



HOUSE BILL 562: Amend Firearm Laws

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	House Judiciary I	Date:	April 28, 2015
Introduced by:	Reps. Schaffer, Burr, Cleveland, Faircloth	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H562-CSSA-54		Staff Attorney

SUMMARY: *The Proposed Committee Substitute for House Bill 562 would amend various firearms laws.*

BILL ANALYSIS:

Section 1 would amend the exemptions to carrying a concealed weapon to allow DAs and ADAs with a concealed handgun permit to carry a concealed handgun in a courtroom. This section would also add certain DPS employees (8) and Administrative Law Judges (9) who have concealed handgun permits to the list of exemptions, which would allow them to carry concealed handguns in some places the average person cannot, including courtrooms, assemblies where a fee is charged, etc.

Section 2 would allow a person with a concealed handgun permit to carry concealed on their person within a locked vehicle on educational property and would allow a person within a locked vehicle on educational property to move a handgun from concealment on their person to a closed compartment and vice versa even if momentarily it is not concealed. This section also would clarify that no school may prohibit a concealed handgun in a locked vehicle.

Section 3 would provide an affirmative defense to possession of handgun on educational property if the person was authorized to have a handgun in a locked vehicle and removed the handgun from the vehicle only in response to a threatening situation in which deadly force was justified to defend self or others pursuant to G.S. 14-51.3.

Section 4 would authorize the Commissioner of Agriculture to prohibit the carrying of firearms on the State Fairgrounds during the State Fair. Law enforcement officers would be exempted, and persons with concealed handgun permits would still be authorized to have a handgun in their locked vehicle.

Section 5 would expand the shooting range protection act to provide that shooting ranges are only subject to noise ordinances that were in effect at the time the shooting range began operation and do not have to comply with ordinances adopted later if there has been no substantial change in use.

Section 6 would modify the firearm rights restoration statute to ensure recognition of the restoration by federal law.

Section 7 would eliminate some misdemeanors from the list of misdemeanor convictions that prohibit a person from obtaining a concealed handgun permit. This section would also make all other misdemeanor convictions, except for domestic violence offenses, only count against a person for 3 years in relation to prohibiting them from obtaining a concealed handgun permit.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 5 6 2 - S M S A - 6 0 C S S A - 5 4 - V 2 *

House Bill 562

Page 2

Section 8 would establish sign requirements for signs prohibiting carrying of a concealed handgun on any property where such posting is authorized.

Section 9 would authorize the use of suppressors on short-barreled rifles for hunting.

Section 10 would reduce the offense of carrying a concealed handgun on private posted property from a Class 1 misdemeanor to an infraction.

Section 11 would make the following changes:

- Specify the information to be collected and reported to NICS for background checks and would require certain information to be transmitted to NICS by the clerk no later than 48 hours after receiving notice.
- Require pistol permit applications and concealed handgun permit applications to be provided electronically.
- Prohibit the sheriff from requesting additional information for concealed handgun permit applications unless specifically authorized by statute.
- Require arresting law enforcement agencies to fingerprint persons charged with certain misdemeanors and forward those fingerprints to NICS
- Direct AOC to use Court Technology Funds to comply with the NICS reporting requirements.

Section 12 would expand statewide uniformity of firearm regulation to specifically prohibit local governments from adopting any regulation relating to taxation, manufacture, or transportation of firearms. This section would also allow a person to bring an action for declaratory and injunctive relief against a local government that violates the section by adopting a regulation in violation of the law.

Section 13 would prohibit health care providers from asking patients in a written questionnaire whether they have firearms and prohibit them from sharing any information provided orally by patients regarding firearms unless the patient has been adjudicated incompetent because of mental illness. Would provide a \$250 fine for a nonwillful violation and a \$500 fine for a willful violation and authorize the health care providers licensing board to consider violation grounds for disciplinary action.

Section 14 would require the sheriff to issue or deny a concealed handgun permit application within 90 days.

Section 15 would amend G.S. 14-415.23, which limits local government regulation of carrying concealed handguns to allow a person to bring an action for declaratory and injunctive relief against the local government for violation of the statute.

EFFECTIVE DATE: Sections 1, 2, 3, 9, and 10 of this act become effective July 1, 2015, and apply to offenses committed on or after that date. Section 8 of this act becomes effective July 1, 2015. Section 5 of this act becomes effective July 1, 2015, but shall not apply to pending litigation. Section 6 of this act is effective when it becomes law and applies to restorations granted before, on, or after that date. Section 7 of this act becomes effective July 1, 2015, and applies to permit applications submitted on or after that date. Sections 12, 13, and 15 of this act become effective December 1, 2015, and apply to violations occurring on or after that date. Section 14 becomes effective October 1, 2015, and applies to applications submitted on or after that date. Except as otherwise provided in this act, the remainder of this act is effective when it becomes law. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.