

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15451-MLF-145

Short Title: Guarding Freedoms & Public Safety Act.

(Public)

Sponsors: Senators Batch and Garrett (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO EXEMPT FIREARM SAFETY AND STORAGE ITEMS FROM THE SALES
TAX AND TO INCREASE THE PUNISHMENT FOR POSSESSING, CARRYING, OR
HAVING ACCESS TO A FIREARM IN A PROHIBITED AREA.
The General Assembly of North Carolina enacts:

FIREARM SAFETY AND STORAGE ITEM SALES TAX EXEMPTION

SECTION 1.(a) G.S. 105-164.3 is amended by adding a new subdivision to read:

"(88) Firearm safety equipment. – An enclosure or a device, other than one that is part of the design of a firearm, that is intended to prevent access to, or unintentional or unauthorized use of, the firearm."

SECTION 1.(b) G.S. 105-164.13 is amended by adding a new subdivision to read:

"(74) Firearm safety equipment."

SECTION 1.(c) This section becomes effective October 1, 2024, and applies to sales made on or after that date.

INCREASE PUNISHMENT FOR POSSESSING, CARRYING, OR HAVING ACCESS TO A FIREARM IN PROHIBITED AREAS

SECTION 2.(a) G.S. 14-269.2 reads as rewritten:

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

...

(b) It shall be a Class ~~H~~ felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on educational property is guilty of a Class ~~FE~~ felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

...

(c) It shall be a Class ~~H~~ felony for any person to cause, encourage, or aid a minor 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. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

...

(f) Notwithstanding subsection (b) of this section it shall be a Class ~~1-misdemeanor~~ felony rather than a Class ~~H~~ 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:

- (1) 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
- (1a) The person is not a student attending a curricular or extracurricular 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 employed; and
- (2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.
- (3) The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.
- (4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.

...."

SECTION 2.(b) G.S. 14-269.4 reads as rewritten:

"§ 14-269.4. Weapons on certain State property and in courthouses.

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, and in any building housing any court of the General Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes while the building is being used for court purposes.

This section shall not apply to any of the following:

- (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997.
- (1a) A person exempted by the provisions of G.S. 14-269(b).
- (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
- (4a) Any person in a building housing a court of the General Court of Justice in possession of a weapon for evidentiary purposes, to deliver it to a law-enforcement agency, or for purposes of registration.
- (4b) Any district court judge or superior court judge who carries or possesses a concealed handgun in a building housing a court of the General Court of Justice if the judge is in the building to discharge his or her official duties and the judge has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24.
- (4c) Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to carry firearms.
- (4d) Any magistrate who carries or possesses a concealed handgun in any portion of a building housing a court of the General Court of Justice other than a courtroom itself unless the magistrate is presiding in that courtroom, if the magistrate (i) is in the building to discharge the magistrate's official duties, (ii) has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, (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.
- (5) State-owned rest areas, rest stops along the highways, and State-owned hunting and fishing reservations.

(6) A person with a permit issued in accordance with Article 54B of this Chapter, with a permit considered valid under G.S. 14-415.24, or who is exempt from obtaining a permit pursuant to G.S. 14-415.25, 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.

(7) Any person who carries or possesses an ordinary pocket knife, as defined in G.S. 14-269(d), carried in a closed position into the State Capitol Building or on the grounds of the State Capitol Building.

~~Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor. A violation of this section involving the carrying or possessing of a firearm is a Class I felony. Any other violation of this section is a Class 1 misdemeanor.~~"

SECTION 2.(c) G.S. 14-415.21 reads as rewritten:

"§ 14-415.21. ~~Violations~~Punishment for violations of this Article punishable as an infraction.~~Article.~~

(a) A person who has been issued a valid permit who is found to be carrying a concealed handgun without the permit in the person's possession or who fails to disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun, as required by G.S. 14-415.11, shall be guilty of an infraction and shall be punished in accordance with G.S. 14-3.1. Any person who has been issued a valid permit who is found to be carrying a concealed handgun in violation of ~~G.S. 14-415.11(e)(8)~~G.S. 14-415.11(c) shall be guilty of ~~an infraction and may be required to pay a fine of up to five hundred dollars (\$500.00). In lieu of paying a fine the person may surrender the permit.~~a Class I felony.

(a1) A person who has been issued a valid permit who is found to be carrying a concealed handgun in violation of subsection (c2) of G.S. 14-415.11 shall be guilty of a Class 1 misdemeanor.

(b) A person who violates the provisions of this Article other than as set forth in subsection (a) or (a1) of this section is guilty of a Class 2 misdemeanor."

SECTION 2.(d) G.S. 14-277.2(a) reads as rewritten:

"(a) It shall be unlawful for any person participating in, affiliated with, or present as a spectator at any parade, funeral procession, picket line, or demonstration upon any private health care facility or upon any public place owned or under the control of the State or any of its political subdivisions to willfully or intentionally possess or have immediate access to any dangerous weapon. ~~Violation~~A violation of this subsection involving the possession of or access to a firearm shall be a Class I felony. Any other violation of this subsection shall be a Class 1 misdemeanor. It shall be presumed that any rifle or gun carried on a rack in a pickup truck at a holiday parade or in a funeral procession does not violate the terms of this act."

SECTION 2.(e) G.S. 14-269.3(a) reads as rewritten:

"(a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any assembly where a fee has been charged for admission thereto, or into any establishment in which alcoholic beverages are sold and consumed. Any person violating the provisions of this section shall be guilty of a ~~Class 1 misdemeanor.~~I felony."

SECTION 2.(d) This section becomes effective October 1, 2024, and applies to offenses committed on or after that date.

EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act becomes effective October 1, 2024.