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# North Carolina Firearms Laws Update

## 2013

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North Carolina Sheriffs' Association



*Provided as a Public Service by  
Sheriff Ricky Oliver  
of Yadkin County*

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This pamphlet was prepared and is provided as a public service by North Carolina Sheriffs and the North Carolina Sheriffs' Association. This pamphlet summarizes the most significant changes to North Carolina firearms laws enacted by the North Carolina General Assembly in Senate Bill 368, Sheriff Fee Changes, effective August 1, 2013, and in House Bill 937, Amends Various Firearms Laws, effective October 1, 2013.

This pamphlet is not a complete summary of all of the statutes addressing the purchase, possession and carrying of firearms in North Carolina. Persons desiring more information about North Carolina firearms laws should consult the publication of the North Carolina Department of Justice entitled "North Carolina Firearms Laws" which can be downloaded from the North Carolina Sheriffs' Association website under the Resources tab at: <http://www.ncsheriffs.org/>.

The information provided in this pamphlet is not legal advice. For legal advice about a specific law or for more details on the issues discussed in this pamphlet, you should consult an attorney.

### Carrying Concealed Weapons

North Carolina law, found at G.S. § 14-269, restricts the ability of individuals, when off their own property, to carry concealed weapons. Unless a person falls within a specific exception, it is unlawful to carry any of the following weapons concealed: bowie knife, dirk, dagger, slungshot, loaded cane, metallic knuckles, razor, shuriken, stun gun, or other deadly weapon of like kind.

North Carolina law does allow an ordinary pocket knife to be carried concealed. An ordinary pocket knife is defined as a small knife 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. Consequently, a fixed blade knife, an automatic knife and a switchblade knife cannot be carried concealed.

While North Carolina law generally prohibits the carrying of concealed weapons, there are a number of exceptions. For example, the following categories of individuals are not subject to the concealed carry restrictions previously mentioned:

1. Personnel of the armed forces of the United States when in the discharge of their official duties;
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. A district attorney, an assistant district attorney, or an investigator employed by the district attorney, if they have valid concealed handgun permits;

6. A qualified retired law enforcement officer, as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. §926C), who also has either a
  - a. N.C. concealed handgun permit; or
  - b. Is certified to carry a concealed handgun by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. § 14-415.26;
7. North Carolina probation or parole officers, when off-duty, provided they do not consume alcohol;
8. North Carolina sworn law enforcement officers, when off-duty, provided they do not consume alcohol;
9. A North Carolina district court judge, superior court judge, or magistrate who also has a concealed handgun permit, provided they do not consume alcohol;
10. A North Carolina clerk of court or register of deeds, with a valid concealed handgun permit, provided they do not consume alcohol.

Even though exempted from the general restrictions on carrying concealed weapons, it does not mean that these people may carry a concealed weapon anywhere they wish. Rather, each location must be scrutinized to determine if possession of a concealed weapon is lawful in that particular location. A detailed explanation of commonly encountered areas is set out in Section III of the aforementioned Department of Justice publication entitled, "North Carolina Firearms Laws". If you are in doubt as to your ability to lawfully carry a handgun into a particular establishment, it is a good practice to consult with the owner or person in charge of the area to make sure it is appropriate to carry a concealed weapon on the premises.

#### Concealed Handgun Permits

Another exception to the restriction on the carrying of concealed weapons is for individuals who have a valid concealed handgun permit. An individual with a valid concealed handgun permit (issued by North Carolina or another state) may only carry a handgun concealed pursuant to this permit. A valid concealed handgun permit does not authorize an individual to carry any other weapon concealed. A person with a valid out of state concealed carry permit is subject to all North Carolina laws as to where they can carry a concealed handgun, and must also inform law enforcement officers upon approach that they are carrying a concealed handgun.

Whenever an individual is carrying a concealed handgun in North Carolina pursuant to a valid permit, the permit must be in their possession at all times a handgun is carried concealed. Valid identification must also be carried. A driver's license or state identification card would be sufficient for this purpose.

If approached by a law enforcement officer while carrying a concealed handgun, the permittee must disclose to the officer that he or she is carrying a handgun. The permittee should keep their hands visible to the officer at all times and should not attempt to reach for the handgun or their permit without instructions from the officer to do so.

Even with a valid concealed handgun permit, there are areas in the State where a permittee may not carry a concealed handgun.

1. A concealed handgun permittee may not carry a concealed handgun on the property or grounds of a public or private school, or where a school sponsored function or activity is taking place.

However, effective October 1, 2013, a person with a valid concealed handgun permit may secure the handgun in a closed container within their locked vehicle or in a locked container affixed to the vehicle when the vehicle is on educational property.

Note: A private school may nonetheless prohibit the possession of firearms on their property by posting a notice to that effect. In which case, an individual, even with a valid concealed handgun permit, may not carry the firearm on that property.

