

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

House Committee Substitute #3 Favorable 7/31/97

Short Title: Company Police/Concealed Handguns.

(Public)

Sponsors:

Referred to:

April 1, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

(1) Real property owned by or in the possession and control of their 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. G.S. 14-415.10(4) as enacted by S.L. 1997-274, reads as rewritten:

- 11 "(4) Qualified former sworn law enforcement officer. – An individual who
12 retired from service as a law enforcement officer with a ~~local or State~~
13 local, State, or company police agency in North Carolina, other than for
14 reasons of mental disability, who has been retired as a sworn law
15 enforcement officer two years or less from the date of the permit
16 application, and who satisfies all of the following:
17 a. Immediately before retirement, the individual was a qualified
18 law enforcement officer with a ~~local or State~~ local, State, or
19 company police agency in North Carolina.
20 b. The individual has a nonforfeitable right to benefits under the
21 retirement plan of the local, State, or company police agency as a
22 law enforcement ~~officer~~ officer or has 20 or more aggregate
23 years of law enforcement service and has retired from a company
24 police agency that does not have a retirement plan.
25 c. The individual is not prohibited by State or federal law from
26 receiving a firearm."

27 Section 3. G.S. 14-415.10(5), as enacted by S.L. 1997-274, reads as rewritten:

- 28 "(5) Qualified sworn law enforcement officer. – A law enforcement officer
29 employed by a ~~local or State~~ local, State, or company police agency in
30 North Carolina who satisfies all of the following:
31 a. The individual is authorized by the agency to carry a handgun in
32 the course of duty.
33 b. The individual is not the subject of a disciplinary action by the
34 agency that prevents the carrying of a handgun.
35 c. The individual meets the requirements established by the agency
36 regarding handguns."

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

- 38 "(6) Is currently, or has been previously adjudicated by a court or
39 administratively determined by a governmental agency whose decisions
40 are subject to judicial review to be, lacking mental capacity or mentally
41 ill. Receipt of previous consultative services or outpatient treatment
42 alone shall not disqualify an applicant under this subdivision."

- 1 Section 5. Sections 2 and 3 of this act become effective December 1, 1997.
- 2 The remainder of this act is effective when it becomes law, and Section 4 applies to
- 3 applications made before, on, or after the effective date.