

Qualified Retired Officer

- A qualified retired law enforcement officer may carry a concealed handgun in North Carolina, if they are carrying photographic credentials identifying them as a separated qualified law enforcement officer, and the person has qualified with their handgun annually, either with the agency from which they retired, or as certified by the North Carolina Criminal Justice Education and Training Standards Commission.



Concealed Handgun Permits



Out-of-state concealed handgun permittees can carry concealed handguns in North Carolina. Permittees are held to the same standards as North Carolina permittees.



In order to acquire a North Carolina Concealed Handgun Permit, an individual must apply to the sheriff's office in the county in which he/she resides.



Concealed Handgun Permit

- The applicant must accomplish the following:
 - Complete an application, under oath, on a form provided by the sheriff's office;
 - Pay a non-refundable fee of \$80.00; and
 - Allow the sheriff's office to take two full sets of fingerprints, which may cost up to \$10.00;
 - Provide an original certificate of completion of an approved handgun safety course; and
 - Provide a release authorizing disclosure to the sheriff of any record concerning the applicant's mental health or capacity.



Concealed Handgun Permit

- Any person or entity given an original or photocopied release form shall promptly disclose to the sheriff any records concerning the mental health or capacity of the applicant. No fee can be charged to the applicant for these records.



Concealed Handgun Permit

- Permit fees for a retired North Carolina sworn law enforcement officer are reduced.
- The fees are \$45.00 for an initial application and \$40.00 for a renewal application.



Concealed Handgun Permit

- The sheriff has 45 days from the time all application materials, to include receipt of mental health records, are received to either issue or deny a permit.



In order for an applicant to be approved he/she must:

- Be a citizen of the United States or permanent resident alien;
- Have been a resident of the State of North Carolina for not less than 30 days immediately preceding the filing of the application;
- Be at least 21 years of age;



In order for an applicant to be approved he/she must:

- Not suffer from any physical or mental infirmity that prevents the safe handling of a handgun; and
- Have successfully completed an approved firearms training course (unless specifically exempted from the course by State law).



The application must be denied if the applicant:

- Is ineligible to possess or receive a firearm under federal or State law;
- Is under indictment or against whom a finding of probable cause exists for a felony, or has ever been adjudicated guilty in any court of a felony;
- Is a fugitive from justice;



The application must be denied if the applicant:

- Is an unlawful user of or addicted to marijuana, alcohol, or any depressant, stimulant or narcotic drug, or any other controlled substance;
- Is currently, or has previously been adjudicated by a court, or administratively determined by a governmental agency whose decisions are subject to judicial review, to be lacking mental capacity or mentally ill. Receipt of previous consultative services or outpatient treatment alone shall not disqualify an applicant;



The application must be denied if the applicant:

- Has been discharged from the U.S. armed forces under conditions other than honorable;
- Has been convicted of an impaired driving offense under N.C.G.S. §§ 20-138.1, 20-138.2 or 20-138.3 within three years prior to the date of application submission;



- Effective July 1, 2015 for all concealed handgun permit applications submitted on or after that date, an applicant for a North Carolina concealed handgun permit CAN receive a concealed handgun permit if three years has passed since the applicant's conviction for certain misdemeanor crimes.



- If an applicant for a concealed handgun permit has been found guilty of or received a prayer for judgment continued or a suspended sentence for one of the crimes listed in paragraph 1 (a) through (t) of the attached document AND THREE YEARS HAS PASSED PRIOR TO SUBMITTING THE APPLICATION, the applicant CAN (if otherwise qualified) receive a concealed handgun permit.



- Effective July 1, 2015 for all concealed handgun permit applications submitted on or after that date, an applicant for a North Carolina concealed handgun permit IS permanently disqualified from receiving a concealed handgun permit if the applicant is or has been found guilty of or received a prayer for judgment continued or suspended sentence for the misdemeanor crimes listed in paragraph 2 of the attached document.



Concealed Handgun Permit

- The holder must renew the permit every five years. He/she must file an application for renewal at least 30 days prior to the expiration of the original permit.



Concealed Handgun Permit

- The applicant must also submit a notarized affidavit that he/she remains qualified, the renewal fee of \$75.00 and a newly administered set of fingerprints.



Concealed Handgun Permit

- The sheriff may require the permittee to take another firearms safety and training course prior to renewal.
- No fingerprints shall be required for a renewal if the applicant's fingerprints were submitted to the State Bureau of Investigation (SBI) after June 20, 2001, on the Automated Fingerprint Information System.



