

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 562

AMENDMENT NO. A10
(to be filled in by
Principal Clerk)

H562-ASA-94 [v.4]

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Amends Title [NO]
Sixth Edition

Date _____, 2015

Representative Lewis

1 moves to amend the bill on page 6, line 25 through page 8, line 42
2 by rewriting those lines to read:

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

4 "**§ 14-403. Permit issued by sheriff; form of permit; expiration of permit.**

5 The sheriffs of any and all counties of this State shall issue to any person, firm, or
6 corporation in any county a permit to purchase or receive any weapon mentioned in this Article
7 from any person, firm, or corporation offering to sell or dispose of the weapon. The permit
8 shall expire five years from the date of issuance. The permit shall ~~be in the following form:~~ be a
9 standard form created by the State Bureau of Investigation in consultation with the North
10 Carolina Sheriffs' Association, shall be of a uniform size and material, and shall be designed
11 with security features intended to minimize the ability to counterfeit or replicate the permit and
12 shall be set forth as follows:

13 North Carolina,
14 _____ County.

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

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

23 This ___ day of _____, ____.

24 _____
25 Sheriff.

26 The standard permit created by this section shall be used statewide by the sheriffs of any
27 and all counties and, when issued by a sheriff, shall also contain an embossed seal unique to the
28 office of the issuing sheriff."

29 **SECTION 10.(b)** Permits issued pursuant to Article 52A of Chapter 14 of the
30 General Statutes prior to the effective date of subsection (a) of this section shall remain valid
31 until expiration. Any person possessing a valid permit issued prior to the effective date of
32 subsection (a) of this section may exchange that permit for an updated permit from the sheriff



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1 that issued the original permit with no further application required. Any permit issued in
2 exchange shall expire on the same date as the original permit for which it was exchanged.

3 **SECTION 10.(c)** The State Bureau of Investigation shall make reasonable efforts
4 to notify federally licensed firearm dealers in this State of the new permit appearance and
5 requirements implemented by subsection (a) of this section.

6 **SECTION 10.(d)** G.S. 14-404 reads as rewritten:

7 **"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;
8 sheriff's fee.**

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

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

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

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

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

38 ...

39 (e) The sheriff shall charge for the sheriff's services upon receipt of an application a fee
40 of five dollars (\$5.00) for each permit requested. There shall be no limit as to the number or
41 frequency of permit applications and no other costs or fees other than provided in this
42 subsection shall be charged for the permit, including, but not limited to, any costs for

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1 investigation, processing, or medical background checks by the sheriff or others providing
2 records to the sheriff.

3 (e1) The application for a permit shall be on a form created by the State Bureau of
4 Investigation in consultation with the North Carolina Sheriffs' Association. This application
5 shall be used by all sheriffs and must be provided by the sheriff both electronically and in paper
6 form. Only the following shall be required to be submitted by an applicant for a permit:

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

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

10 (3) A government issued identification confirming the identity of the applicant.

11 (4) Proof of residency.

12 (5) A signed release, in a form to be prescribed by the Administrative Office of
13 the Court, that authorizes and requires disclosure to the sheriff of any court
14 orders concerning the mental health or capacity of the applicant to be used
15 for the sole purpose of determining whether the applicant is disqualified to
16 receive a permit pursuant to this section.

17 No additional document or evidence shall be required from any applicant.

18 ...

19 (i) A person or entity shall promptly disclose to the sheriff, upon presentation by the
20 applicant or sheriff of an original or photocopied release form described in subdivision (5) of
21 subsection (e1) of this section, any court orders concerning the mental health or capacity of the
22 applicant who signed the release form."";

23
24 And on page 16, lines 18-20

25 By rewriting those lines to read:

26 "applications submitted on or after that date. Section 9 of this act becomes effective December
27 1, 2015, and applies to offenses committed on or after that date. Section 10 of this act becomes
28 effective December 1, 2015, and applies to permits issued on or after that date."

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

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