

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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HOUSE BILL 101

Short Title: The Firearms Liberty Act. (Public)

Sponsors: Representatives Adams, Hastings, Kidwell, and Carson Smith (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

February 14, 2023

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE CARRYING A HANDGUN IN A PLACE OF RELIGIOUS
3 WORSHIP THAT IS ALSO EDUCATIONAL PROPERTY IF CERTAIN
4 REQUIREMENTS ARE MET, TO AUTHORIZE CERTAIN LAW ENFORCEMENT
5 FACILITY EMPLOYEES TO CARRY A CONCEALED HANDGUN IN A LAW
6 ENFORCEMENT OR CORRECTIONAL FACILITY IF CERTAIN REQUIREMENTS
7 ARE MET, TO REPEAL PISTOL PURCHASE PERMITS, TO PROVIDE THAT A
8 CONCEALED CARRY PERMITTEE WHO ALLOWS THE PERMIT TO LAPSE DOES
9 NOT HAVE TO TAKE ANOTHER FIREARMS SAFETY AND TRAINING COURSE
10 UPON APPLYING FOR RENEWAL UNDER CERTAIN CONDITIONS, AND TO
11 PROTECT THE PROPERTY RIGHTS OF PERSONS SUBJECT TO A DOMESTIC
12 VIOLENCE PROTECTIVE ORDER BY ALLOWING THEM TO STORE THEIR
13 FIREARMS WITH OR SELL THEIR FIREARMS THROUGH A QUALIFIED LICENSED
14 FIREARMS DEALER.

15 The General Assembly of North Carolina enacts:

16
17 **PART I. TITLE**

18 **SECTION 1.1.** This act shall be known as "The Firearms Liberty Act."
19

20 **PART II. CARRYING A HANDGUN IN CERTAIN PLACES OF RELIGIOUS**
21 **WORSHIP**

22 **SECTION 2.1.** G.S. 14-269.2(a) is amended by adding a new subdivision to read:

23 "(1c) School operating hours. – Any time when any of the following occur:

- 24 a. The premises are being used for curricular or extracurricular activities.
25 b. The premises are being used for educational, instructional, or
26 school-sponsored activities.
27 c. The premises are being used for programs for minors by entities not
28 affiliated with the religious institution."

29 **SECTION 2.2.** G.S. 14-269.2 is amended by adding a new subsection to read:

30 "(k1) For the purposes of this subsection, property owned by a local board of education or
31 county commission shall not be construed as a building that is a place of religious worship as
32 defined in G.S. 14-54.1. The provisions of this section shall not apply to a person who has a
33 concealed handgun permit that is valid under Article 54B of this Chapter, or who is exempt from
34 obtaining a permit pursuant to that Article, if all of the following conditions apply:



- 1 (1) The person possesses and carries a handgun on educational property other than
2 an institution of higher education as defined by G.S. 116-143.1 or a nonpublic,
3 postsecondary educational institution.
4 (2) The educational property is the location of both a school and a building that is
5 a place of religious worship as defined in G.S. 14-54.1.
6 (3) The weapon is a handgun.
7 (4) The handgun is only possessed and carried on educational property outside of
8 the school operating hours.
9 (5) The person or persons in legal possession or control of the premises have not
10 posted a conspicuous notice prohibiting the carrying of a concealed handgun
11 on the premises in accordance with G.S. 14-415.11(c)."

12 **SECTION 2.3.** G.S. 14-415.11(c) reads as rewritten:

13 "(c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry
14 a concealed handgun in any of the following:

- 15 (1) Areas prohibited by G.S. 14-269.2, ~~14-269.3,~~ and ~~14-277.2.~~except as allowed
16 under G.S. 14-269.2(k1).

- 17 (1a) Areas prohibited by G.S. 14-269.3 and G.S. 14-277.2.

18 "

19 **SECTION 2.4.** This Part becomes effective December 1, 2023.

20 21 **PART III. CARRYING A HANDGUN IN A LAW ENFORCEMENT OR** 22 **CORRECTIONAL FACILITY**

23 **SECTION 3.1.** G.S. 14-415.27 reads as rewritten:

24 "**§ 14-415.27. Expanded permit scope for certain persons.**

25 Notwithstanding G.S. 14-415.11(c), any of the following persons who has a concealed
26 handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24
27 is not subject to the area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed
28 handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law:

29 ...

