

N.C.P.I.—Crim 235.16
CARRYING WEAPONS INTO ESTABLISHMENTS WHERE ALCOHOLIC
BEVERAGES ARE SOLD AND CONSUMED. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-269.3

235.16 CARRYING WEAPONS INTO ESTABLISHMENTS WHERE ALCOHOLIC
BEVERAGES ARE SOLD AND CONSUMED. MISDEMEANOR.

The defendant has been charged with carrying a [gun] [rifle] [pistol] into an establishment where alcoholic beverages are sold and consumed.

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

First, that the defendant entered (*describe establishment, e.g., the No Name Bar*).

Second, that alcoholic beverages were sold and consumed in this establishment.¹

And Third, that the defendant carried a [gun] [rifle] [pistol] into this establishment.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant entered (*describe establishment*), where alcoholic beverages were sold and consumed, and that the defendant carried a [gun] [rifle] [pistol] into this establishment, it would be your duty to return a verdict of guilty. If you do not 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.

NOTE WELL: By virtue of subsection (b), N.C. Gen. Stat. § 14-269.3 does not apply to the following; (1) on duty military personnel or law enforcement officers carrying weapons as part of their duties and certain off duty law enforcement officers (See, N.C. Gen. Stat. § 14-269, incorporated by reference in N.C. Gen. Stat. § 14-269.3(b)); (2) the owner or lessee of the

¹ N.C. Gen. Stat. § 18B-101(4) defines "alcoholic beverage" as any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

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premises or establishment; (3) a person registered or hired as a security guard by the owner or lessee of the premises or establishment; (4) a person carrying a handgun if the person has a valid concealed handgun permit issued in accordance with Article 54B of this Chapter, has a concealed handgun permit considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S. 14-415.25. This subdivision shall not be construed to permit a person to carry a handgun on any premises where the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the carrying of a concealed handgun on the premises in accordance with G.S. 14-415.11(c). If there is evidence that one of these exceptions may apply to the defendant, instruct as follows:

If the defendant was [*(describe type of military or law enforcement officer, using appropriate language from N.C. Gen. Stat. § 14-269)*] [the owner or lessee of the [premises] [establishment]] [a person registered or hired as a security guard by the [owner] [lessee] of the [premises] [establishment]] [a person carrying a handgun if the person [has a valid concealed handgun permit in accordance with Article 54B of this Chapter] [has a concealed handgun permit considered valid under G.S. 14-415.24] [is exempt from obtaining a permit pursuant to G.S. 14-415.25]], the statute does not apply and the defendant is not guilty. If you find that the defendant was (*describe defendant's status*) it would be your duty to return a verdict of not guilty.