid purchase permit. Multiple long guns may be purchased with a single pistol purchase permit;however, they must be purchased in a single transaction.

It is the opinion of the United States Department of Justice that a valid North Carolina Concealed Handgun Permit may be used as an alternative to a NICS check for the purchase of firearms. Again, multiple long guns may be purchased if they are purchased in a single transaction.

If a transfer is made of a firearm by a licensed dealer to a person pursuant to the permit alternative, the purchaser must first complete and sign the BATF Form 4473. As usual, the dealer will verify the identity of the purchaser by photo identification. The permit must be valid and issued within the preceding five (5) years. 27 CFR 478.102(d)(1)(ii) If a pistol purchase permit is used, the dealer will retain the original permit for the transaction. If a concealed handgun permit is used to buy a long gun, the dealer will either make a copy of the permit and attach it to the Form 4473, or record the permit number, issuance date and expiration date on the form.

Transfers of firearms to law enforcement officials for their official use are exempt from the provisions of the Brady Law, when the transaction complies with the conditions set forth in the federal regulations at 27 CFR 478.134. In general, the purchaser must provide a certification on agency letterhead, signed by a person in authority within the agency (other than the officer purchasing the firearm), stating that the officer will use the firearm in official duties, and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence. If these conditions are met, the purchasing officer is not required to complete a Form 4473 or undergo a NICS check. However, the licensee must record the transaction in his or her permanent records, and retain a copy of the certification letter.

B. North Carolina Requirements

North Carolina's pistol permitting and concealed carry permit laws qualify as an alternative to the requirements of the Brady Law. Therefore, when a person desires to purchase a handgun from a federally-licensed dealer, the person needs to comply solely with North Carolina's pistol permit laws, and present a valid permit to purchase a handgun or valid North Carolina-issued concealed carry permit. (Please note: Even if a NICS inquiry by a federally-licensed dealer was done in this circumstance, it does not do away with the necessity for a pistol purchase permit.) As always, any other transfer between private individuals is also governed by North Carolina's pistol permit laws.

Under North Carolina law, it is unlawful for any person, firm, or corporation to sell, give away, transfer, purchase, or receive, at any place in the state, any pistol, unless the purchaser or receiver has first obtained a license or permit to receive such a pistol by the sheriff of the county where the purchaser or receiver resides, or the purchaser or receiver possesses a valid North

Carolina-issued concealed carry permit. This requirement to obtain a permit prior to the transfer of a pistol applies not only to a commercial transaction typically at a sporting goods store but also between private individuals or companies throughout North Carolina. N.C. Gen. Stat. § 14-402(a)

In addition, this State law has been interpreted to require that a pistol permit be obtained by the receiver of a handgun when such person inherits a pistol as a result of the death of another person. The permit should be given to and retained by the seller or donor of the handgun. In such a case, the permit should be given to the executor or receiver of the estate of the deceased person. If the purchaser or receiver uses a North Carolina- issued concealed carry permit for the transfer, the seller should reference such permit on a bill of sale.

Further, it is unlawful for any person to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, or railroad agent or employee, within the State of North Carolina, any pistol without having in his or her possession, such a pistol purchase permit or North Carolina concealed carry permit.

A violation of this pistol permit law is a Class 2 Misdemeanor under North Carolina law. Specifically exempted from the provisions of this permit requirement are the transfer of antique firearms or historic-edged weapons. An "antique firearm" is one that was manufactured on or before 1898 and includes any firearm with a matchlock, flintlock, percussion cap, or similar ignition system. It also includes a replica thereof if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition. It also includes any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder substitute, and which cannot use fixed ammunition. N.C. Gen. Stat. § 14-409(a). However, the term "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver; is converted into a muzzle loading weapon; or is a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechlock, or any combination thereof. A "historic-edged weapon" is defined to be a bayonet, trench knife, sword, or dagger manufactured during or prior to World War II, but no later than January 1, 1946. N.C. Gen. Stat. § 14-409.12. The requirement of obtaining a permit prior to the receipt of a handgun does not apply to the purchase and receipt of "long guns," such as shotguns and rifles. The fee for pistol permits is set by statute and is $5.00 per permit.

C. Eligible Persons

1. Federal Law Requirements

As a general rule, the following categories of persons are ineligible to receive or possess a firearm under federal law:

a. Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one (1) year;[1]

b. Persons convicted in any court of a crime punishable by imprisonment for a term exceeding one (1) year. A person would not be ineligible under this criteria if the person has been pardoned for the crime or conviction, the crime or conviction has been expunged or set aside, or the person has had their civil rights restored, and under the law where the conviction occurred, the person is not prohibited from receiving or possessing any firearm;

c. The person is a fugitive from justice;

d. The person is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance;

e. The person has been adjudicated mentally defective or has been committed to a mental institution;

f. The person has been discharged from the U.S. armed forces under dishonorable conditions;

g. The person is illegally in the United States; or

h. The person, having been a citizen of the United States, has renounced his or her citizenship.

Effective September 30, 1996, 18 U.S.C. § 921(a) was modified in the "Lautenburg Amendment" to prohibit the possession of firearms and ammunition by anyone convicted of a misdemeanor under federal or state law which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

A person is not considered convicted unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and if the person was entitled to a jury trial, the person was tried by a jury or waived their right to such trial.

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[1] A "crime punishable by imprisonment for a term exceeding one (1) year," as discussed in C. (1) and (2) above, is defined in federal law so as to exclude most misdemeanors in North Carolina. Domestic violence misdemeanors discussed on the next page are disqualifying misdemeanors under federal law. 18 U.S.C. § 922(d).

Further, the person is not considered convicted if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had their civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms. 18 U.S.C. § 921(a)(33) and 18 U.S.C. § 922(g)(9).

2. North Carolina Requirements

A county sheriff is only authorized under N.C.G.S. § 14-402 to issue a permit to receive or purchase a handgun when an application is submitted by a person who is a resident of his or her particular county. The sole exception is that the sheriff may issue a permit to a non-resident when the purpose of the permit is for collecting. Prior to issuing a permit, the sheriff must fully satisfy himself/herself by affidavits, oral evidence, or otherwise, that the applicant is of good moral character and that the person, firm, or corporation wants to possess the weapon for one of the following purposes:

a. The protection of the applicant's home, business, person, family, or property; or

b. Target shooting; or

c. Collection; or

d. Hunting.

Additionally, the sheriff must verify by a criminal history background investigation that it is not a violation of state or federal law for the applicant to purchase, transfer, receive or possess a handgun. The sheriff shall determine the criminal history of any applicant by accessing computerized criminal history records as maintained by the State and Federal Bureaus of Investigation, by conducting a national criminal history records check, and by conducting a criminal history check through the Administrative Office of the Courts. N.C. Gen. Stat. § 14-404.

North Carolina law further specifies that a permit <u>may</u> <u>not</u> be issued to the following:

a. An applicant who is under an indictment, or information for, or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to anti-trust violations, unfair trade practices, or restraints of trade). However, a person who has been convicted of a felony and is later pardoned may obtain a permit, if the

purchase or receipt of the pistol does not violate the conditions of the pardon;

b. The applicant is a fugitive from justice;

c. The applicant is an unlawful user of or addicted to marijuana, any depressant, stimulant, or narcotic drug;

d. The applicant has been adjudicated incompetent or has been committed to any mental institution;

e. The applicant is an alien illegally or unlawfully in the United States;

f. The applicant has been discharged from the U.S. armed forces under dishonorable conditions;

g. The applicant, having been a citizen of the United States, has renounced their citizenship;

h. The applicant is subject to a court order that:

(1) was issued after a hearing of which the applicant received actual notice, and at which the applicant had an opportunity to participate;

(2) restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner of the person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

N.C. Gen. Stat. § 14-404.

As previously mentioned, federal law prohibits aliens who are illegally in the United States from receiving or possessing firearms. Additionally, subject to certain exceptions, aliens who are in a non-immigrant status are prohibited from possessing or receiving firearms. 18 U.S.C. § 922(d)(5). Therefore, sheriffs must make additional inquiries of applicants for pistol purchase permits to determine their alien status. The sheriff must first determine if the applicant is a citizen. If the applicant is not a citizen, the sheriff must obtain additional information on the

person to include their country of citizenship; place of birth; and alien or admission number. If applicable, the sheriff may have to determine the basis of any claimed exemption from the non-immigrant alien prohibition. For example, a non-immigrant alien could possess or receive a firearm if he/she is in possession of a valid hunting license issued in the United States; is an official representative of a foreign government accredited to the United States; or has received a waiver by the United States Attorney General. 18 U.S.C. § 922(y) .

