

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 134
Feb 23, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40093-ML-62

Short Title: 2nd Amendment Protection Act. (Public)

Sponsors: Representatives McNeely, Saine, Adams, and Carter (Primary Sponsors).

Referred to:

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 is amended by adding a new subsection to read:

"(k1) 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, when all of the following conditions are met:

- (1) The person possesses and carries a handgun on educational property that is a nonpublic school authorized by Part 1 of Article 39 of Chapter 115C of the General Statutes.
- (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 nonpublic school's operating hours. A nonpublic school's operating hours are any time when curricular or extracurricular activities are taking place on the premises and any time when the premises are being used for school-sponsored activities.
- (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.(b) 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



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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 an emergency situation, including 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.