

D. Transporting Weapons

Given this general prohibition of carrying concealed weapons, individuals must be ever vigilant to ensure their 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 for these reasons, that when transporting a weapon in a vehicle, even greater care must be exercised to ensure that the weapon is not concealed, and within the ready access to an occupant of the vehicle. 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 North Carolina 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 is covered or hidden within the easy reach of an occupant of the vehicle. It is our recommendation that firearms should not be carried in a glove compartment regardless of whether the compartment is locked or not. While a weapon carried openly in an automobile would not be concealed, there are other problems specific to this method of carrying a weapon. The principal drawback, of course, is in the event of an individual being stopped by a law enforcement official, the officer may not readily know that individual's purpose and intent for carrying a weapon. As such, it is imperative that an individual immediately notify an officer of the presence of any weapon in the automobile, for the officer's and the vehicle's occupants' safety. Another obvious drawback is that a valuable weapon may be in plain view for potential thieves to see. The prohibition to 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 (i.e., vans, etc.), the question arises on 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.

Courtesy of the **North Carolina Firearms Law** publication distributed by North Carolina Department of Justice Law Enforcement Liaison Section.