

Places Guns are Prohibited by State Law

Schools

- G.S. 14-269.2
- Covers public and private schools, including colleges and universities
- Includes off-campus activities
- Exceptions include firearms owned by certain employees who live on campus and possession of certain firearms in locked vehicles

Pay-to-enter assemblies

- G.S. 14-269.3
- Applies to “assemblies where a fee has been charged for admission,” presumably including movie theaters, ticketed sporting events, etc.
- Exceptions include firearms possessed by the owner of the premises, persons authorized to carry by the owner, and concealed carry permit holders unless a concealed carry prohibition is posted

Establishments where alcohol is sold and consumed, e.g., bars

- G.S. 14-269.3
- Exceptions include the owner of the premises, persons authorized to carry by the owner, and concealed carry permit holders unless a concealed carry prohibition is posted

Certain state property, including courthouses

- G.S. 14-269.4
- Includes the State Capitol, the Executive Mansion, the Western Residence of the Governor, and their grounds
- Includes all courthouses
- Exceptions include firearms possessed by certain court officials who are concealed carry permit holders and certain firearms stored in locked vehicles by concealed carry permit holders

State legislative complex

- G.S. 120-32.1 and *Rules of State Legislative Building and Legislative Office Building*
- Includes legislative building, legislative office building, and their grounds
- Exceptions include firearms possessed by certain law enforcement officers and possession of certain firearms in locked vehicles by legislators and legislative employees

Certain parades and public events

- G.S. 14-277.2
- Includes parades, funeral processions, picket lines, and demonstrations
- Includes participants and spectators
- Exceptions include concealed carry permit holders at parades and funeral processions unless a concealed carry prohibition is posted

State Fairgrounds

- G.S. 106-503.2 authorizes the Commissioner of Agriculture to prohibit the carrying of firearms on the State Fairgrounds during the State Fair, and the Commissioner has exercised that authority
- Exceptions include concealed carry permit holders who may keep handguns in closed containers within locked vehicles

Law enforcement and correctional facilities

- G.S. 14-415.11 prohibits concealed carry in these locations
- There is no general statewide ban on open carry in these locations, but NCDPS *Prison Entrance/Exit Policy* F.3306(c)(2) states that weapons are prohibited “within the confines of [a prison] facility”; other law enforcement and correctional facilities may be subject to similar restrictions

Areas prohibited by property owners

- G.S. 14-415.11(c)(8) prohibits concealed carry on private property posted with a “conspicuous notice”
- As to open carry, G.S. 14-159.13 provides that it is trespassing to enter property, or to remain there, after being told by the owner to leave or in violation of conspicuous signage; therefore, a property owner may prohibit persons carrying firearms from entering, including by posting conspicuous signs to that effect

Areas prohibited by local government

- G.S. 14-409.40(f) provides that local governments may prohibit the possession of firearms “in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas”
- G.S. 14-415.23 provides that local governments may prohibit concealed carry “on local government buildings and their appurtenant premises” and in certain recreational facilities such as gyms and swimming pools
- Exceptions exist in some cases for certain firearms locked in motor vehicles

Places Guns are Prohibited by Federal Law

Federal buildings, including courthouses and prisons

- 18 U.S.C. § 930
- Includes buildings owned or leased, in whole or in part, by the federal government; buildings must be posted
- Exceptions include law enforcement officers and certain other federal officials

Military bases

- See, e.g., AR 190-11 § 4-5 (“The carrying of privately-owned weapons . . . on military installations [is] prohibited . . .”)

Post office property

- 39 C.F.R. § 232.1(l)
- Includes parking lots that adjoin and exclusively serve post offices

Air travel

- 49 C.F.R. § 1540.111
- No weapons at TSA checkpoints, in secure areas of airports, or on airplanes
- Exceptions include certain law enforcement officers
- Declared firearms are permitted checked baggage in locked hard-sided containers

Notes:

1. This document is intended as a summary of the most important provisions of state and federal law pertaining to firearms. It is not comprehensive and is no substitute for reading the relevant legal authorities and/or consulting an attorney.
2. An online resource that provides more detail about state and federal firearms law is Roy Cooper & John J. Aldridge, III, *North Carolina Firearms Laws* (2015).
3. This document does not address the zoning, licensing, and other laws that may apply to firearm-related businesses such as gun shops and firing ranges, nor does it address the many criminal laws that apply to the misuse of firearms.
4. This document focuses mostly on gun laws as they apply to the general public. Law enforcement officers, military personnel, and certain other public officials may have additional rights. See, e.g., G.S. 14-269(b).

