

Municipal & county parks

In 2011, passage of House Bill 650 (Session Law 2011-268) restricted areas of parks where local governments could prohibit concealed handguns. Although cities and counties could only prohibit guns in "recreational facilities" within parks, many cities passed ordinances with overly expansive definitions of what constitutes a "recreational facility." Section 6 of HB 937 amends § 14-415.23 ("Statewide uniformity") to narrow and tighten that definition to include only:

- An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area.
- A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.
- A facility used for athletic events, including, but not limited to, a gymnasium.

As additional protection, the bill stipulates: "[T]he term 'recreational facilities' does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an 'athletic field'" as defined above. This section also removes playgrounds from the list of places where local governments may ban concealed handguns.

CHP/PPP privacy

Section 12 and 13 of HB 937 remove CHP information and dealer transaction information from public record. Section 17.4 removes Pistol Purchase Permits (PPPs) from public record.

Parades & funerals

Section 15 of HB 937 amends § 14-277.2 by exempting CHP-holders, including those with out-of-state permits valid in NC, from the current prohibition on firearms at parades and funerals, provided: (1) The firearm is a handgun; (2) The handgun is carried concealed; (3) The person in control of the premises has not posted a conspicuous notice prohibiting concealed carry.

Pistol Purchase Permits

Section 17.2(a) now requires a sheriff to: (1) List specific facts upon which a pistol purchase permit (PPP) denial is based, including statute number; (2) Keep a list of permit denials, with reasons for denials but not including information which would identify applicants denied; and (3) Make the de-identified list of permit denials available to the public, organized by quarters of the year. It also prohibits the sheriff from limiting the number or frequency of permit applications and stipulates that no fees be charged beyond the \$5.00 for an application. Sheriffs will also be limited to 14 days, instead of the previous 30 days, in granting or denying permits. Finally, the section establishes a requirement for sheriffs to revoke extant permits from those who commit disqualifying offenses.

Hunting with suppressors

Section 23 of the bill amends § 113-291.1(c) to permit the use of sound suppressors provided the suppressor is legally possessed under federal law.

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House Bill 937 (Session Law 2013-369), which becomes law on **October 1, 2013**, represents one of the most sweeping advances for gun rights in North Carolina history. Some provisions, however, contain hazards under which gun owners not sufficiently versed in the law could become accidental violators, not only risking up to felony prosecution themselves but also giving ammunition to concealed handgun opponents.

Note: Carrying a firearm in any of the areas listed in this brochure remains a crime until October 1, 2013.

Below are plain language interpretations of the statutes and potential implications. Please understand that this brochure does not constitute legal advice. For legal questions, Grass Roots North Carolina (GRNC) maintains a list of “gun-friendly lawyers” under the resources tab at www.GRNC.org. This is not a free service, but provides advice from lawyers who are both sympathetic and well versed in gun-related law. Note: This brochure is oriented to concealed handgun permit (CHP) holders, not those who may be exempt from CHP requirements.

As the organization most responsible for passing HB 937, GRNC understands the new laws are not perfect but are, in fact, the best we could get in the current political climate. In coming years, we will continue to improve North Carolina’s gun laws.

State government parking lots

Section 1 of HB 937 enables holders of valid CHPs, including out-of-state permits recognized in North Carolina, to keep handguns in state-controlled parking lots “provided the weapon is a handgun, is in a closed compartment or container within the person’s locked vehicle, and the vehicle is in a parking area that is owned or leased by State government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.”

This provision applies only to handguns, only in state government parking areas (not city, county or federal), and only if the handgun remains within the closed compartment. Although there is no requirement that the compartment be locked, our sometimes ambiguous concealed handgun law requires identifying your status to law enforcement officers if you are “carrying” a concealed handgun.

Educational properties

Section 2, which changes § 14-269.2 (“Weapons on campus or other educational property”), has separate provisions for employees of educational institutions (with and without concealed handgun permits) and for

CHP-holders in general. This section is loaded with “gotchas.” Relevant questions to ask yourself are: (1) “Am I an employee of the institution in question?” (2) “Do I have a valid CHP issued by North Carolina?” and (3) “If the institution is a nonpublic school, does it specifically prohibit firearms?” Note: Violation of this section could be a Class I felony.

Employees: A school employee may keep firearms in a residence on a campus if he or she is an employee of:

(1) An institution of higher education or a “nonpublic post secondary educational institution” (e.g. colleges, universities, trade schools) or (2) A public school or nonpublic school “which provides residential housing for enrolled students” (e.g. boarding schools), and only if he or she resides on the campus in question. The gun must be a handgun, and the residence must be a detached, single family dwelling in which only the employee and the employee’s immediate family reside (e.g. not in a building housing a dormitory). Note: **Nonpublic schools may still specifically prohibit all firearms.**

Employee w/ CHP: “The handgun may be on the premises of the employee’s residence or in a closed compartment or container within the employee’s locked vehicle that is located in a parking area of the educational property of the institution at which the person is employed and resides. Except for direct transfer between the residence and the vehicle, the handgun must remain at all times either on the premises of the employee’s residence or in the closed compartment of the employee’s locked vehicle. The employee may unlock the vehicle to enter or exit, but must lock the vehicle immediately following the entrance or exit if the handgun is in the vehicle.”

Employee w/o CHP: May transfer a handgun from his or her residence directly to and from their vehicles, only for the purpose of leaving campus or coming from off campus to the employee’s residence. Furthermore, an employee may have handgun in his or her vehicle only when the vehicle is occupied by the employee. An employee without a CHP may not leave a handgun in an unoccupied vehicle.

Non-employees with CHPs: CHP-holders are exempt from the general prohibitions of § 14-269.2 (“Weapons on campus or other educational property”), for all public educational institutions provided: (1) The CHP is issued by North Carolina, not another state; (2) The handgun is in a closed compartment or container within the person’s locked vehicle or in a locked container securely affixed to the person’s vehicle; and (3) The person unlocks the vehicle only to enter or exit the vehicle, the firearm remains in the closed compartment at all times, and the vehicle is locked immediately following the entrance or exit.” Please note that there is no provision for removing the firearm from the closed compartment under any circumstances. Although there is no requirement that a compartment within a vehicle be locked, our sometimes ambiguous concealed handgun law requires identifying your status to law enforcement officers if you are “carrying” a concealed handgun. Ultimately, courts will have to parse what constitutes a “container.”

Assemblies & restaurants

Section 3 of HB 937 amends § 14-269.3, the current prohibition against firearms in assemblies of people for which admission is charged (e.g. theaters, fairs, concerts) and places where alcoholic beverages are sold and consumed (e.g. restaurants, wineries and sports events not on educational campuses) subject to the following restrictions: (1) The firearm is a handgun; (2) The person carrying the handgun has a valid CHP issued either by NC or by another state considered valid in NC; and (3) The person in legal control of the premises has not posted a “conspicuous notice” prohibiting concealed handguns. Please note that it is a private property owner’s right to post. Many undoubtedly will. It will be incumbent on you to watch for signs and not be an accidental criminal.

Guns & children under age 12

Section 4 of HB 937 tightens restrictions in § 14-316 for children under 12 by requiring anyone giving them access to firearms to: (1) Get permission from the child’s parent or guardian; and (2) Provide adult supervision of the child.