



HOUSE BILL 134: 2nd Amendment Protection Act.

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

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 10, 2021
Introduced by:	Reps. McNeely, Saine, Adams, Carter	Prepared by:	Jeremy Ray* Staff Attorney
Analysis of:	PCS to First Edition H134-CSBH-4		

OVERVIEW: House Bill 134 would make various changes to the firearms laws in the following areas:

- Concealed carry on educational property that is the location of both a nonpublic school and a place of religious worship.
- Concealed handgun permit lapse.
- Concealed carry for certain law enforcement facility employees.
- Concealed carry for certain emergency medical services personnel.

The PCS would make the following changes to Part I. (Allow Handguns on Religious Property with a School) and Part IV. (Concealed Carry for Certain Emergency Medical Services Personnel):

- Clarify the definition of school operating hours when handguns cannot be carried, to include times when the premises is used for programs for minors by entities not affiliated with the religious institution.
- Clarify that property owned by a local board of education or county commission is not covered by the exemption to the concealed carry laws.
- Clarify that institutions of higher education and non-public post-secondary education institutions are not covered by the exemption to the concealed carry laws.
- Clarify that emergency medical services personnel can carry concealed weapons while providing tactical medical assistance to law enforcement in a Special Weapons and Tactics (SWAT) operation.

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."

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BILL ANALYSIS: Part I of HB 134 would amend G.S. 14-269.2 to authorize persons with a concealed handgun permit to carry a concealed handgun on educational property that is the location of both a school and a place of religious worship if all of the following conditions apply:

- The educational property is a nonpublic school. Property owned by a local board of education or county commission, or an institution of higher education would not be authorized.
- The handgun is only possessed and carried on educational property outside of the school operating hours. A school's operating hours are defined as any time when any of the following occur:
 - The premises are being used for curricular or extracurricular activities.
 - The premises are being used for educational, instructional, or school sponsored activities.
 - The premises are being used for programs for minors by entities not affiliated with the religious institution.
- The person(s) in legal possession or control of the premises have not posted a notice prohibiting the carrying of a concealed handgun on the premises.

This Part would become effective December 1, 2021, and would apply to offenses committed on or after that date.

PART II. CONCEALED HANDGUN PERMIT LAPSE

CURRENT LAW: Concealed handgun permits can be renewed 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 those 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 to renew no more than 60 days after expiration of the permit, 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 134 would amend 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 not 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.

This Part would become effective October 1, 2021, and would apply to offenses committed on or after that date.

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).

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

BILL ANALYSIS: Part III of HB 134 would add 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 are met:

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

This Part would become effective July 1, 2021, and would apply to offenses committed on or after that date.

PART IV. CONCEALED CARRY FOR CERTAIN EMS PERSONNEL

BILL ANALYSIS: Part IV of HB 134 would exempt emergency medical services personnel from the general prohibition against carrying concealed weapons in situations where all of the following criteria are met:

- They are on duty.
- They are deployed providing tactical medical assistance to law enforcement in a Special Weapons and Tactics operation, as part of their official duties.
- They have completed an approved tactical medical assistance course for supporting tactical law enforcement operations.

This would also exclude emergency medical services personnel from prohibitions against carrying concealed weapons in certain other locations including educational property, the State Capitol, and courthouses while they were assisting in the emergency situation.

This Part would become effective December 1, 2021, and would apply to offenses committed on or after that date.

EFFECTIVE DATE: Except as otherwise provided, House Bill 134 would become effective when it becomes law.

**Susan Sitze, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*