

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

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

6 The General Assembly of North Carolina enacts:

7
8 **PART I. ALLOW HANDGUNS ON RELIGIOUS PROPERTY WITH A SCHOOL**

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

10 "(1c) School operating hours. – Any time when any of the following occur:

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

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

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

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

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

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



* H 1 3 4 - V - 2 *

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

3 (1a) Areas prohibited by G.S. 14-269.3 and G.S. 14-277.2.

4"

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

7

8 **PART II. CONCEALED HANDGUN PERMIT LAPSE**

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

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

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

22

23 **PART III. CONCEALED CARRY FOR CERTAIN LAW ENFORCEMENT FACILITY**

24 **EMPLOYEES**

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

26 "**§ 14-415.27. Expanded permit scope for certain persons.**

27 Notwithstanding G.S. 14-415.11(c), any of the following persons who has a concealed
28 handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24
29 is not subject to the area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed
30 handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law:

31 ...

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

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

44

45 **PART IV. CONCEALED CARRY FOR CERTAIN EMERGENCY MEDICAL**

46 **SERVICES PERSONNEL**

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

48 "**§ 14-269. Carrying concealed weapons.**

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

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

3 ...
4 (b) This prohibition shall not apply to the following persons:

5 ...
6 (10) Emergency medical services personnel, as defined in G.S. 131E-155, while
7 on duty, who are deployed as part of their official duties providing tactical
8 medical assistance to law enforcement in a Special Weapons and Tactics
9 (SWAT) operation. In order to qualify under this subdivision, emergency
10 medical services personnel shall have completed an approved tactical medical
11 assistance course for supporting tactical law enforcement operations. An
12 approved course shall (i) include an element on firearms safety and training,
13 (ii) include instruction in the laws of this State governing the use of deadly
14 force, and (iii) require training and qualification on all weapons systems, both
15 lethal and less than lethal, deemed necessary by any law enforcement agency
16 the emergency medical services personnel supports. For purposes of this
17 subdivision, an approved course shall be any course which satisfies the
18 requirements of this subdivision and is certified or sponsored by one or more
19 of the following organizations:

- 20 a. The North Carolina Criminal Justice Education and Training
21 Standards Commission.
- 22 b. The National Rifle Association.
- 23 c. A law enforcement agency, college, private or public institution or
24 organization, or firearms training school, taught by instructors
25 certified by the North Carolina Criminal Justice Education and
26 Training Standards Commission or the National Rifle Association.

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

31"

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

34 **PART V. EFFECTIVE DATE**

35 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
36 law.
37