

WEAPONS IN THE COURTHOUSE

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1. General prohibition on possession of deadly weapons in court buildings:
 - a. GS 14-269.4 prohibits the possession of any deadly weapon “in any building housing any court of the General Court of Justice.”
 - b. It does not matter whether the weapon is carried openly or concealed.
 - c. The statute does not define “deadly weapon.”
 - d. The prohibition does not apply to weapons used solely for instructional or official sanctioned ceremonial purposes.
 - e. If the building also has other, nonpublic uses, the prohibition against deadly weapons applies only to the portion used for court purposes and only while used for those purposes.
 - f. The statute prohibits deadly weapons only in such buildings, it does not prohibit weapons on the grounds of the building (e.g., the front steps or the parking lot).
2. Exceptions to the prohibition, i.e., people allowed to have deadly weapons in buildings with courts:
 - a. Military personnel in discharge of their duties and acting under orders requiring them to carry weapons [GS 14-269.4(1a) and -269(b)(1)].
 - b. United States law enforcement officers [GS 14-269.4(1a) and -269(b)(2)].
 - i. Apparently such officers do not have to be in the discharge of official duties [the provision on US officers says nothing about official duties, in contrast to the provisions for other kinds of officials].
 - c. National Guard soldiers when called to actual service [GS 14-269.4(1a) and -269(b)(3)].
 - d. State and local officers and company police in the discharge of official duties [GS 14-269.4(1a) and -269(b)(4)].
 - e. Off-duty law enforcement officers [GS 14-269.4(1a) and -269(b)(5)].
 - f. District attorneys, assistant district attorneys and investigators employed by the district attorney who have a concealed handgun permit [GS 14-269.4(1a), -269(b)(4a), and -415.27].
 - i. The exception applies only to the possession of a concealed handgun, it does not allow the possession of other deadly weapons [GS 14-415.27].
 - ii. The exception does not allow carrying the concealed handgun into a courtroom [GS 14-269(b)(4a)].
 - iii. Apparently the DA, assistant DA or investigator need not be in the building to discharge official duties [the DA provisions say nothing about official duties, in contrast to the provisions for other kinds of officials].
 - iv. The weapon must be secured in a locked compartment when it is not on the person of the DA, assistant DA or investigator [GS 14-269(b)(4a)].
 - g. Certain retired law enforcement officers (e.g., officers with 15 years’ service) who have a concealed handgun permit or are certified by the Criminal Justice Education and Training Standards Commission.
 - i. Because these officers are retired they are not subject to the requirement that they be in the discharge of official duties while possessing the handgun.

- h. Superior court and district court judges who have concealed handgun permits [GS 14-269.4(1a) and (4b), 14-269(b)(4d), and -415.27].
 - i. The judge must be in the building to discharge official duties [GS 14-269.4(4b)].
 - ii. The handgun must be secured in a locked compartment when it is not on the person of the judge [GS 14-269(b)(4d)].
- i. Magistrates who have a concealed handgun permit and have completed weapons training similar to that for law enforcement officers [GS 14-269.4(1a) and (4d), 14-269(b)(4d), and -415.27].
 - i. The magistrate must be in the building to discharge official duties [GS 14-269.4(4d)].
 - ii. A magistrate may not have a weapon in a courtroom unless the magistrate is presiding in the courtroom [GS 14-269.4(4d)].
 - iii. The handgun must be secured in a locked compartment when it is not on the person of the magistrate [GS 14-269.4(4d), -269(b)(4d)].
- j. Clerks of court and registers of deeds who have concealed handgun permits [GS 14-269.4(1a), -269(b)(4e), and -415.27].
 - i. This provision does not apply to assistant and deputy clerks and registers of deeds, i.e., those other officials are not allowed to have weapons in the court building [GS 14-269(b)(4e)].
 - ii. Apparently the clerk or register of deeds need not be in the building to discharge official duties [the clerk and register of deeds provision says nothing about official duties, in contrast to the provisions for other kinds of officials].
 - iii. The handgun must be secured in a locked compartment when it is not on the person of the clerk or register of deeds [GS 14-269(b)(4e)].
- k. Off-duty state probation and parole certified officers [GS 14-269.4(1a) and -269(b)(6)].
- l. Individuals possessing a weapon to use as evidence in court, to deliver the weapon to law enforcement, or to register it [GS 14-269.4(4a)].
- m. Detention officers carrying firearms when employed and authorized by the sheriff to do so [GS 14-269.4(4c)].

3. Restrictions on weapons in courtrooms:

- a. Except as discussed below, there are no restrictions on having deadly weapons in courtrooms that are different than the restrictions on having a weapon in the courthouse. Therefore, all the people listed above, except DAs and magistrates, may possess a deadly weapon anywhere in the building, including in courtrooms.
- b. DAs, assistant DAs, and investigators employed by the DA may not carry the concealed handgun into the courtroom [GS 14-269(b)(4a)].
- c. A magistrate may carry a concealed handgun into a courtroom only if the magistrate is presiding in that courtroom [GS 14-269.4(4d)].

Note: As the citations indicate, the weapons provisions are found in several different statutes. Those statutes sometimes overlap, cross reference each other, and are not always consistent. When there is an inconsistency this summary takes the approach that the more specific statute on weapons in courthouses, GS 14-269.4, prevails over the other, more general statutes, particularly GS 14-269 and 14-415.27, which are incorporated by reference in 14-269.4. Thus, for example, this summary states that a magistrate may have a concealed handgun only in a courtroom in which the magistrate is presiding, because that is the requirement in GS 14-269.4(4d) even though it is not mentioned in 14-269(b)(4d) or 14-415.27.