

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 562

AMENDMENT NO. A5
(to be filled in by
Principal Clerk)

H562-ASA-85 [v.1]

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Amends Title [NO]
Fourth Edition

Date _____, 2015

Representative McNeill

1 moves to amend the bill on page 6, line 42 through page 7, line 24
2 by deleting those lines;

3
4

5 and on page 7, line 25 through page 8, line 32
6 by rewriting those lines to read:

7 "SECTION 10.(a) G.S. 14-403 reads as rewritten:

8 "§ 14-403. **Permit issued by sheriff; form of permit; expiration of permit.**

9 The sheriffs of any and all counties of this State shall issue to any person, firm, or
10 corporation in any county a permit to purchase or receive any weapon mentioned in this Article
11 from any person, firm, or corporation offering to sell or dispose of the weapon. The permit
12 shall expire five years from the date of issuance. The permit shall ~~be in the following form:~~ be a
13 standard form created by the Department of Public Safety in consultation with the North
14 Carolina Sheriffs' Association, shall be of a uniform size and material, shall be designed to
15 minimize the ability to counterfeit or replicate the permit, shall contain a raised seal, and shall
16 be set forth as follows:

17 North Carolina,
18 _____ County.

19 I, _____, Sheriff of said County, do hereby certify that I have conducted a criminal
20 background check of the applicant, _____ whose place of residence is _____ in
21 _____ (or) in _____ Township, _____ County, North Carolina, and have received
22 no information to indicate that it would be a violation of State or federal law for the applicant to
23 purchase, transfer, receive, or possess a handgun. The applicant has further satisfied me as to
24 his, her (or) their good moral character. Therefore, a permit is issued to _____ to purchase
25 one pistol from any person, firm or corporation authorized to dispose of the same.

26 This permit expires five years from its date of issuance.

27 This ___ day of _____, ____.

28
29

Sheriff."

30 SECTION 10.(b) G.S. 14-404 reads as rewritten:

31 "§ 14-404. **Issuance or refusal of permit; appeal from refusal; grounds for refusal;**
32 **sheriff's fee.**



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1 (a) Upon application, the sheriff shall issue the permit to a resident of that county,
2 unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a
3 nonresident, when the sheriff has done all of the following:

4 (1) Verified, before the issuance of a permit, by a criminal history background
5 investigation that it is not a violation of State or federal law for the applicant
6 to purchase, transfer, receive, or possess a handgun. The sheriff shall
7 determine the criminal and background history of any applicant by accessing
8 computerized criminal history records as maintained by the State Bureau of
9 Investigation and the Federal Bureau of Investigation, by conducting a
10 national criminal history records check, by conducting a check through the
11 National Instant Criminal Background Check System (NICS), and by
12 conducting a criminal history check through the Administrative Office of the
13 Courts.

14 (2) Fully satisfied himself or herself by affidavits, oral evidence, or otherwise,
15 as to the good moral character of the applicant. For purposes of determining
16 an applicant's good moral character to receive a permit, the sheriff shall only
17 consider an applicant's conduct and criminal history for the five year period
18 immediately preceding the date of the application.

19 (3) Fully satisfied himself or herself that the applicant desires the possession of
20 the weapon mentioned for (i) the protection of the home, business, person,
21 family or property, (ii) target shooting, (iii) collecting, or (iv) hunting.

22 (b) If the sheriff is not fully satisfied, the sheriff may, for good cause shown, decline to
23 issue the permit and shall provide to the applicant within seven days of the refusal a written
24 statement of the reason(s) for the refusal. The statement shall cite the specific facts upon which
25 the sheriff concluded that the applicant was not qualified for the issuance of a permit and list,
26 by statute number, the applicable law upon which the denial is based. An appeal from the
27 refusal shall lie by way of petition to the ~~chief judge of the district court~~ superior court in
28 the district in which the application was filed. The determination by the court, on appeal, shall
29 be upon the facts, the law, and the reasonableness of the sheriff's refusal, and shall be final.

30 ...
31 (e) The sheriff shall charge for the sheriff's services upon receipt of an application a fee
32 of five dollars (\$5.00) for each permit requested. There shall be no limit as to the number or
33 frequency of permit applications and no other costs or fees other than provided in this
34 subsection shall be charged for the permit, including, but not limited to, any costs for
35 investigation, processing, or medical background checks by the sheriff or others providing
36 records to the sheriff.

37 (e1) The application for a permit shall be on a form created by the Department of Public
38 Safety in consultation with the North Carolina Sheriffs' Association. This application shall be
39 used by all sheriffs and must be provided by the sheriff both electronically and in paper form.
40 Only the following shall be required to be submitted by an applicant for a permit:

41 (1) The permit application developed pursuant to this subsection.

42 (2) Five dollars for each permit requested pursuant to subsection (e) of this
43 section.

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- 1 (3) A government issued identification confirming the identity of the applicant.
- 2 (4) Proof of residency.
- 3 (5) A signed release, in a form to be prescribed by the Administrative Office of
- 4 the Court, that authorizes and requires disclosure to the sheriff of any court
- 5 orders concerning the mental health or capacity of the applicant to be used
- 6 for the sole purpose of determining whether the applicant is disqualified to
- 7 receive a permit pursuant to this section.
- 8 No additional document or evidence shall be required from any applicant.
- 9 ...
- 10 (i) A person or entity shall promptly disclose to the sheriff, upon presentation by the
- 11 applicant or sheriff of an original or photocopied release form described in subdivision (5) of
- 12 subsection (e1) of this section, any court orders concerning the mental health or capacity of the
- 13 applicant who signed the release form."";
- 14
- 15 And on page 16, lines 39-42
- 16 By rewriting those lines to read:
- 17 "applications submitted on or after that date. Section 10 of this act becomes".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**