N.C.P.I.—Crim 235.12
CARRYING A CONCEALED [PISTOL] [HANDGUN]. FELONY; MISDEMEANOR.
CRIMINAL VOLUME
REPLACEMENT JUNE 2015
N.C. Gen. Stat. § 14-269(a1)

235.12 CARRYING A CONCEALED [PISTOL] [HANDGUN]. FELONY; MISDEMEANOR.

NOTE WELL: A first offense under this statute is punishable as a Class 2 misdemeanor. A second or subsequent offense is punishable as a Class I felony.

The defendant has been charged with carrying a concealed [pistol] [handgun].

For you to find the defendant guilty of this offense, the State must prove [three] [four] [five] [six] things beyond a reasonable doubt:

First, that the defendant carried a [pistol] [handgun].

Second, that the [pistol] [handgun] was concealed, that is, hidden from the view of others, on or about the defendant's person in such a way that the defendant could quickly use it, if prompted to do so by any violent motive.

(And) Third, that the defendant acted willfully and intentionally,[1] that is, that the defendant intended to carry and conceal the [pistol] [handgun].

NOTE WELL: The jury should be instructed as to the next element only if there is an issue as to whether the defendant was on the defendant's *own premises.*

((And) Fourth, that the defendant was not on the defendant's own premises.)

NOTE WELL: The jury should be instructed as to the next element only if there is an issue as to whether the deadly weapon was a handgun and whether the defendant had a concealed handgun permit.

((And) (Fourth) (Fifth), that the defendant did not have a concealed

handgun permit issued in accordance with North Carolina law.)

NOTE WELL: Use the next element if the defendant denies a previous conviction or remains silent. If the defendant admits the previous convictions, omit the next element. See N.C. Gen. Stat. § 15A-928(c).

(And (Fourth) (Fifth) (Sixth), that the defendant has been previously convicted of carrying a concealed [pistol] [handgun]. For you to find that the defendant has been previously convicted of carrying a concealed [pistol] [handgun], the State must prove beyond a reasonable doubt that on (*name date*) the defendant [was convicted of] [pled guilty to] the offense of carrying a concealed [pistol] [handgun], and that this offense was committed on (*name date*) in violation of the law of the State of North Carolina.[2]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and intentionally carried and concealed about the defendant's person a [pistol] [handgun] (while off the defendant's own premises) ((and) that the defendant did not have a concealed handgun permit issued in accordance with North Carolina law) ((and) that the defendant has been previously convicted of carrying a concealed pistol or handgun), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.[3]

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1 *See* N.C.P.I.-Crim. 120.10 for definition of "intent."

2 If the General Assembly had wanted to include out-of-state convictions, it might have used language similar to that in the habitual misdemeanor larceny statute, N.C. Gen.

Stat. § 14-72(b)(6), which specifically allows the use of previous convictions from "this State or . . . another jurisdiction" so long as they are for a "substantially similar offense."

3 *See* N.C. Gen. Stat. § 14-269(b1) for a defense to this offense.