- 30 (10) For only a law enforcement facility covered under G.S. 14-415.11(c)(5), a
31 person employed by a law enforcement agency who (i) is not a law
32 enforcement officer sworn and certified pursuant to Article 1 of Chapter 17C
33 or 17E of the General Statutes, (ii) has been designated in writing by the head
34 of the law enforcement agency in charge of the facility, (iii) has in the person's
35 possession written proof of the designation, and (iv) has not had the
36 designation rescinded by the head of the law enforcement agency in charge of
37 the facility. Nothing in this subdivision shall be construed as prohibiting the
38 head of the law enforcement agency in charge of a facility from rescinding
39 any written designation described in this subdivision."

40 **SECTION 3.2.** This Part becomes effective July 1, 2023, and applies to offenses
41 committed on or after that date.

42 43 **PART IV. PISTOL PURCHASE PERMIT REPEAL**

44 **SECTION 4.1.** G.S. 14-402 through G.S. 14-405 and G.S. 14-407.1 are repealed.

45 **SECTION 4.2.** G.S. 14-315(b1)(1) is repealed.

46 **SECTION 4.3.** G.S. 122C-54(d2) is repealed.

47 **SECTION 4.4.** This Part is effective when it becomes law and applies to pistols sold,
48 given away, transferred, purchased, or received on or after that date.

49 50 **PART V. REVISE LAW ON LAPSE OF CONCEALED CARRY PERMIT**

51 **SECTION 5.1.** G.S. 14-415.16(e) reads as rewritten:

1 "(e) If the permittee does not apply to renew the permit prior to its expiration date, but
2 does apply to renew the permit ~~within no more than~~ 60 days after the permit expires, the sheriff
3 ~~may shall~~ waive the requirement of taking another firearms safety and training course. If the
4 permittee applies to renew the permit more than 60 days after the permit expires, but no more
5 than 180 days after the permit expires, the sheriff shall waive the requirement of taking another
6 firearms and safety training course if the permittee (i) completes a refresher course on the laws
7 governing the use or carry of firearms in this State that is certified or sponsored by at least one
8 of the entities listed in G.S. 14-415.12(a)(4) and (ii) submits documentation to the sheriff
9 confirming the permittee completed the refresher course. This subsection does not extend the
10 expiration date of the permit."

11 **SECTION 5.2.** This Part becomes effective October 1, 2023, and applies to renewal
12 applications submitted on or after that date.

13 **PART VI. PROPERTY PROTECTION ACT/DVPO**

14 **SECTION 6.1.** G.S. 50B-3.1 reads as rewritten:

15 **"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.**

16 (a) Required Surrender of Firearms. – Upon issuance of an emergency or ex parte order
17 pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms,
18 machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms
19 that are in the care, custody, possession, ownership, or control of the defendant if the court finds
20 any of the following factors:

- 21 (1) The use or threatened use of a deadly weapon by the defendant or a pattern of
22 prior conduct involving the use or threatened use of violence with a firearm
23 against persons.
- 24 (2) Threats to seriously injure or kill the aggrieved party or minor child by the
25 defendant.
- 26 (3) Threats to commit suicide by the defendant.
- 27 (4) Serious injuries inflicted upon the aggrieved party or minor child by the
28 defendant.
- 29

30 ...

31 (d1) Transfer to Licensed Firearms Dealer. – After the defendant surrenders possession of
32 all firearms, machine guns, ammunition, and permits to the sheriff pursuant to subsection (d) of
33 this section, the defendant may enter into an agreement with a qualified licensed firearms dealer
34 to take possession of the surrendered items from the custody of the sheriff if (i) the defendant is
35 the owner of the items and (ii) the items have been in the custody of the sheriff at least 15 days.
36 The defendant shall authorize the qualified licensed firearms dealer to submit the form provided
37 for in this subsection requesting the transfer of the firearms, machine guns, and ammunition to
38 the sheriff currently storing the items. The qualified licensed firearms dealer must present the
39 completed form and a copy of the dealer's valid federal firearms license to the sheriff, who shall
40 have 24 hours to facilitate the transfer of the firearms, machine guns, and ammunition to the
41 dealer. Any funds received from the sale of a firearm, machine gun, or ammunition by a
42 defendant pursuant to this subsection are the property of the defendant. The defendant's permits
43 to purchase firearms and permits to carry concealed firearms shall remain in the care and custody
44 of the sheriff as provided in subsection (d) of this section.