The requirement for obtaining a permit before purchasing or receiving a handgun does not apply to law enforcement officers of North Carolina, who are authorized by law to carry firearms. To use such an exemption, however, the law enforcement officer must identify himself to the seller of the handgun as being a law enforcement officer authorized to carry firearms, and provide any of the following:

1) a letter signed by the officer's superior officer stating the officer is authorized to carry a firearm.

2) a current photographic identification card issued by the officer's employer.

3) a current photographic identification card issued by a state agency that identifies the officer as state law enforcement.

4) a current identification card from the officer's employer and one other form of photographic identification.

N.C. Gen. Stat. § 14-404(d).

NOTE: If the officer is purchasing or receiving a handgun from a federally licensed firearms' dealer, federal law may nonetheless require a NICS check be conducted.

Each applicant for a license or permit should be informed by the sheriff within thirty (30) days of the date of his or her application whether the permit will be granted or denied. When a sheriff is not fully satisfied with the applicant's good moral character or eligibility to receive a permit, he/she should notify the applicant of the reasons for his or her refusal to issue a permit within seven (7) days of his or her decision. An applicant refused a permit has a right to appeal such refusal to the Chief District Court Judge for the district in which the application was filed. N.C. Gen. Stat. § 14-404.

A permit issued under the standards of state law is valid for a period of five (5) years. N.C. Gen. Stat. § 14-403. A sheriff is required to keep a book, which is provided by the Board of Commissioners of each county, of all licenses or permits issued. These records should include the date of issuance, name, age, place of residence, and former place of residence of each person, firm, or corporation to whom a license or permit has been issued. N.C. Gen. Stat. § 14-405.

A court in any domestic violence protective order can prohibit a party from possessing, purchasing or receiving a firearm for a time fixed in the order. Any person purchasing or attempting to purchase any firearm in violation of such an order is guilty of a Class H Felony. N.C. Gen. Stat. § 50B-3.1.

D. Temporary Transfers of Firearms

The transfer of a pawned firearm from a licensed pawnbroker back to the owner of the firearm is subject to the requirements of the Brady Law. A NICS inquiry, or an alternative, must therefore be accomplished prior to the redemption of a pawned firearm. North Carolina law does not require the owner to procure a handgun permit when redeeming the firearm.

It is the opinion of the BATF that a consigned handgun which is not sold by the licensed dealer and is subsequently returned to its true owner, is subject to the Brady Law.

A handgun which is delivered to a licensed dealer by an unlicenced person for the purposes of repair is not subject to the requirements of the Brady Law.

If the firearm is loaned or rented for use on the licensee's premises, the transaction is not subject to the Brady Law. However, if the firearm is loaned or rented for use off the premises, the licensee must comply with permanent Brady. 27 CFR 478.97.

E. Soliciting Unlawful Purchase

Any person who knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this State or the United States is guilty of a Class F felony.

Any person who provides to a licensed dealer or private seller of firearms or ammunition information that the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a Class F felony.

Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal to the crime.

This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of the law enforcement officer. N.C.G.S. § 14-408.1.

Out-of-State Purchase

Unless otherwise prohibited by law, a citizen of this State may purchase a firearm in another state if the citizen undergoes a background check that satisfies the law of the state of purchase and that includes an inquiry of the National Instant Background Check System. N.C.G.S. § 14-409.10.

III. POSSESSING AND CARRYING FIREARMS

A. Carrying Concealed Weapons

North Carolina law strictly controls the ability of individuals to carry weapons concealed. Except under the limited concealed handgun permit provisions of state law, described in Sections III. B and III. C of this publication, it is unlawful for any person in North Carolina, except when on his or her own premises, to willfully and intentionally carry concealed, either on or about his or her person, any "Bowie Knife, dirk, dagger, slingshot, loaded cane, metallic knuckles, razor, shurikin, stungun, or other deadly weapon of like kind." Specifically exempted from the requirements of this law are ordinary pocket knives carried in a closed position. An ordinary pocket knife is defined as being "a small knife, that is designed to be carried in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle. The knife must not be capable of being opened by a throwing, explosive, or spring action." N.C. Gen. Stat. § 14-269.

Whether, in a given case, a weapon is concealed from the public is a question of fact. By using the phrase "concealed about his or her person," this law makes it illegal to have a weapon concealed not only on a person, but also within a person's convenient control and easy reach.

Only certain categories of persons in North Carolina are allowed, in particular circumstances, to carry concealed weapons. Concealed handgun permits will be discussed in detail later in the publication. The following categories of persons are exempt from the restriction of North Carolina's concealed weapons laws:

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

2. Civil and law enforcement officers of the United States;

3. Officers and soldiers of the Militia and the National Guard when called to actual service;

4. Officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties;

5. Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a

concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled subst6ance remains in the person's body. The district attorney, assistant district attorney, or investigator must secure the weapon in a locked compartment when it is not carried on their person;

6. Any person who meets all of the following conditions:

   a. Is a qualified retired law enforcement officer as defined in G.S. 14-415.10.

   b. Is the holder of a concealed handgun permit in accordance with Article 54B of this Chapter.

   c. Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26.

7. Detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the locked vehicle; or (ii) the firearm is in a locked container securely affixed to the vehicle.

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

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

It is worth noting that while the law expressed in this publication is geared toward firearms, the limitations and cautions expressed for carrying concealed weapons apply to any other deadly weapon as well.

B. Law Enforcement Officers Safety Act of 2004

Out-of-state sworn law enforcement officers may carry concealed handguns in certain areas of North Carolina, if the officer meets all the criteria set forth under the federal law known as the

Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B). A qualified officer would be one who is an employee of a governmental agency; is authorized by law to enforce criminal laws with the statutory powers of arrest; is authorized to carry firearms by their agency; regularly qualifies with their firearm; is not under the influence of alcohol or drugs; and is not prohibited by federal law from receiving a firearm. The officer must carry valid photographic identification as an officer. While carrying in North Carolina, the out-of-state officer may not carry in either public or private areas where the possession of firearms is prohibited.

Also, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926C), certain qualified retired officers may be eligible to carry concealed handguns in North Carolina. A qualified retired officer is one who separated in good standing from a public agency as a law enforcement officer; had statutory powers of arrest; had an aggregate of ten (10) years or more service (unless separated due to a service-connected disability); qualified annually with their handgun; is not under the influence of alcohol or drugs; and is not prohibited by federal law from receiving a firearm. While carrying in North Carolina, the qualified retired officer may not carry in either public or private areas where the possession of firearms is prohibited. A person meeting the definition of a qualified retired law enforcement officer may carry a concealed handgun in North Carolina, if they are carrying photographic credentials identifying them as a separated qualified law enforcement officer, and the person has qualified with their handgun annually, either with the agency from which they retired, or as certified by the North Carolina Criminal Justice Education and Training Standards Commission (the Commission). To gain such qualification from the Commission, the qualified retired officer must make application to the Commission by submitting a verification of firearms qualification, conducted by a firearms instructor who is certified by the Commission as a Law Enforcement Firearms Instructor. The qualified retired officer must also submit a copy of their photographic identification showing their separated status, and other information required by the Commission. A person making any intentional misrepresentation on this form is guilty of a Class 2 Misdemeanor and may have their firearms qualification revoked. This status does not exempt the person from any other registration or training requirements necessary in the private protective services profession. Forms for this process may be obtained from the Criminal Justice Commission. N.C. Gen. Stat. § 14-415.26.

C. Concealed Handgun Permit

Certain residents of North Carolina may be eligible to obtain a permit which would allow them to carry a concealed handgun under certain conditions. N.C. Gen. Stat. § 14-415.11. No other weapons may be carried concealed pursuant to such permit.