Concealed Handgun Permit

- At least 45 days prior to the expiration of a concealed carry permit, the sheriff will send a written notice to the permittee. The holder shall apply to renew the permit within the 90-day period prior to its expiration.



Concealed Handgun Permit

- The permit of a permittee who complies with this requirement will remain valid beyond the expiration date of the permit until the permittee either receives a renewal permit or is denied a renewal permit by the sheriff.



Concealed Handgun Permit

- If the permittee does not apply to renew the permit prior to its expiration date, but does apply to renew the permit within 60 days after the permit expires, the sheriff may waive the requirement of taking another firearms safety and training course.



Concealed Handgun Permit

- A concealed carry holder who is or will be deployed for military service is allowed to apply with the sheriff for an extension of the concealed carry permit, up to an additional 90 days after the permittee's scheduled deployment is to end.



In emergencies, a sheriff may issue a temporary permit when the sheriff has a reasonable belief the individual's safety, or the safety of his or her property, or family is in immediate danger.



The applicant must first establish with the sheriff that an emergency situation exists. The individual must also submit an application, two sets of fingerprints, and the non-refundable fee of \$80.00. The temporary permit is valid for a maximum of 45 days, is non-renewable, and may be revoked by the sheriff at any time without a hearing.



The law exempts from the firearms safety course, certain qualified individuals. These persons include:

- An individual who retired as a law enforcement officer with a local, State, or company police agency in North Carolina and has been retired two years or less and has a right to benefits under the retirement plan.
- A current law enforcement officer employed by a local, State, or company police agency in North Carolina; or



The law exempts from the firearms safety course, certain qualified individuals. These persons include:

- A person who is licensed or registered by the North Carolina Private Protective Services Board as an armed security guard, who also has a firearm registration permit issued by the board; or



The law exempts from the firearms safety course, certain qualified individuals. These persons include:

- An individual who retired from service as a NC probation or parole certified officer, or a State correctional officer, other than for reasons of mental disability, who has been retired as a probation or parole certified officer two years or less from the date of the permit application.



The individual must carry the permit along with proper identification whenever the handgun is being carried concealed. He/she must also inform any law enforcement officer who approaches him/her that he/she is in possession of a permit and a concealed handgun.



The weapon may not be carried in the following areas:

- Areas prohibited by G.S. § 14-269.2; 14-269.3; 14-277.2; 120-32.1;
- Areas prohibited by G.S. §14-269.4 (certain state properties);
- In an area prohibited by rules adopted under G.S. § 120-32.1;
- Any area prohibited by 18 USC § 922 or any other federal law;



The weapon may not be carried concealed in the following areas:

- Any law enforcement agency or correctional facility;
- A building housing only State or federal offices;
- An office of the State or federal government that is not located in a building exclusively occupied by the state or federal government;
- Any private premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice, or statement by the person in legal possession or control of the premises.



Any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of a park within the State Parks System as defined in G.S. § 113-44.9.



It is lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned hunting and fishing reservation.



Concealed Handgun Permit

- Permittees can carry on State-owned rest areas, rest stops along the highways, and state-owned hunting and fishing reservations.



No political subdivisions, nor any county, city municipality, municipal corporation, town, township, village nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun.



Local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun in local government buildings and their appurtenant premises.



Local government may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government.



The term "recreational facilities" includes only the following:

- An athletic field;
- A swimming pool;
- And an athletic facility (such as a gymnasium).



The term "recreational facilities" does not include:

- Greenways;
- Designated biking or walking paths;
- Areas used for biking or walking;
- Open areas or fields.



A county or municipality may regulate or prohibit the sale of firearms at a location only if there is a lawful, general, similar regulation or prohibition of other commercial activities at that location.



A county or municipality may also regulate the transport, carrying or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government.



Concealed Handgun Permit

- Any individual who has been issued a valid permit must notify the issuing sheriff of any permanent change of address within 30 days.



Concealed Handgun Permit

- If the permit is lost or destroyed, he/she must notify the issuing sheriff of such loss.



Concealed Handgun Permit

- It is unlawful for the permittee to carry a concealed handgun while consuming alcohol, or at any time while the permittee has remaining in his or her body any alcohol or controlled substance previously consumed.



