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SENATE DRS35252-LH-74 (02/05)

Short Title: Concealed Handgun Permit Standardization Act. (Public)

Sponsors: Senator Tarte (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO STANDARDIZE AND ENSURE UNIFORMITY OF CONCEALED  
3 HANDGUN PERMIT APPLICATIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-415.12 reads as rewritten:

6 "§ 14-415.12. Criteria to qualify for the issuance of a permit.

7 (a) The sheriff shall issue a permit to an applicant if the applicant qualifies under the  
8 following criteria:

9 (1) The applicant is a citizen of the United States or a permanent resident alien  
10 as defined by the United States Department of Homeland Security and has  
11 been a resident of the State 30 days or longer immediately preceding the  
12 filing of the application.

13 (2) The applicant is 21 years of age or older.

14 (3) The applicant does not suffer from a ~~physical or mental infirmity that~~  
15 ~~prevents the safe handling of a handgun.~~ currently diagnosed and ongoing  
16 mental disorder as defined by the most recent edition of the Diagnostic and  
17 Statistical Manual of Mental Disorders (DSM) which a reasonable person  
18 would expect to present a danger to the applicant or others. Previous  
19 treatment for transient disorders shall not be disqualifying.

20 (4) The applicant has successfully completed an approved firearms safety and  
21 training course which involves the actual firing of handguns and instruction  
22 in the laws of this State governing the carrying of a concealed handgun and  
23 the use of deadly force. The North Carolina Criminal Justice Education and  
24 Training Standards Commission shall prepare and publish general guidelines  
25 for courses and qualifications of instructors which would satisfy the  
26 requirements of this subdivision. An approved course shall be any course  
27 which satisfies the requirements of this subdivision and is certified or  
28 sponsored by:

- 29 a. The North Carolina Criminal Justice Education and Training  
30 Standards Commission,  
31 b. The National Rifle Association, or  
32 c. A law enforcement agency, college, private or public institution or  
33 organization, or firearms training school, taught by instructors  
34 certified by the North Carolina Criminal Justice Education and  
35 Training Standards Commission or the National Rifle Association.



- 1 Every instructor of an approved course shall file a copy of the firearms  
2 course description, outline, and proof of certification annually, or upon  
3 modification of the course if more frequently, with the North Carolina  
4 Criminal Justice Education and Training Standards Commission.
- 5 (5) The applicant is not disqualified under subsection (b) of this section.
- 6 (b) The sheriff shall deny a permit to an applicant who:
- 7 (1) Is ineligible to own, possess, or receive a firearm under the provisions of  
8 State or federal law.
- 9 (2) Is under indictment or against whom a finding of probable cause exists for a  
10 felony.
- 11 (3) Has been adjudicated guilty in any court of a felony, ~~unless: (i) the felony is~~  
12 ~~an offense that pertains to antitrust violations, unfair trade practices, or~~  
13 ~~restraints of trade, or (ii) violent felony unless~~ the person's firearms rights  
14 have been restored pursuant to G.S. 14-415.4. For the purposes of this  
15 section, a violent felony shall be defined as any felony not listed as a  
16 nonviolent felony in G.S. 14-415.4(a)(2).
- 17 (4) Is a fugitive from justice.
- 18 (5) Is currently an unlawful user of, or addicted to marijuana, alcohol, or any  
19 depressant, stimulant, or narcotic drug, or any other controlled substance as  
20 defined in 21 U.S.C. § 802.
- 21 (6) Is currently, or has been previously adjudicated by a court or  
22 administratively determined by a governmental agency whose decisions are  
23 subject to judicial review to be, lacking mental capacity or mentally ill.  
24 Receipt of previous consultative services or outpatient treatment alone shall  
25 not disqualify an applicant under this subdivision.
- 26 (7) Is or has been discharged from the Armed Forces of the United States ~~under~~  
27 ~~conditions other than honorable under dishonorable conditions.~~
- 28 (8) Is or has been adjudicated guilty of or received a prayer for judgment  
29 continued or suspended sentence for one or more crimes of violence  
30 constituting a misdemeanor, including but not limited to, a violation of a  
31 misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a  
32 violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1,  
33 14-269.2, 14-269.3, 14-269.4, 14-269.6, ~~14-276.1, 14-277, 14-277.1,~~  
34 ~~14-277.2, 14-277.3A, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2),~~  
35 ~~14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14,~~  
36 ~~14-288.20A, 14-318.2, 14-415.21(b), 14-415.26(d), or former G.S. 14-277.3.~~
- 37 (8a) Within six months prior to the date of the application, has been adjudicated  
38 guilty of or received a prayer for judgment continued or suspended sentence  
39 for one or more crimes under G.S. 14-277.1, 14-277.2, 14-281.1,  
40 14-288.4(a)(1) or (2), or 14-415.21(b).
- 41 (9) Has had entry of a prayer for judgment continued for a criminal offense  
42 which would disqualify the person from obtaining a concealed handgun  
43 permit.
- 44 (10) Is free on bond or personal recognizance pending trial, appeal, or sentencing  
45 for a crime which would disqualify him from obtaining a concealed handgun  
46 permit.
- 47 (11) Has been convicted of an impaired driving offense under G.S. 20-138.1,  
48 20-138.2, or 20-138.3 within three years prior to the date on which the  
49 application is submitted.
- 50 (c) An applicant shall not be ineligible to receive a concealed carry permit under  
51 subdivision (6) of subsection (b) of this section because of an adjudication of mental incapacity