North Carolina also allows out-of-state concealed handgun permittees to carry concealed handguns, pursuant to such permits, in North Carolina. N.C. Gen. Stat. § 14-415.24(a). While carrying a handgun pursuant to such permit, qualified out-of-state permittees are held to the same standards as North Carolina permittees. Consequently, there are a number of areas where concealed handguns cannot be carried in North Carolina, regardless of the individual having a

permit to carry a concealed weapon. Included on the Department of Justice website is a list of "Do's and Don'ts" for carrying a concealed handgun in North Carolina. In order to acquire a North Carolina permit, an individual must apply to the sheriff's office in the county in which he/she resides. As part of the application process, the applicant must accomplish the following:

1. Complete an application, under oath, on a form provided by the sheriff's office;

2. Pay a non-refundable fee of $80.00; and

3. Allow the sheriff's office to take two (2) full sets of fingerprints, which may cost up to $10.00;

4. Provide an original certificate of completion of an approved handgun safety course; and

5. Provide a release authorizing disclosure to the sheriff of any record concerning the applicant's mental health or capacity.

N.C. Gen. Stat. § 14-415.13 .

Any person or entity who is given an original or photocopied release form as described in N.C.G.S. § 14-415.13(a)(5), shall promptly disclose to the sheriff, any records concerning the mental health or capacity of the applicant who signed the form and authorized the release of the records. N.C. Gen. Stat. § 14-415.14(c).

NOTE: Permit fees for a retired, sworn law enforcement officer can be reduced. The retired North Carolina officer must provide a copy of the officer's letter of retirement from either the North Carolina Teachers' and State Employees' Retirement System or the North Carolina Local Governmental Employees' Retirement Systems, and written documentation from the head of the agency where the person was previously employed, indicating that the person was neither involuntarily terminated nor under administrative or criminal investigation within six (6) months of retirement. Once presented, the fees are $45.00 for an initial application, and $40.00 for a renewal application. N.C. Gen. Stat. § 14-415.19(a1)(1-2).

The sheriff has forty-five (45) days from the time all application materials, to include receipt of mental health records, are received to either issue or deny a permit. N.C. Gen. Stat. § 14-415.15(a). In order for an applicant to be approved, he/she must:

1. be a citizen of the United States;

2. have been a resident of the State of North Carolina for not less than 30 days immediately preceding the filing of the application;

3. be at least 21 years of age;

4. not suffer from any physical or mental infirmity that prevents the safe handling of a handgun; and

5. have successfully completed an approved firearms training course (unless specifically exempted from the course by State law).

N.C. Gen. Stat. § 14-415.12(a)(1-5).

The sheriff must deny the permit if certain prohibitions exist. The application must be denied if the applicant:

1. is ineligible to possess or receive a firearm under federal or state law;

2. is under indictment or against whom a finding of probable cause exists for a felony, or has ever been adjudicated guilty in any court of a felony;

3. is a fugitive from justice;

4. is an unlawful user of or addicted to marijuana, alcohol, or any depressant, stimulant or narcotic drug, or any other controlled substance;

5. is currently, or has previously been adjudicated by a court, or administratively determined by a governmental agency whose decisions are subject to judicial review, to be lacking mental capacity or mentally ill. Receipt of previous consultive services or outpatient treatment alone shall not disqualify an applicant;

6. has been discharged from the U.S. armed forces under conditions other than honorable;

7. has been convicted of an impaired driving offense under N.C.G.S. §§ 20-138.1, 20-138.2 or 20-138.3 within three (3) years prior to the date of application submission;

8. has had an entry of Prayer for Judgment Continued for a criminal offense which would disqualify the applicant from obtaining a concealed handgun permit;

9. is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime which would disqualify him/her from obtaining a concealed handgun permit; or

10. has been adjudicated guilty, or received Prayer for Judgment Continued or suspended sentence for one (1) or more crimes of violence constituting a misdemeanor, including, but not limited to, a violation of an offense under Article 8 of Chapter 14 of the North Carolina General Statutes; (This encompasses most assault offenses).

11. or a violation of a misdemeanor under the following provisions of the North Carolina General Statutes: N.C.G.S. §§ 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1), or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13, 14-288.14, 14-318.2, or 14-415.21(b), or 14-415.26(d). (see Appendix for a brief description of these disqualifying offenses.)

N.C. Gen. Stat. § 14-415.12(b)(1-11).

NOTE: The Appendix of this publication also contains a list of Do's and Don'ts for those lawfully possessing permits to carry concealed handguns.

Once the applicant is issued the permit to carry a concealed weapon, he/she must renew the permit every five (5) years. N.C. Gen. Stat. § 14-415.11(b). In order to renew the permit, the holder must file an application for renewal with the sheriff's office in the county in which he/she resides at least thirty (30) days prior to the expiration of the original permit. Along with this application, the applicant must also submit to the sheriff, a notarized affidavit stating that he/she remains qualified, the renewal fee of $75.00, and a newly administered set of fingerprints. Prior to determining if an individual remains qualified, a sheriff must update the applicant's criminal history and make another inquiry into the NICS database. The sheriff may require the permittee to take another firearms safety and training course prior to renewal. No fingerprints shall be required for a renewal permit if the applicant's fingerprints were submitted to the State Bureau of Investigation (SBI) after June 30, 2001, on the Automated Fingerprint Information System (AFIS), as prescribed by the SBI. N.C. Gen. Stat. § 14-415.16.

At least 45 days prior to the expiration date of a concealed carry permit, the sheriff will send a written notice to the permittee explaining that the permit is about to expire. The holder of the permit shall apply to renew the permit within the 90-day period prior to its expiration. The permit of a permittee who complies with this requirement will remain valid beyond the expiration date of the permit until the permittee either receives a renewal permit or is denied a renewal permit by the sheriff. If the permittee does not apply to renew the permit prior to its expiration date, but does apply to renew the permit within 60 days after the permit expires, the sheriff may waive the requirement of taking another firearms safety and training course.

A concealed carry holder who is or will be deployed for military service is allowed to apply with the sheriff for an extension of the concealed carry permit, up to an additional ninety (90) days after the permittee's scheduled deployment is to end. N.C. Gen. Stat. § 14-415.16A.

In emergencies, a sheriff may issue a temporary permit to an individual when the sheriff has reasonable belief that the individual's safety, or the safety of his or her property, or family is in immediate danger. In order to obtain this emergency permit, the applicant must first establish with the sheriff that an emergency situation exists. The individual must also submit an application, two (2) sets of fingerprints, and the non-refundable fee of $80.00. The temporary permit is valid for a maximum of ninety (90) days, is non-renewable, and may be revoked by the sheriff at any time without a hearing. N.C. Gen. Stat. § 14-415.15(b).

The law specifically exempts from the firearms safety and training course, certain qualified individuals. These persons include:

1. an individual who retired from service as a law enforcement officer with a local, state, or company police agency in North Carolina, other than for reasons of mental disability, who has been retired as a sworn law enforcement officer two (2) years or less from the date of the permit application, and

   has a non-forfeitable right to benefits under the retirement plan to the local, state, or company police agency as a law enforcement officer, or has twenty (20) or more aggregate years of law enforcement service, and has retired from a company police agency that does not have a retirement plan; or

2. a current law enforcement officer employed by a local, state, or company police agency in North Carolina who:

   a. is authorized by the agency to carry a handgun in the course of duty;

   b. is not the subject of a disciplinary action by the agency that prevents the carrying of a handgun; and

   c. meets the requirements established by the agency regarding handguns; or

3. A person who is licensed or registered by the North Carolina Private Protective Services Board as an armed security guard, who also has a firearm registration permit issued by the Board.

4. An individual who retired from service as a State probation or parole certified officer, other than for reasons of mental disability, who has been

retired as a probation or parole certified officer two years or less from the date of the permit application and who meets all of the following criteria:

a. Immediately before retirement, the individual met firearms training standards of the Department of Correction and was authorized by the Department of Correction to carry a handgun in the course of duty.

b. The individual retired in good standing and was never a subject of a disciplinary action by the Department of Correction that would have prevented the individual from carrying a handgun.

c. The individual has a vested right to benefits under the Teachers' and State Employees' Retirement System of North Carolina established under Article 1 of Chapter 135 of the General Statutes.

d. The individual is not prohibited by State or federal law from receiving a firearm.

N.C. Gen. Stat. § 14-415.12A.