Persons Prohibited from Possessing Firearms

Felons

- 18 U.S.C. § 922(g)(1) (crimes punishable by more than one year in prison); G.S. 14-415.1 (NC felonies and similar out-of-state crimes)
- G.S. 14-415.4 provides a process for restoring some felons' gun rights

Persons acquitted of a felony by reason of insanity

- G.S. 14-415.3
- Applies to persons acquitted by reason of insanity of most felonies and of assault by pointing a gun, G.S. 14-34
- Also applies to persons determined to lack capacity to proceed in cases involving most felonies an assault by pointing a gun, G.S. 14-34

Drug users

- 18 U.S.C. § 922(g)(3) ("unlawful user of . . . any controlled substance")

Persons "adjudicated as a mental defective" or involuntarily committed

- 18 U.S.C. § 922(g)(4); 27 CFR 478.11 (detailed administrative definitions)

Illegal aliens and most nonimmigrant visa holders

- 18 U.S.C. § 922(g)(5)

Persons dishonorably discharged from the military

- 18 U.S.C. § 922(g)(6)

Persons subject to domestic violence protective orders

- 18 U.S.C. § 922(g)(8)

Persons convicted of misdemeanor crimes of domestic violence

- 18 U.S.C. § 922(g)(9)
- North Carolina convictions for assault and assault on a female do not qualify. *United States v. Vinson*, 805 F.3d 120 (4th Cir. 2015).

Persons under age 18

- 18 U.S.C. § 922(x); G.S. 14-269.7
- Applies to handguns only, exceptions include written parental consent
- Under G.S. 14-316, children under 12 must have parents' consent and be supervised by an adult when using any firearm

Safe Storage Requirements

Prevent minors from accessing firearms

- G.S. 14-315.1 effectively requires a person who lives with a minor not to store a firearm "in a manner that . . . an unsupervised minor would be able to gain access to the firearm"

Regulation of Purchase and Sale

Long guns

- When purchased from a licensed dealer, a background check is required, 18 U.S.C. § 922(t)
- When purchased from a licensed dealer, the buyer must be at least 18, 18 U.S.C. § 922(b)(1)

Handguns

- When purchased from a licensed dealer, a background check is required, 18 U.S.C. § 922(t)
- When purchased from a licensed dealer, the buyer must be at least 21, 18 U.S.C. § 922(b)(1)
- All sales and transfers require a valid NC pistol purchase permit or a valid NC concealed handgun permit, G.S. 14-402
- Pistol purchase permits are issued by the sheriff upon determination of eligibility to possess a firearm after a background check, a legitimate purpose to do so, and good moral character; they cost \$5 each and last five years

Restrictions on Categories of Weapons

Fully automatic firearms

- 18 U.S.C. § 922(o) ("machinegun[s]"); G.S. 14-288.8(c)(3) ("firearm[s] capable of fully automatic fire"); G.S. 14-409 ("machine guns")
- Federal law allows individuals to possess pre-1986 fully automatic firearms with approval from the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), subject to taxes and conditions, 18 U.S.C. § 922(o)(2)(B); 26 U.S.C. § 5812
- The state statutes cited above also exempt federally approved persons

Short barreled firearms

- G.S. 14-288.8(c)(3); 26 U.S.C. § 5861
- Applies to any shotgun with a barrel under 18 inches long or an overall length under 26 inches, and to any rifle with a barrel under 16 inches long or an overall length under 26 inches
- Federal law allows individuals to possess short barreled firearms with approval from BATFE, subject to taxes and conditions, 26 U.S.C. § 5812
- The state statute cited above also exempts federally approved persons

Silencers

- G.S. 14-288.8(c)(3) ("any muffler or silencer for any firearm"); 26 U.S.C. § 5861
- Federal law allows individuals to acquire silencers with approval from BATFE, subject to taxes and conditions, 26 U.S.C. § 5812
- The state statute cited above also exempts federally approved persons

Concealed Handgun Permits

Application process

- Application is to the sheriff, G.S. 14-415.12, requires fingerprinting and the release of mental health records, G.S. 14-415.13, and an \$80 fee, G.S. 14-415.19

Eligibility criteria

- Applicant must be a U.S. citizen or LPR, a state resident, 21 years old, able to handle a handgun safely, have completed an approved training course, be eligible to possess a firearm, and not have disqualifying criminal charges or convictions, G.S. 14-415.12

Scope and restrictions

- Permit holders may carry concealed "unless otherwise specifically prohibited by law," G.S. 14-415.11(a); see reverse for locations where concealed carry is prohibited
- Permit holders must have permit and valid ID when carrying concealed and when approached or addressed by a law enforcement officer must inform the officer that the permit holder has a permit and is carrying concealed, G.S. 14-415.11(a)
- Permit holders must notify the sheriff within 30 days of moving, G.S. 14-415.11(d)

Appeals, renewals, etc.

- Generally, the sheriff must act on applications within 45 days; denials must be in writing and are appealable to a district court judge, G.S. 14-415.15
- A permit is valid for five years, G.S. 14-415.11(b), and may be renewed in the 90 days prior to expiration subject to certain conditions and a \$75 fee, G.S. 14-415.16
- A permit may be revoked based on fraud, misrepresentation, misuse, violation of terms, or ineligibility, G.S. 14-415.18