



HOUSE BILL 652: 2nd Amendment Protection Act.

2019-2020 General Assembly

Committee:		Date:	November 16, 2020
Introduced by:	Reps. Torbett, Lewis	Prepared by:	Susan Sitze
Analysis of:	Ratified		Staff Attorney

OVERVIEW: *House Bill 652 would have made various changes to the firearms laws in the following areas:*

- *Handguns on religious property that is also the location of a school.*
- *Concealed handgun permit lapse.*
- *Concealed carry for certain law enforcement facility employees.*
- *Concealed carry for certain emergency medical services personnel.*

House Bill 652 was ratified by the General Assembly on June 25, 2020, and vetoed by the Governor on July 2, 2020.

BILL ANALYSIS:

PART I. ALLOW HANDGUNS ON RELIGIOUS PROPERTY WITH A SCHOOL

CURRENT LAW: G.S. 14-269.2 generally prohibits weapons on educational property, with some specific exceptions. Educational property is defined as "[a]ny school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school."

G.S. 14-54.1 provides that "a building that is a place of religious worship" includes "any church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place for religious worship."

BILL ANALYSIS: **Part I** of HB 652 would have amended G.S. 14-269.2 to authorize persons with a concealed handgun permit to carry a concealed handgun on educational property that is both a school and a place of religious worship if all of the following conditions applied:

- The educational property was a nonpublic school.
- The handgun was only possessed and carried on educational property outside of the school operating hours, which were defined as "any time when curricular or extracurricular activities are taking place on the premises and any time when the premises are being used for school-sponsored activities."
- The person in legal possession or control of the premises had not posted a notice prohibiting the carrying of a concealed handgun on the premises.

PART II. CONCEALED HANDGUN PERMIT LAPSE

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CURRENT LAW: Concealed handgun permits can be renewed in the 90 days prior to the expiration of the permit by completion of a renewal form and payment of a fee. If a permittee applies for renewal within that 90 days, the permit will remain valid past the expiration date until the permit is renewed or the renewal is denied.

G.S. 14-415.16(e) currently provides that if a person does not apply for renewal prior to the expiration of the permit, but does apply within 60 days of expiration, the sheriff may waive the requirement of taking another firearms safety and training course. Applications for renewal made after the expiration of a permit do not extend the validity of the permit.

BILL ANALYSIS: Part II of HB 652 would have amended G.S. 14-415.16(e) as follows:

- If the permittee applied for renewal no more than 60 days after expiration of the permit, the sheriff would be required to waive the requirement to take another firearm safety and training course.
- If the permittee applied for renewal more than 60 days, but no more than 180 days after expiration of the permit, the sheriff would be required to waive the requirement to take another firearm safety and training course if the permittee completed a refresher course on the laws governing the use or carry of firearms in this State and submitted proof of completion.

PART III. CONCEALED CARRY FOR CERTAIN LAW ENFORCEMENT FACILITY EMPLOYEES

CURRENT LAW: G.S. 14-415.11(c)(5) prohibits a person with a concealed handgun permit from carrying a concealed handgun in a law enforcement or correctional facility.

G.S. 14-415.27 sets forth a list of persons who are authorized to carry a concealed handgun into one of the areas prohibited by G.S. 14-415.11(c).

Sworn law enforcement officers are authorized to carry a concealed handgun without obtaining a concealed handgun permit.

BILL ANALYSIS: Part III of HB 652 would have added an additional exception to G.S. 14-415.27 to authorize a person with a concealed handgun permit who is employed by a law enforcement agency, but who is not a sworn law enforcement officer, to carry a concealed handgun into a law enforcement agency if all of the following conditions were met:

- The person had been designated in writing by the head of the law enforcement agency in charge of the facility.
- The person had in their possession written proof of the designation.
- The designation had not been rescinded by the head of the law enforcement agency in charge of the facility.

PART IV. CONCEALED CARRY FOR CERTAIN EMS PERSONNEL

BILL ANALYSIS: Part IV of HB 652 would have exempted emergency medical services personnel from the general prohibition against concealed weapons in situations where all of the following criteria were met:

- They were on duty.
- They were deployed providing tactical medical assistance to law enforcement in an emergency situation, including a Special Weapons and Tactics (SWAT) operation, as part of their official duties.

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- They had completed an approved tactical medical assistance course for supporting tactical law enforcement operations.

This would also have excluded them from prohibitions against weapons in certain other locations including educational property, the State Capitol, and courthouses while they were assisting in the emergency situation.

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