Any individual who has applied for and has been issued a concealed handgun permit must follow certain regulations concerning its use. Not only must the individual carry the permit along with proper identification whenever the handgun is being carried concealed, but he/she must also inform any law enforcement officer who approaches him/her that he/she is in possession of a permit and a concealed handgun. N.C. Gen. Stat. § 14-415.11(a). Failure to do so is an infraction. However, in lieu of paying a fine for the first offense, the individual may choose to surrender his or her permit. Any individual who violates any other standards for the carrying of a concealed handgun with a permit is guilty of a Class 2 Misdemeanor. Any person who has not been issued a valid permit but carries a concealed handgun unlawfully, is guilty of committing a Class 2 Misdemeanor for the first offense, and any subsequent offenses are Class I Felonies. N.C. Gen. Stat. § 14-415.21(a) - (b).

Although a person may have a permit to carry a concealed weapon, permittees are not authorized to carry the permitted weapon anywhere they desire. The weapon may not be carried in the following areas:

1. any area prohibited by N.C.G.S. §§ 14-269.2, 14-269.3, 14-277.2, or 120-32.1. (school grounds, areas where alcohol is sold and consumed, state property, legislative buildings, and public gatherings, such as parades);

2. areas prohibited by G.S. § 14-269.4 (certain state properties);

3. in an area prohibited by rules adopted under G.S. § 120-32.1.

4. any area prohibited by 18 USC § 922 or any other federal law;

5. any law enforcement agency or correctional facility;

6. a building housing only state or federal offices;

7. an office of the state or federal government that is not located in a building exclusively occupied by the state or federal government;

8. any premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice, or statement by the person in legal possession or control of the premises.

Any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of a park within the State Parks System as defined in G.S. §113-44.9.

As provided in G.S. § 14-269.4(5), it is lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation. N.C. Gen. Stat. § 14-415.11(c).

Those individuals exempted from the prohibitions of carrying concealed weapons as set forth in Paragraph III. A. of this publication, are not prohibited from carrying a concealed weapon or handgun on property wherein a notice is posted prohibiting the carrying of a concealed handgun, unless otherwise prohibited by statute.

Notwithstanding G.S. § 14-415.11(c), any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued pursuant to this Article or that is considered valid under G.S. § 14-415.24 is not subject to the restrictions and prohibitions set out in G.S. § 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. § 14-415.11(c) unless otherwise prohibited by federal law.

North Carolina General Statute § 14-415.23 provides that no political subdivisions, boards, or agencies of the state nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local government may, however, adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun in local government buildings and their appurtenant premises. A unit of local government may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local

government. If a unit of local government adopts such an ordinance with regard to recreational facilities, then the concealed handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle. For purposes of this section, the term "recreational facilities" includes only the following: a playground, an athletic field, a swimming pool, and an athletic facility.

Article 53B of Chapter 14 of our general Statutes provides that with certain exceptions, the field of firearms regulation is preempted from regulation by local governments. A county or municipality may regulate or prohibit the sale of firearms at a location only if there is a lawful, general, similar regulation or prohibition of other commercial activities at that location. A county or municipality may also regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government. Municipalities or counties retain their authority to prohibit the possession of firearms in publicly-owned buildings or grounds, except that nothing would prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas. N.C. Gen. Stat. § 14-409.40.

Any individual who has been issued a valid permit must notify the issuing sheriff of any permanent change of address within thirty (30) days. If the permit is lost or destroyed, he/she must notify the issuing sheriff of such loss. The permittee is then eligible to obtain a duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed and by paying the required duplicate permit fee. N.C. Gen. Stat. § 14-415.11(d).

It is unlawful for the permittee to carry a concealed handgun while consuming alcohol, or at any time while the permittee has remaining in his or her body any alcohol or controlled substance previously consumed. However, a permittee does not violate this law if a controlled substance in his or her blood was lawfully obtained and taken in therapeutically appropriate amounts. N.C. Gen. Stat. § 14-415.11(c).

The sheriff of the county where the permit was issued or the sheriff of the county where the individual resides may revoke a permit, subsequent to a hearing, for any of the following reasons:

1. Fraud, intentional and material misrepresentation in obtaining a permit;

2. Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, materially altering a permit, or using a permit with the intent to unlawfully cause harm to a person or property (It is not misuse to give a duplicate of the permit to a vendor for record keeping purposes);

3. The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff;

4. Violation of any terms governing the carrying of concealed handguns; or

5. The applicant is adjudicated guilty, or receives a Prayer for Judgment Continued for a crime which would have disqualified the applicant from initially receiving a permit.

N.C. Gen. Stat. § 14-415.18.

A permittee may appeal the revocation or non-renewal of a permit by petitioning a district court judge in the applicant's residential district. The court's determination will be based upon facts, law, and reasonableness of the sheriff's refusal.

D. <u>Transporting Weapons</u>

Given this general prohibition of carrying concealed weapons, individuals must be ever vigilant to ensure their particular situation cannot be construed as concealing a weapon, either on or about them, without being properly authorized to do so with a valid North Carolina, or recognized out-of-state concealed handgun permit. Therefore, the permittee's accessibility to the weapon is of prime importance. It is unlawful to transport a weapon (absent a proper permit) that is BOTH concealed and readily accessible to a person. It is for these reasons, that when transporting a weapon in a vehicle, even greater care must be exercised to ensure that the weapon is not concealed and within the ready access to an occupant of the vehicle. North Carolina law does not specifically address how to transport a weapon in an automobile. Therefore, the central question becomes: when is the weapon concealed and readily accessible to an occupant of an automobile? Obviously, a weapon would be concealed and readily accessible, and therefore in violation of North Carolina law, if it were placed in such areas of a vehicle as under the seat of the automobile; in a bag in the back seat; or in some other manner is covered or hidden within the easy reach of an occupant of the vehicle. It is our recommendation that firearms should not be carried in a glove compartment regardless of whether the compartment is locked or not.

While a weapon carried openly in an automobile would not be concealed, there are other problems specific to this method of carrying a weapon. The principal drawback, of course, is in the event of an individual being stopped by a law enforcement official, the officer may not readily know that individual's purpose and intent for carrying a weapon. As such, it is imperative that an individual immediately notify an officer of the presence of any weapon in the automobile, for the officer's and the vehicle's occupants' safety. Another obvious drawback is that a valuable weapon may be in plain view for potential thieves to see. The prohibition to carrying concealed weapons applies not only to handguns and other weapons commonly thought of as being easily hidden, but also to "long guns" as well. Therefore, shotguns and rifles concealed behind the seat of pickup trucks, and elsewhere in other vehicles, could similarly violate North Carolina law.

As to those vehicles with no easily discernible trunk area (e.g., SUVs, vans, etc.), it becomes a factual determination of when the weapon is within ready and easy access to an occupant of the vehicle. If the weapon is concealed near, in close proximity to, or within the convenient control and access of an occupant, which would allow him/her to use the weapon

quickly, then a fair probability exists that the occupant is in violation of the law. Therefore, care must be exercised by any occupant of any vehicle to ensure that weapons are securely locked away in as remote an area as possible, in relation to the passenger compartment of the vehicle. It is important to emphasize that these prohibitions apply to passengers, as well as drivers of any vehicle.

E. Areas Where Weapons Are Prohibited

1. Schools

North Carolina General Statute § 14-269.2 provides that it is a Class I Felony for any person to knowingly 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 extra-curricular activity sponsored by a school. It is a Class F Felony to willfully discharge a firearm on school grounds. It is also a Class I Felony, for any person to cause, encourage, or aid a person who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property. This particular violation does not apply to BB guns, stun guns, air rifles, or air pistols.

It is a Class G Felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive, on educational property, or to a curricular or extra-curricular activity sponsored by a school. This particular prohibition does not apply to fireworks. It is also a violation, punishable as a Class G Felony, for any person to cause, encourage, or aid a person who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive, on educational property. Again, this particular violation does not apply to fireworks.

It is a Class 1 Misdemeanor for any person to possess or carry, whether openly or concealed on educational property, any BB gun, stun gun, air rifle, air pistol, Bowie Knife, dirk, dagger, slingshot, loaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), fireworks, or any sharp pointed or edged instrument (except instructional supplies, un-altered nail files and clips, and tools used solely for the preparation of food, instruction, and maintenance on educational property). It is also a Class 1 Misdemeanor for any person to cause, encourage, or aid a person who is less than 18 years old to possess or carry, whether openly or concealed, any of these items on educational property.

These prohibitions will apply in/on 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.

It is a misdemeanor, rather than a Class I Felony, for any person 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 if:

a. The person is not a student attending school on the educational property, or an employee employed by the school working on the educational property; and

b. The person is not a student attending a curricular or extra-curricular activity sponsored by the school at which the student is enrolled, or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is working; and

c. The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.

