
North Carolina Firearms Laws Update

North Carolina Sheriffs' Association



*Provided as a Public Service by
Sheriff Chris Watkins
of Montgomery County*

March 2019

North Carolina Firearms Laws Update

2019

This pamphlet was prepared and is provided as a public service by North Carolina Sheriffs and the North Carolina Sheriffs' Association. This pamphlet summarizes the most common questions and issues related to the purchase, possession, and carrying of firearms in North Carolina.

This pamphlet is not a complete summary of all the statutes addressing the purchase, possession, and carrying of firearms in North Carolina. Persons desiring more information about North Carolina Firearms laws should consult the publication of the North Carolina Sheriffs' Association entitled "Firearms Laws and Permits" which can be downloaded from the North Carolina Sheriffs' Association website under the Resources tab at: <http://www.ncsheriffs.org/>.

The information provided in this pamphlet is not legal advice. For legal advice about a specific law or more details on the issues discussed in this pamphlet, you should consult an attorney.

Pistol Purchase Permits

It is unlawful for any person, firm, or corporation in North Carolina to sell, give away, transfer, purchase, or receive, at any place in the State, any pistol, unless the purchaser or receiver has first obtained a permit to receive such a pistol by the sheriff of the county where the purchaser or receiver resides, or the purchaser or receiver possesses a valid North Carolina issued concealed handgun permit. This requirement to obtain a permit prior to the transfer of a pistol applies to transactions between private individuals or companies throughout the State. N.C. Gen. Stat. § 14-402(a). A violation of this law is a Class 2 misdemeanor.

A county sheriff is only authorized under N.C. Gen. Stat. § 14-402 to issue a permit to receive or purchase a handgun when an application is submitted by a person who is a resident of their particular county. The sole exception is that the sheriff may issue a permit to a non-resident when the purpose of the permit is for collecting.

There is no limit to the number or frequency of permit applications and the sheriff will charge \$5.00 for each permit requested.

Carrying Concealed Weapons

North Carolina law strictly controls the ability of individuals to carry weapons concealed. Except under the limited concealed handgun permit provisions of State law, and the exemptions set out below, it is unlawful for any person in this State, except when on his/her own premises, to willfully and intentionally carry concealed, either on or about his/her person, any "Bowie Knife, dirk, dagger, slungshot, loaded cane, metallic knuckles, razor, shurikin, stungun, or other deadly weapon of like kind."

Specifically exempted from the requirements of this law are ordinary pocket knives carried in a closed position. An ordinary pocket knife is defined as being “a small knife, that is designed to be carried in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle. The knife must not be capable of being opened by a throwing, explosive, or spring action.” N.C. Gen. Stat. § 14-269.

Whether, in a given case, a weapon is concealed from the public is a question of fact. By using the phrase “concealed about his or her person,” this law makes it illegal to have a weapon concealed not only on a person, but also within a person’s convenient control and easy reach.

Only certain categories of persons in North Carolina are allowed, in particular circumstances, to carry concealed weapons. Concealed handgun permits are discussed separately below. The following categories of persons are general examples of individuals that may carry a firearm concealed in North Carolina without having a concealed handgun permit:

1. Officers and enlisted personnel of the armed forces of the United States when in the discharge of their official duties;
2. Law enforcement officers of the United States;
3. North Carolina sworn law enforcement officers, both on duty and off duty.

Concealed Handgun Permits

Certain residents of this State may be eligible to obtain a permit which would allow them to carry a concealed handgun under certain conditions. N.C. Gen. Stat. § 14-415.11. No other weapons may be carried concealed pursuant to such permit.

North Carolina also allows out-of-state concealed handgun permittees to carry concealed handguns, pursuant to such permits, in this State. N.C. Gen. Stat. § 14-415.24(a). While carrying a handgun pursuant to such permit, qualified out-of-state permittees are held to the same standards as North Carolina permittees.

In emergencies, a sheriff may issue a temporary permit to an individual when the sheriff has reasonable belief that the individual’s safety, the safety of his/her property, or the safety of the individual’s family is in immediate danger.

Any individual who has a concealed handgun permit must follow certain regulations concerning its use. Not only must the individual carry the permit along with proper identification whenever the handgun is being carried concealed, but he/she must also inform any law enforcement officer who approaches him/her that he/she is in possession of a permit and a concealed handgun. N.C. Gen. Stat. § 14-415.11(a). Failure to do so is an infraction.

Anybody who has been issued a valid concealed handgun permit and is found carrying a concealed handgun in any area where conspicuous notice has been posted prohibiting a person from carrying on that premises is also responsible for an infraction.