The sheriff may revoke a permit, **subsequent to a hearing**, for any of the following reasons:

- Fraud, intentional and material misrepresentation in obtaining a permit;
- Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, materially altering a permit, or using a permit with the intent to unlawfully cause harm to a person or property;



The sheriff may revoke a permit, **subsequent to a hearing**, for any of the following reasons:

- The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff;
- Violation of any terms governing the carrying of concealed handguns.



Concealed Handgun Permit

- The sheriff must revoke a permit when the permittee receives a PJC or was adjudicated guilty of a disqualifying crime.
- No prior hearing required.
- Permittee must surrender within forty-eight (48) hours of notice.



The list of concealed handgun permittees is not public record.

It is, however, available to State and local law enforcement.



Transporting Weapons



It is unlawful to transport a weapon (absent a proper permit) that is BOTH concealed and readily accessible.



It is our recommendation that firearms should **not** be carried in a glove compartment.



The prohibition to carrying concealed applies to handguns and "long guns."



Areas Where Weapons are Prohibited



Schools

- It is a Class I felony to knowingly possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm on educational property or to a curricular or extra-curricular activity sponsored by a school.



Schools

- It is also a Class I felony for any person to cause, encourage, or aid a person 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.



Schools

- It is a Class 1 Misdemeanor to possess or carry any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, loaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks, or any sharp pointed or edged instrument.
- It is also a Class 1 Misdemeanor to cause, encourage, or aid a person to possess any of these items on educational property.



It is a misdemeanor, rather than a Class I felony if:

- The person is not a student attending school on the property, or an employee on the property;
- The person is not a student or employee attending an activity sponsored by the school; and
- The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.



The prohibitions will **not** apply to:

- A weapon used solely for educational or school sanctioned purposes;
- Fire fighters, emergency service personnel, North Carolina Forest Service personnel, sheriffs' office detention officers, and any private police employed by an educational institution, when acting in the discharge of their official duties;



The prohibitions will **not** apply to:

- Those persons exempted by N.C.G.S. § 14-269(b);
- Homeschools;
- A person registered under Chapter 74C as an armed armored car service guard; or an armed, courier service guard, when acting in the discharge of the guard's duties and with the permission of the college or university; or



The prohibitions will **not** apply to:

- A person registered under Chapter 74C as an armed security guard while on the premises of a hospital or health care facility, located on educational property, when acting in the discharge of the guard's duties with the permission of the college or university.



The prohibitions will **not** apply to:

- Employees of public schools who live on campus;
- Employees of private schools who live on campus (if not prohibited).
- Concealed handgun permittees may secure on person while in vehicle and in the vehicle on public campuses and on non-posted private campuses.



No person is guilty of a criminal violation so long as **both** of the following apply:

- The person comes into possession of a weapon by taking or receiving the weapon from another person, or by finding the weapon; and
- The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.



Assemblies and Establishments

- North Carolina prohibits any person carrying a gun, rifle, or pistol into any assembly where a fee has been charged for admission or into any establishment where alcoholic beverages are both sold and consumed.



Assemblies and Establishments

EXCEPTIONS:

- Individuals exempted from carrying concealed weapons pursuant to G.S. 14-269(b);
- The owner or lessee of the premises or business;



Assemblies and Establishments

EXCEPTIONS:

- A person participating in the event with the permission of the owner, lessee, person, or organization sponsoring the event;
- A person registered or hired as a security guard by the owner, lessee, person, or organization sponsoring the event; and
- Concealed handgun permittees if not posted.



State Buildings

- It is also unlawful to possess or carry a weapon in the State Capitol Building, Executive Mansion, Western Residence of the Governor, or on the grounds of these buildings, including any building used to house any court.



State Buildings

- Persons exempted by the provisions of N.C.G.S. §14-269(b) are not bound by this prohibition.



State Buildings

- Also exempt are persons in possession of weapons for evidentiary purposes, or who are delivering the weapon to a law enforcement agency.



State Buildings

- This prohibition does not apply to firearms carried in courthouses by detention officers authorized by the sheriff to carry firearms.



State Buildings

- District and Superior Court Judges may possess firearms in courthouses when the Judge has a North Carolina concealed carry permit.



Any magistrate may possess a concealed handgun in any courthouse if the magistrate:

- Is in the building to discharge the magistrate's official duties;
- Has a North Carolina concealed handgun permit;
- Has successfully completed a one-time weapons retention training substantially similar to that provided to certified law enforcement officers in NC; and
- Secures the weapon in a locked compartment when the weapon is not on the magistrate's person.



State Buildings

- This prohibition does not apply to a person with a permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. § 14-415.24 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.