The aforementioned prohibitions will not apply to:

a. A weapon used solely for educational or school sanctioned ceremonial purposes, or used in a school approved program conducted under the supervision of an adult, whose supervision has been approved by the school authority;

b. Fire fighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties;

c. Those persons exempted by N.C.G.S. § 14-269(b), as set forth in Paragraph III. A. of this publication;

d. Home schools;

e. A person registered under Chapter 74C of the North Carolina General Statutes as an armed armored car service guard; or an armed, courier service guard, when acting in the discharge of the guard's duties and with the permission of the college or university; or

f. A person registered under Chapter 74C of the North Carolina General Statutes as an armed security guard while on the premises of a hospital or health care facility, located on educational property, when acting in the discharge of the guard's duties with the permission of the college or university.

No person is guilty of a criminal violation of this section so long as **both** of the following apply:

a. The person comes into possession of a weapon by taking or receiving the weapon from another person, or by finding the weapon; and

b. The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.

A concealed handgun permit does not allow a permittee to carry a weapon on any school grounds. N.C. Gen. Stat. § 14-415.11(c).

2. Assemblies and Establishments

North Carolina law also prohibits any person carrying a gun, rifle, or pistol into any assembly where a fee has been charged for admission or into any establishment where alcoholic beverages are both sold and consumed. Again, the individuals exempted from carrying concealed weapons cited in paragraph III. A. of this publication are similarly exempted under this law. **A concealed handgun permit does not allow a permittee to carry a weapon in these areas**. The following are also included in this exemption:

a. The owner or lessee of the premises or business;

b. A person participating in the event, if he/she is carrying a gun, rifle, or pistol with the permission of the owner, lessee, person, or organization sponsoring the event; and

c. A person registered or hired as a security guard by the owner, lessee, person, or organization sponsoring the event.

N.C. Gen. Stat. § 14-269.3.

3. State Buildings

It is also unlawful under State law, for any person to possess or carry a weapon not used for instructional or officially sanctioned ceremonial purposes, in the State Capitol Building, Executive Mansion, Western Residence of the Governor, or on the grounds of these buildings, including any building used to house any court of the General Court of Justice. Possessing or carrying a weapon in these areas is a misdemeanor. Persons exempted by the provisions of N.C.G.S. § 14-269(b) are not bound by this prohibition. These persons are set forth in Paragraph III. A. of this publication. Also exempt are persons in possession of weapons for evidentiary purposes, or who are delivering the weapon to a law enforcement agency, or for purposes of registration. Additionally, this prohibition does not apply to

firearms carried in courthouses by detention officers employed by, and authorized by the sheriff to carry firearms. District and Superior Court Judges may also possess firearms in courthouses when in the performance of their duties and the Judge has a valid North Carolina concealed carry permit. Additionally, any magistrate may possess a concealed handgun in any courthouse if the magistrate (i) is in the building to discharge the magistrate's official duties, (ii) has a North Carolina concealed handgun permit, (iii) has successfully completed a one-time weapons retention training substantially similar to that provided to certified law enforcement officers in North Carolina, and (iv) secures the weapon in a locked compartment when the weapon is not on the magistrate's person. This prohibition does not apply to state-owned rest areas, rest stops along the highways, and state-owned hunting and fishing reservations. Additionally, this prohibition does not apply to a person with a permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. § 14-415.24 who has a firearm in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit. N.C. Gen. Stat. § 14-269.4. **A concealed handgun permit alone does not allow a permittee to carry a weapon in these areas**. N.C. Gen. Stat. § 14-415.11(c).

4. Events Occurring In Public Places

North Carolina law further makes it unlawful for any person participating in, affiliated with, or present as a spectator at any parade, funeral procession, picket line, or demonstration upon any public place, owned or under the control of the State of North Carolina, or any of its political subdivisions, to willfully or intentionally possess, or have immediate access to any dangerous weapon. N.C. Gen. Stat. § 14-277.2. Persons exempted from the provisions of N.C.G.S. § 14-269(b) are not bound by this prohibition. These persons are set forth in Paragraph III. A. of this publication. **A concealed handgun permit does not allow a permittee to carry a weapon in these areas**. N.C. Gen. Stat. § 14-415.11(c).

5. Areas of Emergency and Riot

It is also a misdemeanor under North Carolina law for a person to transport or possess, off his or her own premises, a dangerous weapon in an area during a declared state of emergency, or in the vicinity of a riot. N.C. Gen. Stat. § 14-288.7 **A concealed handgun permit does not allow a permittee to carry a weapon in these areas**. N.C. Gen. Stat. § 14-415.11(c).

6. Going Armed To The Terror Of The People

By common law in North Carolina, it is unlawful for a person to arm himself/herself with any unusual and dangerous weapon, for the purpose of terrifying others, and go about on public highways in a manner to cause terror to others. The N.C. Supreme Court states that any gun is an unusual and dangerous weapon for purposes of this offense. Therefore, persons are cautioned as to the areas they frequent with firearms.

7. Storage of Firearms

Any individual who resides with a minor, who owns or possesses a firearm, and stores or leaves that firearm in a condition that the firearm can be discharged, and in a manner that the individual knew, or should have known, that an unsupervised minor would be able to gain access to the firearm, is guilty of a misdemeanor if such minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor, and the minor in turn possesses that weapon unlawfully on any campus or educational property in North Carolina; exhibits the weapon in a public place in a careless, angry, or threatening manner; causes personal injury or death with the weapon not in self defense; or uses the weapon in the commission of a crime. A minor is defined in this law as anyone under the age of 18 who is not emancipated.

This law goes on to provide that it shall not prohibit an individual from carrying a firearm on his or her body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body. This provision of the law should not be interpreted however, to modify the previously recited law on carrying concealed weapons in North Carolina. Additionally, this law does not apply if the minor obtained the weapon as a result of an unlawful entry by an individual.

A written copy of this firearms storage law, found in N.C.G.S. § 14-315.1, is required to be delivered by the transferor in any retail commercial sale or transfer of a firearm to the purchaser, or transferee of such weapon. All such transferors should take appropriate steps to have a verbatim copy of this law available at the time of any transfer of a weapon. N.C. Gen. Stat. § 14-315.2.

F. Persons Acquitted of a Crime by Reason of Insanity

It is a Class H Felony for an individual to purchase, own, possess or have control of a firearm or any weapon of mass death and destruction, when that person has, by reason of insanity, been acquitted of, or who has been determined under N.C.G.S. §15A-1002 to lack the capacity to proceed in those crimes enumerated in the N.C. Felony Firearms Acts (see section V. of this publication) and other assaults under North Carolina law. N.C. Gen. Stat. § 14-415.3.

IV. RESTRICTED AND PROHIBITED WEAPONS

A. Ballistic or Projectile Knives

Pursuant to North Carolina General Statute § 14-269.6, it is unlawful for any person, including North Carolina law enforcement officers, or of any county, city, or town, to possess, offer for sale, hold for sale, sell, give, loan, deliver, transport, manufacture, or go armed with any spring-loaded projectile knife, a ballistic knife, or any weapon of similar character. The sole exception to this law is that a law enforcement agency may possess such a weapon solely for evidentiary, educational, or training purposes. Basically, a projectile or ballistic knife is one which propels or shoots its blade from the handle.

B. Weapons of Mass Destruction

North Carolina General Statute § 14-288.8 provides that it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver, give to another, or acquire any weapon of mass death and destruction. A weapon of mass death and destruction includes:

1. bombs of all sorts;
2. grenades;
3. rockets having a propellant charge of more than four (4) ounces;
4. a missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce;
5. mines;
6. any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will expel a projectile using an explosive, or other propellant, and which has a barrel with a bore of more than one-half (1/2) inch in diameter;
7. any firearm capable of fully automatic fire;
8. any shotgun with a barrel length less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;
9. a rifle with a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;

10. any muffler or silencer for any firearm, whether or not such firearm is included within this definition; and

11. any combination of parts either designed or intended for use in converting a device into any weapon described above, and from which a weapon of mass death and destruction may readily be assembled.

Thus, a device which could convert a semi-automatic firearm into one capable of full automatic fire would be in violation of this statute, whether or not one actually possesses such a weapon. The possession of the device itself is a crime. If any person possesses a weapon of mass death and destruction in violation of this statute, he/she would be guilty of a Class F Felony.