However, anybody who is carrying a concealed handgun while consuming alcohol, or has alcohol or controlled substances remaining in his/her system is guilty of a Class 1 misdemeanor.

Any individual who has been issued a valid permit must notify the issuing sheriff of any permanent change of address within thirty (30) days. If the permit is lost or destroyed, he/she must notify the issuing sheriff of such loss.

It is unlawful for the permittee to carry a concealed handgun while consuming alcohol, or at any time while the permittee has remaining in his/her body any alcohol or controlled substance previously consumed.

Although a person may have a permit to carry a concealed handgun, permittees are not authorized to carry the handgun anywhere they desire. The handgun may not be carried in the following:

1. Areas prohibited by G.S. § 14-277.2 (Picket lines or demonstrations);
2. Areas prohibited by G.S. § 14-269.4 (Certain State properties such as courthouses);
3. Areas prohibited by rules adopted under G.S. § 120-32.1 (Legislative buildings);
4. Areas prohibited by 18 USC § 922 or any other federal law;
5. Any law enforcement agency or correctional facility;
6. Any building housing only State or federal offices;
7. An office of the State or federal government that is not located in a building exclusively occupied by the State or federal government;
8. Any premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice, or statement by the person in legal possession or control of the premises; or
9. School grounds under G.S. § 14-269.2, except permittees can secure their handguns in their vehicle on school grounds. (Note: Private schools reserve the right to prohibit firearms altogether.)

Permittees are specifically allowed to carry a concealed handgun in the following areas:

1. Premises where alcoholic beverages are sold and consumed unless the premises is posted to prohibit the possession or carrying of firearms. Of course, the permittee may not consume any alcohol while carrying in this area. N.C. Gen. Stat. § 14-269.3;
2. Premises where a fee is charged for admission unless the premises is posted to prohibit the possession or carrying of firearms. N.C. Gen. Stat. § 14-269.3;
3. Parades and funerals unless the area is posted to prohibit the possession or carrying of firearms. N.C. Gen. Stat. § 14-277.2; and
4. Grounds or waters of a park within the State Parks System as defined in N.C. Gen. Stat. § 113-44.9.

It is lawful for any person to carry a firearm openly, or to carry a concealed handgun with a valid concealed handgun permit, at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation. N.C. Gen. Stat. § 14-415.11(c).

Transporting Weapons

Given the general prohibition of carrying concealed weapons, individuals must be ever vigilant to ensure their particular situation cannot be construed as concealing a weapon, either on or about them, without being properly authorized to do so with a valid North Carolina or recognized out-of-state concealed handgun permit. Therefore, the permittee's accessibility to the weapon is of prime importance. It is unlawful to transport a weapon (absent a proper permit) that is BOTH concealed and readily accessible to a person.

North Carolina law does not specifically address how to transport a weapon in an automobile. Therefore, the central question becomes: when is the weapon concealed and readily accessible to an occupant of an automobile? Obviously, a weapon would be concealed and readily accessible, and therefore in violation of state law, if it were placed in such areas of a vehicle as under the seat of the automobile; in a bag in the back seat; or in some other manner that is covered or hidden within the easy reach of an occupant of the vehicle. The prohibition on carrying concealed weapons applies not only to handguns and other weapons commonly thought of as being easily hidden, but also to "long guns" as well. Therefore, shotguns and rifles concealed behind the seat of pickup trucks, and elsewhere in other vehicles, could similarly violate North Carolina law.

As to those vehicles with no easily discernible trunk area (e.g., SUVs, vans, etc.), it becomes a factual determination of when the weapon is within ready and easy access to an occupant of the vehicle. If the weapon is concealed near, in close proximity to, or within the convenient control and access of an occupant, which would allow him/her to use the weapon quickly, then a fair probability exists that the occupant is in violation of the law. Therefore, care must be exercised by any occupant of any vehicle to ensure that weapons are securely locked away in as remote an area as possible, in relation to the passenger compartment of the vehicle. It is important to emphasize that these prohibitions apply to passengers, as well as drivers of any vehicle.

Confidentiality of Permittees

The sheriff of the county is required to maintain a list of all persons who are issued a concealed handgun permit. The list, however, and the information collected by the sheriff pursuant to the application, is confidential and is not a public record. This information is available upon request to all State and local law enforcement agencies. N.C. Gen. Stat. § 14-415.17 (c).

A sheriff is also required to keep a list of all pistol purchase permits issued and revoked. These records are confidential and are not a public record. They may however be made available upon request to any federal, State, and local law enforcement agencies.

The sheriff must also keep a list of all pistol purchase permit denials, which includes the

specific reasons for the denial; however, the list cannot contain any information that would identify the applicants.