2. Effective October 1, 2013, an individual with a valid concealed handgun permit may carry concealed handguns into an assembly where a fee has been charged for admission, so long as the person or entity in charge of the facility has not prohibited the possession of firearms in that location. Consequently, individuals with valid concealed handgun permits may lawfully carry that firearm into establishments such as movie theaters, so long as the premises have not been posted prohibiting the possession of firearms.
3. Similarly, effective October 1, 2013, individuals with valid concealed handgun permits may carry concealed handguns into establishments where alcoholic beverages are sold and consumed. However, if the person or entity in charge of the establishment posts the premises prohibiting the possession of handguns, the permittee may not carry a handgun into that establishment. The permittee may not consume any alcohol while carrying a concealed handgun.
4. North Carolina law also prohibits the possession of firearms, even with a valid concealed carry permit, in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or the grounds of any of these buildings.
5. State law also prohibits the carrying of concealed handguns, even with a concealed carry permit, in courthouses. Effective October 1, 2013, State law will allow a person with a valid concealed handgun permit to secure the handgun in their vehicle while it is parked in the parking lot of a courthouse.
6. North Carolina law also generally prohibits the possession of firearms at any parade, funeral procession, picket line, 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 (such as a county or city). Recent changes in North Carolina law, effective October 1, 2013, will allow individuals with valid concealed handgun permits to secure their handguns in their vehicles when parked in a State owned parking lot.

Additionally, individuals with valid concealed handgun permits may carry a concealed handgun at a parade or funeral procession, so long as the premises have not been posted as prohibiting the possession of firearms.

7. Even with a valid concealed handgun permit, a permittee may not carry a firearm in any law enforcement or correctional facility.
8. Additionally, a permittee may not carry a concealed handgun in any building that contains only State or federal offices, or in any State or federal office which is located in a building not exclusively occupied by the State or federal government.
9. North Carolina law also allows cities or counties to restrict the possession and carrying of firearms in certain locations. A city or a county has the authority to prohibit the carrying of a concealed handgun on city or county recreational facilities.

A recreational facility means an athletic field, or any appurtenant facility such as a restroom; a swimming pool, including any appurtenant facility used for dressing or storage of personal items; or a facility used for athletic events such as gymnasiums. State law specifically provides that a recreational facility does not include any greenway or biking or walking paths.

10. A permittee may not carry a concealed handgun in any area where a sign has been posted prohibiting the carrying of firearms.
11. Even if an individual is lawfully carrying a handgun pursuant to a valid concealed handgun permit, it is unlawful in North Carolina to do so while any alcohol remains in that person's body, or while any controlled substance remains in the person's blood, except as prescribed by a doctor.

North Carolina law does allow permittees to carry concealed handguns at State owned rest areas or rest stops along its highways. A permittee may carry a concealed handgun on a State owned hunting and fishing reservation or on the grounds or waters of a park within the State park system.

### Transporting Firearms

As previously mentioned, a North Carolina concealed handgun permit (or valid out-of-state concealed handgun permit) only allows a person to carry a handgun concealed. Any other lawfully possessed weapon (for example, shotgun or rifle) may not be carried concealed in North Carolina. Individuals should be especially cognizant of how they transport these weapons as a result. It is unlawful to transport a shotgun or rifle that is both concealed and readily accessible to a person. While North Carolina law does not specifically address how to transport a weapon in an automobile, the North Carolina Attorney General's Office recommends that a firearm, or other prohibited weapon, not be transported in a vehicle where it is both concealed and accessible to either the driver or passenger. For example, weapons should not be transported under the seat of an automobile, in a bag in the back seat, or in any other manner in which it is hidden from view and within access to an occupant of the vehicle.

A weapon can be carried openly in an automobile; however, there are obvious drawbacks to transporting a firearm in this manner. For example, if a person is stopped by a law enforcement officer, the officer may not readily know the individual's purpose and intent for carrying the weapon. Additionally, it leaves the weapon exposed to public view. As for those vehicles with no easily discernible trunk area (e.g. SUVs, vans, etc.), it becomes a factual determination of when the weapon is concealed and within ready access to an occupant of the vehicle. It is the best practice, if the weapon is concealed, to keep it in the furthest recesses of the vehicle.

### Confidentiality of Permittees

Another recent change to North Carolina law, effective October 1, 2013, concerns the identification of those individuals with firearms permits in North Carolina. State law has been changed to now provide that the lists of North Carolina concealed handgun permit holders, and those with pistol purchase permits, are confidential and are not public record.

North Carolina sheriffs must make this list of permit holders, and accompanying permit information, available upon request to State and local law enforcement agencies.

Similarly, records of sales of firearms in North Carolina, as maintained by firearms dealers, are also confidential and are only available to State and local law enforcement agencies.

### Other Changes to North Carolina Firearms Laws

Senate Bill 368 and House Bill 937 made other changes to North Carolina's firearms laws which also affect a citizen's purchase and possession of certain weapons. Among these changes:

1. The fee charged by a sheriff for a pistol purchase permit is limited to \$5 and no additional costs for the processing of a pistol purchase permit application can be charged to the applicant. This \$5 fee is charged upon application for each pistol purchase permit requested.
2. There is no limit to the number or frequency of pistol purchase permits that can be requested.
3. A person who is lawfully in possession of a suppressor may use the suppressed firearm for hunting.

