



SENATE BILL 41: Guarantee 2nd Amend Freedom and Protections.

2023-2024 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 14, 2023
Introduced by:	Sens. Britt, Daniel, Perry	Prepared by:	Karyl Smith*
Analysis of:	Second Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 41 would:

- *Authorize an individual who has a valid concealed handgun permit, or who is exempt from obtaining that permit, to carry a handgun in a place of religious worship that is also educational property if:*
 - *The property is not owned by a local board of education or county commission.*
 - *The property is not a public or private institution of higher education.*
 - *The property is not posted with a notice prohibiting carrying a concealed handgun on the premises.*
 - *The handgun is only possessed and carried on the property outside of school operating hours.*
- *Authorize concealed carry for certain law enforcement facility employees.*
- *Repeal the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or transfer of a pistol.*
- *Create a statewide firearm safe storage awareness initiative to educate the public about safe firearm storage, to facilitate the distribution of gun locks, and to provide local communities with a toolkit to launch local firearm safe storage initiatives.*

PART I: PROTECT RELIGIOUS MEETING PLACES

Subsections 1(a)-(c)

CURRENT LAW AND BILL ANALYSIS:

G.S. 14-269.2 prohibits weapons on educational property of schools, with certain exceptions. Schools are defined to include public schools, private schools, community colleges, colleges, and universities. Educational property consists of any 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. It is a Class I felony to possess or carry any gun on educational property.

Subsections 1(a)-(c) of Senate Bill 41 would create a new exception to the prohibition of weapons on educational property of schools. An individual who has a valid concealed handgun permit, or who is exempt from obtaining that permit, may carry a handgun in a place of religious worship located on privately-owned educational property if all of the following conditions apply:

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- The property is not owned by a local board of education or county commission.
- The property is not a public or private institution of higher education.
- The property is not posted with a notice prohibiting carrying a concealed handgun on the premises.
- The handgun is only possessed and carried on the property outside of school operating hours. School operating hours are defined as any time a curricular or extracurricular activity takes place on the premises, any time when the premises are used for educational, instructional, or school-sponsored activities, and any time the premises are being used for programs for minors by entities not affiliated with the religious institution.

Subsections 1(a)-(c) would become effective December 1, 2023.

Subsection 1(d)

CURRENT LAW AND BILL ANALYSIS:

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.

Subsection 1(d) of Senate Bill 41 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.

Subsection 1(d) would become effective July 1, 2023, and would apply to offenses committed on or after that date.

PART II: REPEAL PISTOL PURCHASE PERMITS

CURRENT LAW AND BILL ANALYSIS:

Article 52A of Chapter 14 of the General Statutes requires an individual to obtain a purchase permit from the sheriff of the county in which the individual resides prior to purchase or receipt of a pistol, unless the individual has a concealed carry permit. Failure to obtain the permit or have a concealed carry permit prior to purchase or receipt of a pistol is a Class 2 misdemeanor.

Prior to issuance of the purchase permit, the sheriff must (i) conduct a criminal and background check by accessing computerized criminal history records as maintained by the SBI and FBI, (ii) conduct a national criminal history records check, (iii) conduct a check through the National Instant Criminal Background Check System (NICS), (iv) conduct a criminal history check through the Administrative Office of the Courts, (v) determine the applicant's good moral character, and (vi) determine that the possession of the weapon is for only certain identified purposes.

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Permits cannot be issued to certain individuals, including those under indictment or convicted of a felony, fugitives, unlawful drug users, those adjudicated mentally incompetent or who have been committed to any mental institution, illegal or unlawful aliens and those who have renounced United States citizenship, those with dishonorable discharges from the Armed Forces, and those subject to domestic violence restraining orders.

Federal law requires federal firearms licensees (FFL) to conduct a criminal background check through the NICS before selling or delivering handguns to an individual unless a valid State permit is presented to the FFL (18 USC 922, 27 C.F.R. §478.102), and prohibits FFLs from selling or delivering to certain individuals.

Section 2 of Senate Bill 41 would repeal State laws requiring a purchase permit or concealed handgun permit prior to purchase or receipt of a pistol and make related conforming changes.

Section 2 would become effective when it becomes law and would apply to pistols sold, given away, transferred, purchased, or received on or after that date.

PART III: FIREARM SAFE STORAGE AWARENESS INITIATIVE

BILL ANALYSIS: Section 3 would require the Department of Public Safety (DPS) to collaborate with the Department of Health and Human Services (DHHS) and the Wildlife Resources Commission (WRC) to launch a two-year statewide initiative to educate the public about proper firearm storage and to distribute gun locks. The initiative would include the following components:

- DPS would develop a website educating the public about the importance of safe firearm storage, methods of firearm storage, State firearm storage laws, and how to get free gun locks. The website would also provide local communities with a toolkit to help launch firearm safe storage initiatives locally.
- DPS would develop and implement an outreach process for disseminating the information and toolkit. DPS would also provide technical assistance to local communities wanting to launch their own initiatives.

DPS would be authorized to contract with a third-party entity to help launch the initiative.

DPS, in collaboration with the DHHS and WRC, would be required to submit a report to the Joint Oversight Committee on Health and Human Services detailing progress by September 1, 2024.

Section 3 becomes effective July 1, 2023.

PART IV: EFFECTIVE DATE

Except as otherwise provided, this act is effective when it becomes law.

**Robert Ryan, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*