1 or illness or an involuntary commitment to mental health services if the individual's rights have  
2 been restored under G.S. 122C-54.1."

3 **SECTION 2.** G.S. 14-415.13(a) reads as rewritten:

4 **"§ 14-415.13. Application for a permit; fingerprints.**

5 (a) A person shall apply to the sheriff of the county in which the person resides to  
6 obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the  
7 following:

- 8 (1) An application, completed under oath, on a form provided by the sheriff.  
9 The sheriff shall not request employment information, character affidavits,  
10 additional background checks, photographs, or other information unless  
11 specifically permitted by this Article.
- 12 (2) A nonrefundable permit fee.
- 13 (3) A full set of fingerprints of the applicant administered by the sheriff.
- 14 (4) An original certificate of completion of an approved course, adopted and  
15 distributed by the North Carolina Criminal Justice Education and Training  
16 Standards Commission, signed by the certified instructor of the course  
17 attesting to the successful completion of the course by the applicant which  
18 shall verify that the applicant is competent with a handgun and  
19 knowledgeable about the laws governing the carrying of a concealed  
20 handgun and the use of deadly force.
- 21 (5) A release, in a form to be prescribed by the Administrative Office of the  
22 Courts, that authorizes and requires disclosure to the sheriff of any records  
23 concerning the mental health or capacity of the applicant to be used for the  
24 sole purpose of determining whether the applicant is disqualified for a  
25 permit under the provisions of G.S. 14-415.12. This provision does not  
26 prohibit submitting information related to involuntary commitment to the  
27 National Instant Criminal Background Check System (NICS)."

28 **SECTION 3.** G.S. 14-415.15 reads as rewritten:

29 **"§ 14-415.15. Issuance or denial of permit.**

30 (a) Except as permitted under subsection (b) of this section, within 45 days after receipt  
31 of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required records  
32 concerning the mental health or capacity of the applicant, the sheriff shall either issue or deny  
33 the permit. The sheriff shall issue or deny the permit within 90 calendar days from the date on  
34 which the application was submitted regardless of the receipt of required records concerning  
35 the mental health or capacity of the applicant. Such denial shall not be issued unless the  
36 applicant is determined to be ineligible under G.S. 14-415.12.

37 The sheriff may conduct any investigation necessary to determine the qualification or  
38 competency of the person applying for the permit, including record checks. However, the  
39 sheriff's investigation of the applicant's mental health history may only include the period of  
40 time beginning 120 months prior to the date of the application.

41 (a1) No person, company, mental health provider, or governmental entity may charge  
42 additional fees to the applicant for providing required records concerning the mental health or  
43 capacity of the applicant if those records are requested for the purpose of conducting an  
44 investigation pursuant to subsection (a) of this section.

45 (b) Upon presentment to the sheriff of the items required under G.S. 14-415.13 (a)(1),  
46 (2), and (3), the sheriff may issue a temporary permit for a period not to exceed 45 days to a  
47 person who the sheriff reasonably believes is in an emergency situation that may constitute a  
48 risk of safety to the person, the person's family or property. The applicant may submit proof of  
49 a protective order issued under G.S. 50B-3 for the protection of the applicant as evidence of an  
50 emergency situation. The temporary permit may not be renewed and may be revoked by the  
51 sheriff without a hearing.

1 (c) A person's application for a permit shall be denied only if the applicant fails to  
2 qualify under the criteria listed in this Article. If the sheriff denies the application for a permit,  
3 the sheriff shall, within 45 days, notify the applicant in writing, stating the grounds for denial.  
4 An applicant may appeal the denial, revocation, or nonrenewal of a permit by petitioning a  
5 district court judge of the district in which the application was filed. The determination by the  
6 court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal.  
7 ~~The determination by the court shall be final."~~

8 **SECTION 4.** G.S. 14-415.19 is amended by adding a new subsection to read:

9 "(c) No fees other than those authorized under this section shall be charged any person  
10 for the application, renewal, or duplication of a permit issued under this Article, or for the cost  
11 of processing fingerprints, even if additional costs are incurred by the sheriff in processing the  
12 permit."

13 **SECTION 5.** This act becomes effective October 1, 2015, and applies to  
14 applications submitted on or after that date.