

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 561
House Committee Substitute Favorable 6/4/97
House Committee Substitute #2 Favorable 7/8/97

Short Title: Company Police/Concealed Handguns.

(Public)

Sponsors:

Referred to:

April 1, 1997

A BILL TO BE ENTITLED

1 AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DULY SWORN AND
2 COMMISSIONED COMPANY POLICE OFFICERS FROM THE CONCEALED
3 HANDGUN STATUTES, TO EXEMPT ACTIVE OR RETIRED COMPANY
4 POLICE OFFICERS FROM THE TRAINING REQUIRED TO QUALIFY FOR A
5 CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR THE
6 PERMIT WITHIN TWO YEARS OF RETIREMENT, AND TO CLARIFY THE
7 MENTAL HEALTH REQUIREMENTS FOR A CONCEALED HANDGUN
8 PERMIT.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 74E-6(c) reads as rewritten:

12 "(c) All Company Police. – Company police officers, while in the performance of
13 their duties of employment, have the same powers as municipal and county police
14 officers to make arrests for both felonies and misdemeanors and to charge for infractions
15 on any of the following:

16 (1) Real property owned by or in the possession and control of their
17 employer.

1 (2) Real property owned by or in the possession and control of a person
2 who has contracted with the employer to provide on-site company
3 police security personnel services for the property.

4 (3) Any other real property while in continuous and immediate pursuit of a
5 person for an offense committed upon property described in
6 subdivisions (1) or (2) of this subsection.

7 Company police officers shall have, if duly authorized by the superior officer in charge,
8 the authority to carry concealed weapons pursuant to and in conformity with G.S. 14-
9 269(b)(5)."

10 Section 2. If House Bill 433 of the 1997 General Assembly is enacted into
11 law, then G.S. 14-415.10(4) reads as rewritten:

12 "(4) Qualified former sworn law enforcement officer. – An individual who
13 retired from service as a law enforcement officer with a ~~local or State~~
14 local, State, or company police agency in North Carolina, other than for
15 reasons of mental disability, who has been retired as a sworn law
16 enforcement officer two years or less from the date of the permit
17 application, and who satisfies all of the following:

18 a. Immediately before retirement, the individual was a qualified
19 law enforcement officer with a ~~local or State~~ local, State, or
20 company police agency in North Carolina.

21 b. The individual has a nonforfeitable right to benefits under the
22 retirement plan of the local, State, or company police agency as a
23 law enforcement ~~officer~~ officer or has 20 or more aggregate
24 years of law enforcement service and has retired from a company
25 police agency that does not have a retirement plan.

26 c. The individual is not prohibited by State or federal law from
27 receiving a firearm."

28 Section 3. If House Bill 433 of the 1997 General Assembly is enacted into
29 law, then G.S. 14-415.10(5) reads as rewritten:

30 "(5) Qualified sworn law enforcement officer. – A law enforcement officer
31 employed by a ~~local or State~~ local, State, or company police agency in
32 North Carolina who satisfies all of the following:

33 a. The individual is authorized by the agency to carry a handgun in
34 the course of duty.

35 b. The individual is not the subject of a disciplinary action by the
36 agency that prevents the carrying of a handgun.

37 c. The individual meets the requirements established by the agency
38 regarding handguns."

39 Section 4. G.S. 14-415.12(b)(6) reads as rewritten:

40 "(6) Is currently, or has been previously adjudicated by a court or
41 administratively determined by a governmental agency whose decisions
42 are subject to judicial review to be, lacking mental capacity or mentally

- 1 ill. Receipt of previous consultative services or outpatient treatment
2 alone shall not disqualify an applicant under this subdivision."
3 Section 5. Sections 2 and 3 of this act become effective December 1, 1997.
4 The remainder of this act is effective when it becomes law, and Section 4 applies to
5 applications made before, on, or after the effective date.