45 At the time a qualified licensed firearms dealer takes possession of the firearms, machine
46 guns, and ammunition, the dealer shall provide a copy of the record required to be maintained
47 under federal law upon the receipt or disposition of the firearm, machine gun, or ammunition to
48 both the sheriff and the owner of the firearms, machine guns, and ammunition.

49 A qualified licensed firearms dealer that accepts firearms, machine guns, and ammunition
50 pursuant to this subsection shall not (i) release the firearms, machine guns, or ammunition to the
51 defendant unless the motion for a protective order is dismissed or any order of surrender has

1 expired or (ii) transfer possession of the firearms, machine guns, or ammunition to any person
2 the dealer knows or reasonably should know will allow the defendant to exercise care, custody,
3 possession, ownership, or control of the firearms, machine guns, or ammunition, and any
4 violation of this prohibition is a Class 2 misdemeanor.

5 The Administrative Office of the Courts shall create a form for use in transferring firearms,
6 machine guns, and ammunition from the custody of the sheriff to a qualified licensed firearms
7 dealer pursuant to this subsection. The form shall require the notarized signatures of both the
8 defendant and the qualified licensed firearms dealer and shall allow for either the storage or sale
9 of the firearms, machine guns, and ammunition by the qualified licensed firearms dealer. The
10 form shall also include information concerning the defendant's rights to recover the surrendered
11 firearms, machine guns, or ammunition.

12 The sheriff shall not charge a fee for the first 15 days of storage for any items transferred to
13 a qualified licensed firearms dealer pursuant to this subsection.

14 (e) Retrieval. – If the court does not enter a protective order when the ex parte or
15 emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff or
16 the qualified licensed firearms dealer unless the court finds that the defendant is precluded from
17 owning or possessing a firearm pursuant to State or federal law or final disposition of any pending
18 criminal charges committed against the person that is the subject of the current protective order.

19 (f) ~~Motion Request~~ for Return. – The defendant may request the return of any firearms,
20 ammunition, or permits surrendered by ~~filing a motion with the court~~ submitting a written request
21 with the sheriff or the qualified licensed firearms dealer who has control of the firearms,
22 ammunition, or permits at the expiration of the current order or final disposition of any pending
23 criminal charges committed against the person that is the subject of the current protective order
24 and not later than ~~90 days~~ 30 days after the expiration of the current order or final disposition of
25 any pending criminal charges committed against the person that is the subject of the current
26 protective order. Upon receipt of the ~~motion, request,~~ the sheriff or the qualified licensed firearms
27 dealer shall conduct a check through the National Instant Criminal Background Check System
28 (NICS). If the results of the NICS check provide grounds that preclude the defendant from
29 owning or possessing a firearm under State or federal law, the sheriff or the qualified licensed
30 firearms dealer shall file a motion with the court on a form created by the Administrative Office
31 of the Courts and shall not return the firearms, ammunition, or permits until the court has ruled
32 on the motion. Upon receipt of the motion, the court shall schedule a hearing and provide written
33 notice to the plaintiff who shall have the right to appear and be heard and to the sheriff or the
34 qualified licensed firearms dealer who has control of the firearms, ammunition, or permits. The
35 court shall determine whether the defendant is subject to any State or federal law or court order
36 that precludes the defendant from owning or possessing a firearm. The inquiry shall include:

- 37 (1) Whether the protective order has been renewed.
- 38 (2) Whether the defendant is subject to any other protective orders.
- 39 (3) Whether the defendant is disqualified from owning or possessing a firearm
40 pursuant to 18 U.S.C. § 922 or any State law.
- 41 (4) Whether the defendant has any pending criminal charges, in either State or
42 federal court, committed against the person that is the subject of the current
43 protective order.