The only persons allowed to own or possess a weapon of mass death and destruction, as defined above, are the following:

1. persons exempted from the provisions of carrying a concealed weapon in North Carolina, with respect to any activity lawfully engaged in while carrying out their duties;

2. importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses;

3. persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts;

4. inventors, designers, ordinance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge the knowledge of, or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina; or

5. persons who lawfully possess or own a weapon in compliance with 26 U.S.C. Chapter 53, §§ 5801-5871. Nothing limits however the discretion of the sheriff in executing the paperwork required by he United States Bureau of Alcohol, Tobacco and Firearms for such person to obtain the weapon.

C. <u>Nuclear, Biological, or Chemical Weapons of Mass Destruction</u>

Pursuant to North Carolina General Statute § 14-288.21, it is unlawful for any person to knowingly manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire a nuclear, biological, or chemical weapon of mass destruction. This prohibition does not apply to the following:

1. persons listed in N.C.G.S. § 14-269(b) with respect to any activities lawfully engaged in while carrying out their duties;

2. persons under contract with, or working under the direction of, the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts or pursuant to lawful direction;

3. persons lawfully engaged in the development, production, manufacture, assembly, possession, transport, sale, purchase, delivery or acquisition of any biological agent, disease organism, toxic or poisonous chemical, radioactive substance or their immediate precursors, for preventive, protective, or other peaceful purposes; or

4. persons unlawfully engaged in accepted agricultural, horticultural, or forestry practices; aquatic weed control; or structural pest and rodent control, in a manner approved by the federal, state, county, or local agency charged with authority over such activities;

The terms "nuclear, biological, or chemical weapon of mass destruction" mean any of the following:

1. any weapon, device, or method that is designed or has the capability to cause death or serious injury through the release, dissemination, or impact of:

    a. radiation or radioactivity;
    b. a disease organism; or
    c. toxic or poisonous chemicals or their immediate precursors.

2. Any substance that is designed to or has the capability to cause death or serious injury and:

    a. contains radiation or radioactivity;
    b. is or contains toxic or poisonous chemicals or their immediate precursors; or
    c. is or contains one or more of the following:

(1) Any select agent that is a microorganism, virus, bacterium, fungus, rickettsia, or toxin listed in Appendix A, Part 72 of Title 42 of the Code of Federal Regulations;

(2) Any genetically modified microorganisms or genetic elements from an organism on Appendix A, Part 72 of Title 42 of the Code of Federal Regulations, shown to produce or encode for a factor associated with a disease; or

(3) Any genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins listed on Appendix A, Part 72 of Title 42 of the Code of Federal Regulations, or their toxic submits.

The terms "nuclear, biological, or chemical weapon of mass destruction" also include any combination of parts or substances either designed or intended for use in converting any device or substance into any nuclear, biological, or chemical weapon of mass destruction, or from which a nuclear, biological, or chemical weapon of mass destruction may be readily assembled or created.

Any person who violates any provision of N.C.G.S. § 14-288.21 is guilty of a Class B1 Felony.

Pursuant to N.C.G.S. § 14-288.22, any person who unlawfully and willfully injures another by the use of a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class A Felony, and will be sentenced to life imprisonment without parole. Any person who attempts, solicits another, or conspires to injure another by the use of a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class B1 Felony. Any person who, for the purpose of violating any provision of these laws, deposits for delivery or attempts to have delivered, a nuclear, biological, or chemical weapon of mass destruction by the United States Postal Service, or other public or private business engaged in the delivery of mail, packages, or parcels is guilty of a Class B1 Felony.

Pursuant to N.C.G.S. § 14-288.23, any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that causes any person to reasonably believe that there is located at any place or structure whatsoever, any nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D Felony. The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the false report, pursuant to Article 81C of Chapter 15A of the General Statutes. The term "report" also includes making accessible to another person by computer.

Pursuant to N.C.G.S. § 14-288.24, any person who, with intent to perpetrate a hoax, conceals, places, or displays any device, object, machine, instrument, or artifact, so as to cause any person to reasonably believe the same to be a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D Felony. The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the hoax, pursuant to Article 81C of Chapter 15A of the North Carolina General Statutes.

D. Machine Guns

Pursuant to North Carolina General Statute § 14-409, it is unlawful for any person, firm, or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or other like weapons. A machine gun or sub-machine gun is one which shoots, or can be readily restored to shoot more than one round, without manual reloading, by a single function of the trigger. It also includes any frame or receiver of such a weapon, or parts used in converting a weapon into a machine gun or sub-machine gun. This prohibition does not apply to the following:

1. banks, merchants, and recognized business establishments for use in their respective places of business. However, these persons must first apply to and receive from the sheriff of the county in which their business is located, a permit to possess the weapon for the purpose of defending their business;

2. officers and soldiers of the United States Armed Forces, when in the discharge of their official duties;

3. officers and soldiers of the Militia, when being called into actual service;

4. officers of the state, or county, city or town, charged with the execution of laws of the state, when acting in the discharge of their official duties;

5. the manufacture, use, or possession of such weapons for scientific or experimental purposes when such manufacture, use, or possession is lawful under federal laws and the weapon is registered with a federal agency, and a permit to manufacture, use, or possess the weapon has been obtained by the sheriff of the county in which the weapon is located; or

6. a person who lawfully possesses or owns a weapon in compliance with 26 U.S.C. Chaper 53, §§ 5801-5871. Nothing limits however the discretion of the sheriff in executing the paperwork required by the United States Bureau of Alcohol, Tobacco and Firearms for such person to obtain the weapon.

Any bona fide resident of the state who now owns a machine gun used in former wars may retain and keep that weapon at his or her own property, as a relic or souvenir, without violating the provisions of this section, as long as he/she reports this weapon to the sheriff of the county in which he/she lives.

E. Teflon-Coated Bullets

Pursuant to North Carolina General Statute § 14-34.3, it is unlawful for any person to import, manufacture, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any Teflon-coated bullet. This prohibition does not apply to the following:

1. officers and soldiers of the United States Armed Forces, when in the discharge of their official duties;

2. officers and soldiers of the Militia, when being called into actual service;

3. officers of the state, or county, city or town, charged with the execution of laws of the state, when acting in the discharge of their official duties;

4. importers, manufacturers, and dealers validly licensed under the laws of the United States or the State of North Carolina who possess, for the purpose of sale to authorized law enforcement agencies only; and

5. inventors, designers, ordinance consultants and researchers, chemists, physicists, and other persons employed by or under contract with a manufacturing company engaged in making or doing research designed to enlarge knowledge of, or to facilitate the creation, development, or manufacture of more effective police-type body armor.

V. FELONY FIREARMS ACT

Another aspect of North Carolina law necessary for a good working knowledge of firearms laws, is our Felony Firearms Act, found in N.C.G.S. § 14-415.1. This restriction on gun ownership applies to any person who has been convicted of any North Carolina felony or violation of criminal laws in other states, or the United States, which are punishable by imprisonment for a term exceeding one (1) year. Effective December 1, 2004, these individuals cannot purchase, own, possess, or have in their custody, care, or control, any firearm at any location, or any weapon of mass death and destruction. This prohibition continues indefinitely. This prohibition does not apply, however, to "antique firearms" as set forth in Section II. B. of this publication.

This restriction does not apply to a person who, pursuant to the law of the jurisdiction in which the conviction occurred, has been pardoned or has had his or her firearms rights restored if such restoration of rights could also be granted under North Carolina law. N.C.G.S. § 14-415.4 sets forth a process where certain qualified felons may apply to a District Court for a restoration of firearms rights.

The Federal Firearms Statute, at 18 U.S.C. § 922, is independent of North Carolina's and should be consulted before anyone convicted of a felony, in any state or federal court, possesses, receives or transports any firearm. For detailed information on this federal law, persons are urged to contact the Bureau of Alcohol, Tobacco, and Firearms, or their local U.S. Attorney's Office.

VI. AGE REQUIREMENTS FOR THE PURCHASE AND POSSESSION OF WEAPONS

North Carolina law does not currently address specific age requirements for the purchase of weapons. Rather, it looks to the federal standards for such restrictions. Under federal law, 18 U.S.C. § 922(b)(1), federally licensed gun dealers are prohibited from selling handguns to persons under the age of 21. Further, all other purchasers of shotguns and rifles are required to be at least 18 years of age. Therefore, while a pistol purchase permit can be issued to an individual 18 years of age or older, such persons aged 18, 19, and 20 could not use the permit to purchase a handgun from a federally licensed firearms dealer.

