

N.C.P.I.—Crim 235.12
CARRYING A CONCEALED [PISTOL] [HANDGUN]. FELONY; MISDEMEANOR.
CRIMINAL VOLUME
REPLACEMENT JUNE 2015
N.C. Gen. Stat. § 14-269(a1)

235.12 CARRYING A CONCEALED [PISTOL] [HANDGUN]. FELONY;
MISDEMEANOR.

NOTE WELL: A first offense under this statute is punishable as a Class 2 misdemeanor. A second or subsequent offense is punishable as a Class I felony.

The defendant has been charged with carrying a concealed [pistol] [handgun].

For you to find the defendant guilty of this offense, the State must prove [three] [four] [five] [six] things beyond a reasonable doubt:

First, that the defendant carried a [pistol] [handgun].

Second, that the [pistol] [handgun] was concealed, that is, hidden from the view of others, on or about the defendant's person in such a way that the defendant could quickly use it, if prompted to do so by any violent motive.

(And) Third, that the defendant acted willfully and intentionally,¹ that is, that the defendant intended to carry and conceal the [pistol] [handgun].

NOTE WELL: The jury should be instructed as to the next element only if there is an issue as to whether the defendant was on the defendant's own premises.

((And) Fourth, that the defendant was not on the defendant's own premises.)

NOTE WELL: The jury should be instructed as to the next element only if there is an issue as to whether the deadly weapon was a handgun and whether the defendant had a concealed handgun permit.

((And) (Fourth) (Fifth), that the defendant did not have a concealed

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handgun permit issued in accordance with North Carolina law.)

NOTE WELL: Use the next element if the defendant denies a previous conviction or remains silent. If the defendant admits the previous convictions, omit the next element. See N.C. Gen. Stat. § 15A-928(c).

(And (Fourth) (Fifth) (Sixth), that the defendant has been previously convicted of carrying a concealed [pistol] [handgun]. For you to find that the defendant has been previously convicted of carrying a concealed [pistol] [handgun], the State must prove beyond a reasonable doubt that on (*name date*) the defendant [was convicted of] [pled guilty to] the offense of carrying a concealed [pistol] [handgun], and that this offense was committed on (*name date*) in violation of the law of the State of North Carolina.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and intentionally carried and concealed about the defendant's person a [pistol] [handgun] (while off the defendant's own premises) ((and) that the defendant did not have a concealed handgun permit issued in accordance with North Carolina law) ((and) that the defendant has been previously convicted of carrying a concealed pistol or handgun), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.³

1 See N.C.P.I.-Crim. 120.10 for definition of "intent."

2 If the General Assembly had wanted to include out-of-state convictions, it might have used language similar to that in the habitual misdemeanor larceny statute, N.C. Gen.

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Stat. § 14-72(b)(6), which specifically allows the use of previous convictions from “this State or . . . another jurisdiction” so long as they are for a “substantially similar offense.”

3 See N.C. Gen. Stat. § 14-269(b1) for a defense to this offense.