44 The court shall deny the return of firearms, ammunition, or permits if the court finds that the
45 defendant is precluded from owning or possessing a firearm pursuant to State or federal law or
46 if the defendant has any pending criminal charges, in either State or federal court, committed
47 against the person that is the subject of the current protective order until the final disposition of
48 those charges.

49 (g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,
50 ammunition, or permits who is otherwise eligible to possess such items may file a motion
51 requesting the return to said third party of any such items in the possession of the sheriff or the

1 qualified licensed firearms dealer seized as a result of the entry of a domestic violence protective
2 order. The motion must be filed not later than 30 days after the seizure of the items by the sheriff.
3 Upon receipt of the third party's motion, the court shall schedule a hearing and provide written
4 notice to all parties and the ~~sheriff~~ sheriff or the qualified licensed firearms dealer. The court
5 shall order return of the items to the third party unless the court determines that the third party is
6 disqualified from owning or possessing said items pursuant to State or federal law. If the court
7 denies the return of said items to the third party, the items shall be disposed of by the sheriff or
8 the qualified licensed firearms dealer as provided in subsection (h) of this section.

9 (h) Disposal of Firearms. – If the defendant does not ~~file a motion requesting~~ submit a
10 written request for the return of any firearms, ammunition, or permits surrendered within the time
11 period prescribed by this section, if the court determines that the defendant is precluded from
12 regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or
13 third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within
14 30 days of the request for the return of firearms, ammunition, or permits or entry of the an order
15 granting the return of the firearms, ammunition, or permits, the sheriff or the qualified licensed
16 firearms dealer who has control of the firearms, ammunition, or permits shall give notice to the
17 defendant, and the sheriff or the qualified licensed firearms dealer shall apply to the court for an
18 order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may
19 order the disposition of the firearms, ammunition, or permits in one or more of the ways
20 authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. Additionally, for
21 firearms and ammunition surrendered to a qualified licensed firearms dealer under subsection
22 (d1) of this section, the judge may order the firearms and ammunition disposed of by sale by the
23 qualified licensed firearms dealer. If a sale by the sheriff or a qualified licensed firearms dealer
24 ~~does occur,~~ occur pursuant to this subsection, any proceeds from the sale after deducting any
25 costs associated with the ~~sale,~~ sale and any storage fees owed to the sheriff or the qualified
26 licensed firearms dealer, and in accordance with all applicable State and federal law, shall be
27 provided to the ~~defendant, if requested by the defendant by motion made before the hearing or at~~
28 the hearing and if ordered by the judge. ~~defendant.~~

29 (i) Failure to Surrender or Disclose. – It is unlawful for any person subject to a protective
30 order prohibiting the possession or purchase of firearms ~~to do any of the following:~~

- 31 (1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and
32 permits to carry concealed firearms to the sheriff as ordered by the ~~court;~~ court.
- 33 (2) Fail to disclose all information pertaining to the possession of firearms,
34 ammunition, and permits to purchase and permits to carry concealed firearms
35 as requested by the ~~court;~~ or court.
- 36 (3) Provide false information to the court pertaining to any of these items.

37 ...
38 (l) Construction. – Nothing in this section is intended to limit the discretion of the court
39 in granting additional relief as provided in other sections of this Chapter.

40 (m) Qualified Licensed Firearms Dealer. – For purposes of this section, the term
41 "qualified licensed firearms dealer" shall mean a federally licensed firearms dealer that meets all
42 of the following requirements:

- 43 (1) Operates a business in a commercial building located in the State.
- 44 (2) Is open to the public.
- 45 (3) Regularly engages in the purchase and sale of firearms with members of the
46 public."

47 **SECTION 6.2.** This Part becomes effective December 1, 2023, and applies to orders
48 issued on or after that date.

49 **PART VII. MISCELLANEOUS**

1 **SECTION 7.1.** Prosecutions for offenses committed before the effective date of this
2 act are not abated or affected by this act, and the statutes that would be applicable but for this act
3 remain applicable to those prosecutions.
4 **SECTION 7.2.** Except as otherwise provided, this act is effective when it becomes
5 law.