North Carolina General Statute § 14-269.7 provides that it is a misdemeanor for any person under the age of 18 to willfully and intentionally possess or carry a handgun. A handgun is defined as a firearm that has a short stock and is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled. This prohibition does not apply to the following:

A. officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties, or acting under orders requiring them to carry handguns;

B. a minor who possesses a handgun for educational or recreational purposes while the minor is supervised by an adult who is present;

C. an emancipated minor who possesses such a handgun inside his or her residence; and

D. a minor who possesses a handgun while hunting or trapping outside the limits of an incorporated municipality if he/she has on his or her person, written permission from a parent, guardian, or other person standing in loco parentis.

North Carolina General Statute G.S. § 14-315 prohibits any person from selling, offering for sale, giving away, or in any way transferring to a person under the age of 18, any pistol cartridge, brass knucks, Bowie Knife, dirk, shurikin, loaded cane, or slingshot. Any person who violates this law is guilty of a Class 1 Misdemeanor and, in addition, shall forfeit the proceeds of any sale made in violation of this prohibition.

This statute further provides that it is a Class H Felony for a person to sell, offer for sale, give, or in any way transfer to a person less than 18 years of age, any handgun as defined in N.C.G.S. § 14-269.7. Additionally, an individual guilty of this offense shall forfeit the proceeds of any sale made in violation of this section. This law does not apply under the following circumstances:

A. when the handgun is lent to a minor for temporary use if the minor's possession of the handgun is lawful under N.C.G.S. § 14-269.7 and G.S. § 14-316 and is not otherwise unlawful;

B. when the handgun is transferred to an adult custodian, pursuant to Chapter 33A of the North Carolina General Statutes, and the minor does not take possession of the handgun except that the adult custodian may allow the minor temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful under N.C.G.S. § 14-269.7 and N.C.G.S. § 14-316 and is not otherwise unlawful;

C. when the handgun is a devise or legacy and is distributed to a parent or guardian under N.C.G.S. § 28A-22-7, and the minor does not take possession of the handgun except that the parent or guardian may allow the minor temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful under N.C.G.S. § 14-269.7 and N.C.G.S. § 14-316 and is not otherwise unlawful.

It is a defense to a violation of this law if all of the following conditions are met:

A. the person shows that the minor produced an apparently valid permit to receive the weapon, if such permit would be required under N.C.G.S. § 14-402 or N.C.G.S. § 14-409.1 for transfer of the weapon to an adult;

B. the person reasonably believed that the minor was not a minor;

C. the person either:

1. shows that the minor produced a driver's license, a special identification card issued under N.C.G.S. § 20-37.7, a military identification card, or a passport, showing the minor's age to be at least the required age for

purchase, and bearing a physical description of the person named on the card reasonably describing the minor; or

2. produces evidence of other facts that reasonably indicate at the time of sale, that the minor was at least the required age.

Under N.C.G.S. § 14-316, a guardian or parent of a child under the age of 12 may not allow such child to have possession, custody, or the use of any gun, pistol, or dangerous firearm, except under the parent's or guardian's direct supervision. Air rifles, air pistols, and BB guns shall not be deemed "dangerous firearms" within the meaning of this statute except in: Anson, Caldwell, Caswell, Chowan, Cleveland, Cumberland, Durham, Forsyth, Gaston, Harnett, Haywood, Mecklenburg, Stanly, Stokes, Surry, Union and Vance Counties.

VII. FIREARMS DEALERS

Every dealer in pistols and other weapons must keep an accurate record of all sales. This record should include the name, place of residence, and date of sale, of each person, firm, or corporation to whom such sale is made. The record is required to be open to the inspection of any duly constituted state, county, or city police officer within the State of North Carolina.

Upon the retail commercial sale or transfer of any firearm, the seller or transferor shall deliver a written copy of North Carolina General Statute § 14-315.1 to the purchaser or transferee. Additionally, any retail or wholesale store, shop, or sales outlet that sells firearms shall conspicuously post, at each purchase counter, the following warning in block letters, not less than one (1) inch in height: "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR." A violation of these provisions is a misdemeanor under North Carolina law.

VIII. COMMONLY ASKED FIREARMS QUESTIONS

A. MAY I CARRY A CONCEALED WEAPON IN NORTH CAROLINA?

ANSWER: No. As a general rule, North Carolina law forbids a private citizens from carrying a concealed weapon, either on or about their person, while off their premises, unless they have a concealed handgun permit. This prohibition pertains not only to firearms, but also to any other deadly weapon. You are referred to Section III. A., B. and C. of this publication for a more detailed analysis of this complex area, to include transporting a firearm in a vehicle.

B. MAY I GET A PERMIT TO CARRY A CONCEALED WEAPON IN NORTH CAROLINA?

ANSWER: Yes. Certain qualified North Carolina residents can get a permit to carry concealed handguns under specific circumstances. North Carolina allows out-of-state concealed handgun permittees to carry concealed handguns pursuant to such permits in North Carolina. Please be aware that while carrying a handgun pursuant to such permit, qualified out-of-state permittees are held to the same standards as North Carolina permittees. Consequently, there are a number of areas where concealed handguns cannot be carried in North Carolina, regardless of the individual having a permit to carry a concealed weapon. A more detailed discussion of what areas prohibit the possession of a firearm is contained in Section III. C. of this publication.

C. HOW DO I GET A HANDGUN PURCHASE PERMIT?

ANSWER: Pistol permits may be obtained from the sheriff where the purchaser or receiver resides. An application must be submitted to the sheriff by the individual who desires to obtain a pistol permit, and must satisfy the requirements of North Carolina law. These requirements are set out in Section II. of this publication.

D. HOW OLD MUST I BE TO PURCHASE A HANDGUN, SHOTGUN, OR RIFLE?

ANSWER: To purchase a handgun from a federally licensed dealer, an individual must be 21 years of age or older. The age at which a person can purchase a shotgun or rifle form a licensed dealer is 18. Please note that although an 18, 19, or 20 year old may be issued a pistol purchase permit they would not be able to purchase a handgun with it from a licensed firearms dealer.

E. IS IT LAWFUL TO CARRY A WEAPON TO A BAR OR SIMILAR ESTABLISHMENT FOR PURPOSES OF PROTECTION?

ANSWER: No. North Carolina General Statutes forbid a person to carry a weapon into an assembly where an admission fee has been charged, or a place where alcoholic beverages are sold and consumed. Also, a concealed handgun permit does not allow for such. A more detailed discussion of what areas prohibit

the possession of a firearm is contained in Section III. E. of this publication.

F. DO MY GUNS HAVE TO BE REGISTERED WITH THE SHERIFF OR POLICE DEPARTMENT WHERE I LIVE?

ANSWER: Except as to the requirement to lawfully possess a machine gun under N.C.G.S. § 14-409, North Carolina generally does not require other types of firearms to be registered with the sheriff or Police Department. The only type of "registration" requirement is that a purchaser or receiver of a pistol must first obtain a pistol permit, for each pistol, from the sheriff of the county in which he/she resides. Note: A local act requiring registration for Durham, N.C. is still valid law in the State.

G. HOW MANY PISTOL PERMITS CAN I GET AT ANY ONE TIME?

ANSWER: State law sets no limit on the number of permits which can be obtained at any one given time. However, consistent with their authority to regulate the issuance of pistol permits, most sheriff departments will limit the number of permits that one applicant may receive. Typically, it is not uncommon for a sheriff's department to limit an applicant to a maximum of five such permits in one year.

H. IF I BUY A HANDGUN FROM AN INDIVIDUAL WHOM I HAVE KNOWN FOR A NUMBER OF YEARS AND WHO DOES NOT HAVE A CRIMINAL RECORD, DO I STILL NEED A PERMIT?

ANSWER: Yes. North Carolina General Statute § 14-402 does not make any exception for the receipt or purchase of a handgun from a private individual as opposed to a firearms dealer. Therefore, a pistol purchase or North Carolina concealed carry permit is necessary before the transfer of any handgun can take place.

