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EMAIL TO: All Sheriffs
FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association
SENT: June 26, 2020
SUBJECT: Wearing a Mask While Carrying a Concealed Handgun With a
Valid Concealed Handgun Permit

Questions have arisen about information circulating on social media regarding the ability of persons with a valid concealed handgun permit to carry a concealed handgun while wearing a mask.

Summary

There is no law in North Carolina that specifically prohibits a person with a valid concealed handgun permit from lawfully carrying their handgun concealed while wearing a mask.

However, wearing a mask by anyone in some circumstances is a misdemeanor and in other circumstances it is a felony. A person who is convicted of a felony will have their concealed handgun permit revoked and will not qualify for the issuance of a new concealed handgun permit. A misdemeanor conviction will have no impact on a person's concealed handgun permit.

Wearing a Mask in Public is a Misdemeanor

G.S. 14-12.7 through G.S. 14-12.10 make it a Class 1 misdemeanor for a person to wear a mask on any public walkways or roadways, while on the public property of State or local government, while holding meetings or demonstrations, or while on private property without the prior written permission of the property owner.

There are limited exceptions that allow masks to be worn for traditional holiday costumes, persons engaged in trades and employment where a mask is worn for the purpose of ensuring the physical safety of the wearer, etc., in theatrical productions including Mardi Gras celebrations and masquerade balls, in civil defense drills and exercises or emergencies, while riding a motorcycle to protect the rider's face, and other limited situations.



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Wearing a Mask While Committing Certain Acts is a Felony

G.S. 14-12.12 through G.S. 14-12.14 make it a Class H felony for a person, with the intent to intimidate, to: (1) wear a mask while placing or causing to be placed a burning or flaming cross (whether real or simulated) on the property of another, on any public property or on any public street or highway; or (2) place any exhibit (such as a noose for hanging) anywhere in the State while wearing a mask.

The limited exceptions to the misdemeanor offenses described above DO NOT apply to these felonies.

Senate Bill 704 Temporarily Authorizes Masks in Public for Health & Safety Due to COVID-19

With the enactment in May, 2020 of Section 4 of Senate Bill 704, a person is now temporarily authorized to wear a mask in public and on private premises (such as in a shopping mall) for the “purpose of ensuring the physical health or safety of the wearer or others.” The person wearing a mask for health or safety reasons must remove the mask upon the request of a law enforcement officer during a traffic stop (including at a checkpoint or roadblock) or criminal investigation.

This temporary authorization only applies to the misdemeanors described above but DOES NOT apply to the felonies described above.

This temporary authorization expires on August 1, 2020. If the General Assembly does not extend this temporary provision of law, it will again be a Class 1 misdemeanor for any person to wear a mask in public (including those with a concealed handgun permit whether or not they are carrying a concealed handgun) unless one of the other exceptions described above applies.

Ability to Keep a Concealed Handgun Permit With a Criminal Conviction

Per G.S. 14-415.12 and G.S. 14-415.18, a person with a North Carolina issued concealed handgun permit that is convicted of a felony, including the Class H felony offenses described above, will have their concealed handgun permit revoked and will not qualify for the issuance of a new concealed handgun permit.

If a person with a concealed handgun permit commits the Class 1 misdemeanor offense of wearing a mask in public after August 1, 2020, that person would still qualify to possess the concealed handgun permit unless the judgment or condition of probation issued by the court prohibits the person from possessing a firearm.

Questions

If you have any questions about this topic, do not hesitate to contact Matthew Boyatt, NCSA Deputy General Counsel, at mboyatt@ncsheriffs.net or at 919-459-6467.

Thanks....Eddie C.



Edmond W. (Eddie) Caldwell, Jr.

Executive Vice President and General Counsel

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