Events Occurring in Public Places



- It is unlawful for any person participating in, affiliated with, or present as a spectator at any parade, funeral procession, picket line, or demonstration upon any public place, owned or under the control of the State of North Carolina, or any of its political subdivisions, to willfully or intentionally possess, or have immediate access to any dangerous weapon.



Events Occurring in Public Places

EXCEPTIONS:

- Persons exempted from the provisions of N.C.G.S. § 14-269(b) are not bound by this prohibition;
- Concealed handgun permittees at parades or funerals if not posted.



Areas of Emergency and Riot

- Local governments may impose restrictions on dangerous weapons such as explosives, incendiary devices, and radioactive materials and devices when a state of emergency is declared but may not impose restrictions on lawfully possessed firearms.



Going Armed to the Terror of the People



By Common Law it is unlawful for a person to arm him or herself with any unusual and dangerous weapon, for the purpose of terrifying others, and go about on public highways in a manner to cause terror to others.



Storage of Firearms



Any individual who resides with a minor (under 18 years) and stores or leaves that firearm in a condition that the firearm can be discharged, and in a manner that the individual should have known, that an unsupervised minor would be able to gain access to the firearm...



...is guilty of a misdemeanor if the minor gains access to the firearm and possesses that weapon unlawfully on any educational property; exhibits the weapon in a public place in a careless, angry or threatening manner; causes personal injury or death with the weapon not in self defense; or uses the weapon in the commission of a crime.



Persons Acquitted of a Crime by Reason of Insanity



It is a Class H felony to purchase, own, or possess a firearm when that person has, by reason of insanity, been acquitted of, or who has been determined to lack the capacity to proceed in those crimes.



Restricted and Prohibited Weapons



Ballistic or Projectile Knives

It is unlawful to possess, offer for sale, sell, give, loan, deliver, transport, manufacture, or go armed with any spring-loaded projectile knife or a ballistic knife.



Ballistic or Projectile Knives

The sole exception to this law is that a law enforcement agency may possess such a weapon solely for evidentiary, educational, or training purposes.



Weapons of Mass Destruction

It is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver, give to another, or acquire any weapon of mass death and destruction.



A weapon of mass death and destruction includes:

- Bombs of all sorts;
- Grenades;
- Rockets having a propellant charge of more than four ounces;
- A missile having an explosive or incendiary charge of more than one-quarter ounce;
- Mines;



A weapon of mass death and destruction includes:

- Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will expel a projectile using an explosive, or other propellant, and which has a barrel with a bore of more than one-half inch in diameter;
- Any firearm capable of fully automatic fire;



A weapon of mass death and destruction includes:

- Any shotgun with a barrel length less than eighteen inches or an overall length of less than twenty-six inches;
- A rifle with a barrel length of less than sixteen inches or an overall length of less than twenty-six inches;
- Any muffler or silencer for any firearm, whether or not such firearm is included within this definition; and



A weapon of mass death and destruction includes:

- Any combination of parts either designed or intended for use in converting a device into any weapon described above, and from which a weapon of mass death and destruction may readily be assembled.



The only persons allowed to own or possess a weapon of mass death and destruction, as defined above, are the following:

- Persons exempted under G.S. 14-269(b), with respect to any activity lawfully engaged in while carrying out their duties;



The only persons allowed to own or possess a weapon of mass death and destruction, as defined above, are the following:

- Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the US or the State of NC, while lawfully engaged in activities authorized under their licenses;



The only persons allowed to own or possess a weapon of mass death and destruction, as defined above, are the following:

- Persons under contract with the US, the State of NC, or any agency of either government, with respect to any activities lawfully engaged in under their contracts;



The only persons allowed to own or possess a weapon of mass death and destruction, as defined above, are the following:

- Inventors, designers, ordinance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge the knowledge of, or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.



The only persons allowed to own or possess a weapon of mass death and destruction, as defined above, are the following:

- Persons who lawfully possess or own a weapon in compliance with 26 U.S.C. chapter 53, §§ 5801-5871. Nothing limits however the discretion of the sheriff in executing the paperwork required by the US Bureau of Alcohol, Tobacco and Firearms for such person to obtain the weapon.



Machine Guns

It is unlawful for any person, firm, or corporation to manufacture, sell, give away, dispose of, use or possess machine guns.



A **machine gun** is one which shoots more than one round by a single function of the trigger.