I. CAN OUT-OF-STATE POLICE OFFICERS CARRY CONCEALED WEAPONS IN NORTH CAROLINA WHILE ON DUTY?

ANSWER: Yes, if the officer meets all of the criteria set forth under the federal law known as the Law Enforcement Officers Safety Act of 2004 (H.R.218) and is carrying valid identification as an officer.

J. HOW LONG IS MY PERMIT TO PURCHASE A HANDGUN VALID?

ANSWER: North Carolina law provides that permits are valid for a period of five (5) years.

K. FOR PURPOSES OF CARRYING CONCEALED WEAPONS, DOES IT MAKE A DIFFERENCE IF THE CARRIED WEAPON IS UNLOADED?

ANSWER: No. North Carolina General Statute § 14-269 does not specify whether the weapon has to be loaded or unloaded. Rather, the location of the weapon is looked at to determine whether or not it is concealed.

L. IS A FULLY FUNCTIONAL SMALL PISTOL OR KNIFE WHICH IS DESIGNED TO FIT INTO A BELT BUCKLE CONSIDERED CONCEALED IN NORTH CAROLINA?

ANSWER: Yes. Gun and knife belt buckles described above falsely give an impression of being ornamental in nature. As their nature and purpose is concealed and misleading, coupled with the weapons' immediate and ready accessibility to the wearer of such a belt buckle, they would be considered concealed.

M. HOW LONG MUST I BE A RESIDENT OF A NORTH CAROLINA COUNTY BEFORE I AM ELIGIBLE TO APPLY FOR A PERMIT TO PURCHASE A PISTOL?

ANSWER: North Carolina law does not specifically address how long an individual must reside in a county prior to making application for a pistol permit. However, it is not uncommon for a sheriff's department to establish such a policy with a minimum residency requirement.

N. IS THE SHERIFF OF THE COUNTY WHERE I RESIDE THE ONLY PERSON WHO CAN ISSUE A PERMIT TO PURCHASE A HANDGUN?

ANSWER: Generally speaking, yes; however, North Carolina General Statute § 14-404 allows a non-resident of a county to obtain a permit to purchase a pistol but only for the purpose of collecting firearms.

O. ARE NORTH CAROLINA LAW ENFORCEMENT OFFICERS REQUIRED TO APPLY FOR CONCEALED HANDGUN PERMITS TO CARRY CONCEALED HANDGUNS OFF DUTY?

ANSWER: Authorized law enforcement officers may carry concealed handguns statewide, off duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance, or while alcohol or an unlawful controlled substance remains in the officer's body. Departmental policy and state law must be consulted as to areas an off duty officer would be prohibited from carrying a weapon.

P. WHEN I REDEEM MY PAWNED PISTOL, DO I NEED TO OBTAIN A NORTH CAROLINA STATE PISTOL PERMIT BEFORE RECEIVING MY HANDGUN?

ANSWER: No. North Carolina does not require the owner to have a state pistol permit prior to redeeming his or her pawned pistol. Federal law, however, would require a NICS inquiry or suitable alternative prior to redemption.

IX. ADDITIONAL INFORMATION

For more information as to the firearms laws in North Carolina, or to make suggestions as to how to improve this publication, please contact the **Law Enforcement Liaison Section of the Department of Justice at (919) 716-6725.**

For more information about federal firearms laws, or inquiries about federal requirements for licensed firearms dealers, you are urged to contact your local or statewide office of the **BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES** of the U. S. Department of Justice (BATF). In North Carolina, the local branch of the BATF may be reached in Charlotte at (704) 716-1800 and in Raleigh at (919) 856-4366.

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APPENDIX

DISQUALIFYING CRIMINAL OFFENSES PURSUANT TO N.C.G.S. § 14-415.12(b)(8)

An individual who has been adjudicated guilty of, or received a prayer for Judgment Continued, or suspended sentence for offenses constituting a misdemeanor under the following specific statutes, or any other crime of violence, is disqualified from obtaining a permit to carry a concealed handgun:

1. Harassment of and unauthorized communication with jurors (N.C.G.S. § 14-225.2).

2. Violation of court orders (N.C.G.S. § 14-226.1).

3. Furnishing poison, controlled substances, deadly weapons, cartridges, ammunition or alcoholic beverages to inmates of charitable, mental or penal institutions, or local confinement facilities (N.C.G.S. § 14-258.1).

4. Carrying weapons on campus or other educational property (N.C.G.S. § 14-269.2).

5. Carrying weapons into assemblies and establishments where alcoholic beverages are sold and/or consumed (N.C.G.S. § 14-269.3).

6. Carry weapons on state property and courthouses (N.C.G.S. § 14-269.4).

7. Possession and/or sale of spring-loaded projectile knives (N.C.G.S. § 14-269.6).

8. Impersonation of a firemen or emergency medical services personnel (N.C.G.S. § 14 276.1).

9. Impersonation of a law enforcement or other public officer (N.C.G.S. § 14-277).

10. Communicating threats (N.C.G.S. § 14-277.1).

11. Carry weapons at parades and other public gatherings (N.C.G.S. § 14-277.2).

12. Stalking (N.C.G.S. § 14-277.3).

13. Throwing or dropping objects at sporting events (N.C.G.S. § 14-281.1).

14. Exploding dynamite cartridges and/or bombs (N.C.G.S. § 14-283).

15. Rioting and inciting to riot (N.C.G.S. § 14-288.2).

16. Fighting or conduct creating the threat of imminent fighting or other violence (N.C.G.S. § 14-288.4(a)(1)).

17. Making or using any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation, and thereby create a breach of peace (N.C.G.S. § 14-288.4(a)(2)).

18. Looting and trespassing during an emergency (N.C.G.S. § 14-288.6).

19. Assault on emergency personnel (N.C.G.S. § 14-288.9).

20. Violations of city State of Emergency Ordinances (N.C.G.S. § 14-288.12).

21. Violations of county State of Emergency Ordinances (N.C.G.S. § 14-288.13).

22. Violations of State of Emergency Ordinances (N.C.G.S. § 14-288.14).

23. Child abuse (N.C.G.S. § 14-318.2).

24. Violations of the standards for carrying a concealed weapon (N.C.G.S. § 14-415.21(b)).

25. Misrepresentation on certification of qualified retired law enforcement officers (N.C.G.S. § 14-415.26).

26. Any crime of violence found in Chapter 14, Article 8 of the North Carolina General Statutes.

"DO'S AND DON'TS" OF CARRYING A CONCEALED HANDGUN

1. Your permit to carry a concealed handgun **must** be carried along with valid identification whenever the handgun is being carried concealed.

2. When approached or addressed by any officer, you **must** disclose the fact that you have a valid concealed handgun permit and inform the officer that you are in possession of a concealed handgun. You should **not** attempt to draw or display either your weapon or your permit for the officer unless and until he/she directs you to do so. Your hands are to be kept in plain view and you are not to make any sudden movements.

3. At the request of any law enforcement officer, you **must** display both the permit and valid identification.

4. You **may not**, with or without a permit, carry a concealed weapon while consuming alcohol or while alcohol or any substance, controlled or otherwise, is in your blood unless the substance was obtained legally and taken in therapeutically appropriate amounts.

5. You **must** notify the sheriff who issued your permit of any address change within thirty (30) days of the change of address.

6. If a permit is lost or destroyed, you **must** notify the sheriff who issued the permit and you may receive a duplicate permit by submitting a notarized statement to that effect, along with the required fee. Do **not** carry a handgun without it.

7. Even with a permit, you may **not** carry a concealed handgun in the following areas:

   a. Any law enforcement or correctional facility;

   b. Any space occupied by state or federal employees;

   c. Any premises where the carrying of a concealed handgun is prohibited by the posting of a statement by the controller of the premises;

   d. Educational property;

   e. Areas of assemblies, parades, funerals, or demonstrations;

   f. Places where alcoholic beverages are sold and consumed;

   g. State occupied property;

   h. Any state or federal courthouse;

   i. Any area prohibited by federal law;

j. Any local government building if the local government has adopted an ordinance and posted signs prohibiting the carrying of concealed weapons.

8. If you are in a vehicle and stopped by a law enforcement officer, you should put both hands on the steering wheel, announce you are in possession of a concealed handgun and state where you have it concealed, and that you are in possession of a permit. Do **not** remove your hands from the wheel until instructed to do so by the officer.

North Carolina Department of Justice
Criminal Division - Law Enforcement Liaison Section

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