

## 2011 North Carolina Legislation Regarding Firearms

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The General Assembly considered a number of bills related to the regulation of firearms in the 2011 session. This document summarizes the most significant of those bills.<sup>1</sup>

### What Passed

#### [S.L. 2011-268](#), Amend Various Gun Laws/Castle Doctrine

This NRA-supported bill, as the short title suggests, contains multiple provisions, most but not all of which expand gun rights. It is the principal gun-related legislation of the session. Key components of the bill are as follows:

- Repeals existing G.S. 14-51.1, Use of Deadly Physical Force against an Intruder, and effectively replaces it with new G.S. 14-51.2 et seq. The new provisions codify some aspects of the law of self-defense, specifically guaranteeing the right to use deadly force against an intruder into a home, motor vehicle, or workplace, whereas the previous statute applied only to homes. The new statute also provides that there is no duty to retreat before using such force.
- Amends G.S. 14-269.8(a) so that individuals subject to domestic violence protective orders are no longer prohibited from owning firearms. However, it remains unlawful for a person to possess firearms while subject to such an order.
- Enacts new G.S. 14-408.1, which makes it a felony to solicit an illegal gun sale or to give a dealer or seller false information with the intent to deceive the dealer or seller about the legality of a gun sale.
- Amends G.S. 14-269, Carrying Concealed Weapons, in several ways.
  - Amends the provision in subsection (a1)(2) that allows a person who holds a concealed carry permit to carry a concealed handgun to specify that it applies only when “the person is carrying the concealed handgun in accordance with the scope of the concealed handgun permit.”
  - Adds new exemptions for district attorneys, assistant district attorneys, and district attorney investigators who have concealed carry permits, except while in a courtroom or while drinking, and for certain retired law enforcement officers who have concealed carry permits. As to district attorneys, assistant district attorneys, and district attorney investigators who have concealed carry permits, the bill also adds new G.S. 14-415.27, and amends the concealed carry permit statute, G.S. 14-415.11, with the net effect being that those individuals may carry concealed weapons almost anywhere in the state except courtrooms and where prohibited by federal law.
  - Allows detention and corrections officers to keep firearms locked in their vehicles at work.
- Amends G.S. 14-288.8, which regulates “weapons of mass destruction,” such as bombs, grenades, machine guns, and short-barreled weapons, and amends G.S. 14-409, Machine Guns and Other Like Weapons. The bill adds new provisions to both statutes that allow a person to possess such weapons

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<sup>1</sup> It also summarizes one bill that is relevant to crossbows, which are not firearms but which have historically been subjected to some similar legal requirements.

under state law so long as the person may possess the weapons under federal law. The relevant federal laws are codified at 26 U.S.C. § 5801 et seq.

- Expands concealed carry permit holders' authority to have weapons on certain state property. For example, permit holders now may keep weapons securely locked in their vehicles on the grounds of the "State Capitol Building, the Executive Mansion, [and] the Western Residence of the Governor," and may carry concealed handguns in state parks.
- Amends G.S. 14-415.23, Statewide Uniformity, to allow local governments to prohibit the carrying of concealed weapons at playgrounds, athletic fields and facilities, and swimming pools. Local governments may not, however, prohibit the storage of firearms in locked vehicles at recreational facilities.

#### [S.L. 2011-56](#), Repeal Crossbow Purchase Permit Requirement

Repeals the portion of G.S. 14-402, the purchase permit statute, that had prohibited the sale or purchase of a crossbow without a permit issued by the sheriff. The statute remains applicable to handguns.

#### **What Didn't Pass**

##### [H 111](#), Handgun Permit Valid in Parks and Restaurants

Would have allowed concealed carry permit holders to carry concealed handguns in state parks, and in restaurants where alcohol is sold unless expressly prohibited by the proprietor. Note that S.L. 2011-268, summarized above, includes the state park provision, meaning that the restaurant provision is the only provision of this bill that was not otherwise enacted. However, this bill passed the House, and so may be considered by the Senate in the 2012 legislative session.

##### [H 241](#), the North Carolina Firearms Freedom Act

Would have declared that "[a] personal firearm . . . or ammunition that is manufactured . . . in North Carolina and that remains within the borders of North Carolina is not subject to federal law or federal regulation, including registration, under the authority of Congress to regulate interstate commerce." Even if passed, this bill would likely have had no effect, as the General Assembly lacks the authority to determine the constitutionality of federal laws.

##### [S 765](#), No Firearms Questions During Medical Exams

Would have prohibited health care providers from asking patients about gun ownership and from refusing to see patients who are gun owners. Somewhat similar legislation was enacted in Florida, and is now the subject of a lawsuit backed by the American Medical Association and other physician groups, as described [here](#).