Machine Guns

This prohibition does not apply to the following:

- Banks, merchants, and recognized business establishments for use in their respective places of business. However, these persons must first receive a permit from the sheriff;



Machine Guns

This prohibition does not apply to the following:

- Officers and soldiers of the US Armed Forces, when in the discharge of official duties;
- Officers and soldiers of the Militia, when being called into actual service;
- Officers of the State, or county, city or town, charged with the execution of laws of the State, when acting in the discharge of their official duties;



Machine Guns

This prohibition does not apply to the following:

- The manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use, or possession is lawful under federal laws and the weapon is registered with a federal agency, and a permit to manufacture, use, or possess the weapon as been obtained by the sheriff of the county in which the weapon is located; or



Machine Guns

This prohibition does not apply to the following:

- A person who lawfully possesses or owns a weapon in compliance with 26 U.S.C. Chapter 53, §§ 5801- 5871. Nothing limits however the discretion of the sheriff in executing the paperwork required by the US Bureau of Alcohol, Tobacco and Firearms for such person to obtain the weapon.



Any resident of the State who now owns a machine gun used in former wars may retain and keep that weapon as a relic or souvenir as long as he/she reports this weapon to the sheriff of the county in which he/she lives



Teflon-Coated Bullets

It is unlawful for any person to import, manufacture, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any Teflon-coated bullet.



Felony Firearms Act



Any person convicted of any North Carolina felony or violation of criminal laws in other states, or in the United States, which are punishable by imprisonment for a term exceeding one year cannot purchase, own, possess, any firearm at any location, or any weapon of mass death and destruction.



Felony Firearms Act

This prohibition does not apply to antique firearms.



Felony Firearms Act

This restriction does not apply to a person who has been pardoned or has had his or her firearms rights restored, if such restoration of rights could also be granted under North Carolina Law.



Felony Firearms Act

N.C. Gen. Stat. § 14-415.4 sets forth a process where certain qualified felons may apply to a district court for a restoration of firearms rights.



Age Requirements for the Purchase and Possession of Weapons



Federally licensed gun dealers are prohibited from selling handguns to persons under the age of 21.



Purchasers of shotguns and rifles are required to be at least 18 years of age.



A pistol purchase permit can be issued to an individual 18 years of age or older, but such persons aged 18, 19, and 20 could not use the permit to purchase a handgun from a federally licensed firearms dealer.



It is a misdemeanor for any person under the age of 18 to willfully and intentionally possess or carry a handgun.



Age Requirements

This prohibition does not apply to the following:

- Officers and enlisted personnel of the Armed Forces of the US when in discharge of their official duties, or acting under orders requiring them to carry handguns;
- A minor who possesses a handgun for educational or recreational purposes while the minor is supervised by an adult who is present;



Age Requirements

This prohibition does not apply to the following:

- An emancipated minor who possesses such a handgun inside his or her residence; and
- A minor who possesses a handgun while hunting or trapping outside the limits of an incorporated municipality if he/she has on his or her person, written permission from a parent, guardian, or other person standing in loco parentis.



G.S. § 14-315 prohibits any person from selling, offering for sale, giving away, or in any way transferring to a person under the age of 18, any pistol cartridge, brass knucks, Bowie Knife, dirk, shurikin, loaded cane, or slungshot.



It is a Class H felony for a person to sell, offer for sale, give, or in any way transfer any handgun to a person less than 18 years of age.



Age Requirements

This law does not apply:

- When the handgun is lent to a minor for temporary use;
- When the handgun is transferred to an adult custodian and the minor does not take possession of the handgun except that the adult custodian may allow the minor temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful;



Age Requirements

This law does not apply:

- When the handgun is a devise or legacy and is distributed to a parent or guardian and the minor does not take possession of the handgun except that the parent or guardian may allow the minor temporary possession of the handgun.



Age Requirements

A person may not permit a child under the age of 12 to have possession, custody, or the use of any gun, pistol, or dangerous firearm, except with the parent or guardian's permission.



Air rifles, air pistols, and BB guns shall not be deemed "dangerous firearms" except in: Caldwell, Durham, Forsyth, Gaston, Haywood, Mecklenburg, Stokes, Union and Vance Counties.



Every dealer in pistols and other weapons must keep an accurate record of all sales.

This record is not public.



The record is open to the inspection of any State, county, or city police officer.



Upon the retail sale or transfer of any firearm, the seller or transferor shall deliver a written copy of North Carolina General Statute § 14-315.1 to the purchaser or transferee.



Any retail or wholesale store shall post:

“IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR.”



Questions?


