

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

2

HOUSE BILL 134
Committee Substitute Favorable 3/10/21

Short Title: 2nd Amendment Protection Act.

(Public)

Sponsors:

Referred to:

February 24, 2021

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT A PERSON WHO HAS A CONCEALED CARRY HANDGUN
PERMIT MAY CARRY A HANDGUN ON EDUCATIONAL PROPERTY THAT IS THE
LOCATION OF BOTH A SCHOOL AND A PLACE OF RELIGIOUS WORSHIP AND TO
ENACT THE 2ND AMENDMENT PROTECTION ACT OF 2021.

The General Assembly of North Carolina enacts:

PART I. ALLOW HANDGUNS ON RELIGIOUS PROPERTY WITH A SCHOOL

SECTION 1.(a) G.S. 14-269.2(a) is amended by adding a new subdivision to read:

"(1c) School operating hours. – Any time when any of the following occur:

- a. The premises are being used for curricular or extracurricular activities.
- b. The premises are being used for educational, instructional, or school-sponsored activities.
- c. The premises are being used for programs for minors by entities not affiliated with the religious institution."

SECTION 1.(b) G.S. 14-269.2 is amended by adding a new subsection to read:

"(k1) For the purposes of this subsection, property owned by a local board of education or county commission shall not be construed as a building that is a place of religious worship as defined in G.S. 14-54.1. The provisions of this section shall not apply to a person who has a concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from obtaining a permit pursuant to that Article, if all of the following conditions apply:

- (1) The person possesses and carries a handgun on educational property other than an institution of higher education as defined by G.S. 116-143.1 or a nonpublic, postsecondary educational institution.
- (2) The educational property is the location of both a school and a building that is a place of religious worship as defined in G.S. 14-54.1.
- (3) The weapon is a handgun.
- (4) The handgun is only possessed and carried on educational property outside of the school operating hours.
- (5) The person or persons in legal possession or control of the premises have not posted a conspicuous notice prohibiting the carrying of a concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

SECTION 1.(c) G.S. 14-415.11(c) reads as rewritten:

"(c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry a concealed handgun in any of the following:



(1) Areas prohibited by G.S. 14-269.2, ~~14-269.3, and 14-277.2.~~except as allowed under G.S. 14-269.2(k1).

(1a) Areas prohibited by G.S. 14-269.3 and G.S. 14-277.2.

...."

SECTION 1.(d) This Part becomes effective December 1, 2021, and applies to offenses committed on or after that date.

PART II. CONCEALED HANDGUN PERMIT LAPSE

SECTION 2.(a) G.S. 14-415.16(e) reads as rewritten:

"(e) If the permittee does not apply to renew the permit prior to its expiration date, but does apply to renew the permit ~~within no more than 60~~ days after the permit expires, the sheriff ~~may~~shall waive the requirement of taking another firearms safety and training course. If the permittee applies to renew the permit more than 60 days after the permit expires, but no more than 180 days after the permit expires, the sheriff shall waive the requirement of taking another firearms and safety training course if the permittee (i) completes a refresher course on the laws governing the use or carry of firearms in this State that is certified or sponsored by at least one of the entities listed in G.S. 14-415.12(a)(4) and (ii) submits documentation to the sheriff confirming the permittee completed the refresher course. This subsection does not extend the expiration date of the permit."

SECTION 2.(b) This Part becomes effective October 1, 2021, and applies to renewal applications submitted on or after that date.

PART III. CONCEALED CARRY FOR CERTAIN LAW ENFORCEMENT FACILITY EMPLOYEES

SECTION 3.(a) G.S. 14-415.27 reads as rewritten:

"§ 14-415.27. Expanded permit scope for certain persons.

Notwithstanding G.S. 14-415.11(c), any of the following persons 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 area 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:

...

(10) For only a law enforcement facility covered under G.S. 14-415.11(c)(5), a person employed by a law enforcement agency who (i) is not a law enforcement officer sworn and certified pursuant to Article 1 of Chapter 17C or 17E of the General Statutes, (ii) has been designated in writing by the head of the law enforcement agency in charge of the facility, (iii) has in the person's possession written proof of the designation, and (iv) has not had the designation rescinded by the head of the law enforcement agency in charge of the facility. Nothing in this subdivision shall be construed as prohibiting the head of the law enforcement agency in charge of a facility from rescinding any written designation described in this subdivision."

SECTION 3.(b) This Part becomes effective July 1, 2021, and applies to offenses committed on or after that date.

PART IV. CONCEALED CARRY FOR CERTAIN EMERGENCY MEDICAL SERVICES PERSONNEL

SECTION 4.(a) G.S. 14-269 reads as rewritten:

"§ 14-269. Carrying concealed weapons.

(a) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor,

shuriken, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises.

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

(10) Emergency medical services personnel, as defined in G.S. 131E-155, while on duty, who are deployed as part of their official duties providing tactical medical assistance to law enforcement in a Special Weapons and Tactics (SWAT) operation. In order to qualify under this subdivision, emergency medical services personnel shall have completed an approved tactical medical assistance course for supporting tactical law enforcement operations. An approved course shall (i) include an element on firearms safety and training, (ii) include instruction in the laws of this State governing the use of deadly force, and (iii) require training and qualification on all weapons systems, both lethal and less than lethal, deemed necessary by any law enforcement agency the emergency medical services personnel supports. For purposes of this subdivision, an approved course shall be any course which satisfies the requirements of this subdivision and is certified or sponsored by one or more of the following organizations:

a. The North Carolina Criminal Justice Education and Training Standards Commission.

b. The National Rifle Association.

c. A law enforcement agency, college, private or public institution or organization, or firearms training school, taught by instructors certified by the North Carolina Criminal Justice Education and Training Standards Commission or the National Rifle Association.

Every instructor of an approved course shall file a copy of the course description, outline, and proof of certification annually, or upon modification of the course if more frequently, with the North Carolina Criminal Justice Education and Training Standards Commission.

...."

SECTION 4.(b) This Part becomes effective December 1, 2021, and applies to offenses committed on or after that date.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.