

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 101  
PROPOSED COMMITTEE SUBSTITUTE H101-PCS40166-CIF-7

Short Title: The Firearms Liberty Act.

(Public)

Sponsors:

Referred to:

February 14, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE ISSUANCE OF LIFETIME CONCEALED HANDGUN  
3 PERMITS, TO PROVIDE THAT A CONCEALED CARRY PERMITTEE WHO ALLOWS  
4 THE PERMIT TO LAPSE DOES NOT HAVE TO TAKE ANOTHER FIREARMS  
5 SAFETY AND TRAINING COURSE UPON APPLYING FOR RENEWAL UNDER  
6 CERTAIN CONDITIONS, AND TO PROTECT THE PROPERTY RIGHTS OF PERSONS  
7 SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER BY ALLOWING  
8 THEM TO STORE THEIR FIREARMS WITH OR SELL THEIR FIREARMS THROUGH  
9 A QUALIFIED LICENSED FIREARMS DEALER.

10 The General Assembly of North Carolina enacts:

11  
12 **PART I. TITLE**

13 **SECTION 1.1.** This act shall be known as "The Firearms Liberty Act."  
14

15 **PART II. LIFETIME CONCEALED HANDGUN PERMITS**

16 **SECTION 2.1.** G.S. 14-415.10 reads as rewritten:

17 **"§ 14-415.10. Definitions.**

18 The following definitions apply to this Article:

- 19 (1) Carry a concealed handgun. – The term includes possession of a concealed  
20 handgun.  
21 ~~(1a)~~(2) Deployed or deployment. – Any military duty that removes a military  
22 permittee from the permittee's county of residence during which time the  
23 permittee's permit expires or will expire.  
24 (3) Fixed duration permit. – A concealed handgun permit issued in accordance  
25 with the provisions of this Article and with a stated expiration date.  
26 ~~(2)~~(4) Handgun. – A firearm that has a short stock and is designed to be held and  
27 fired by the use of a single hand.  
28 (5) Lifetime permit. – A concealed handgun permit issued in accordance with the  
29 provisions of this Article with no expiration date.  
30 ~~(2a)~~(6) Military permittee. – A person who holds a permit who is also a member of  
31 the Armed Forces of the United States, the reserve components of the Armed  
32 Forces of the United States, the North Carolina Army National Guard, or the  
33 North Carolina Air National Guard.  
34 ~~(3)~~(7) Permit. – A concealed handgun permit fixed duration permit or lifetime permit  
35 issued in accordance with the provisions of this Article.



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1           ~~(3a)~~(8) Proof of deployment. – A copy of the military permittee's deployment orders  
2           or other written notification from the permittee's command indicating the start  
3           and end date of deployment and that orders the permittee to travel outside the  
4           permittee's county of residence.

5           ~~(4)~~(9) Qualified former sworn law enforcement officer. – An individual who retired  
6           from service as a law enforcement officer with a local, State, campus police,  
7           or company police agency in North Carolina, other than for reasons of mental  
8           disability, who has been retired as a sworn law enforcement officer two years  
9           or less from the date of the permit application, and who satisfies all of the  
10          following:

- 11           a.       Immediately before retirement, the individual was a qualified law  
12           enforcement officer with a local, State, or company police agency in  
13           North Carolina.
- 14           b.       The individual has a nonforfeitable right to benefits under the  
15           retirement plan of the local, State, or company police agency as a law  
16           enforcement officer; or has 20 or more aggregate years of law  
17           enforcement service and has retired from a company police agency  
18           that does not have a retirement plan; or has 20 or more aggregate years  
19           of part-time or auxiliary law enforcement service.
- 20           c.       The individual is not prohibited by State or federal law from receiving  
21           a firearm.

22          ~~(4a)~~(10) Qualified retired correctional officer. – An individual who retired from  
23          service as a State correctional officer, other than for reasons of mental  
24          disability, who has been retired as a correctional officer two years or less from  
25          the date of the permit application and who meets all of the following criteria:

- 26           a.       Immediately before retirement, the individual met firearms training  
27           standards of the Division of Adult Correction and Juvenile Justice of  
28           the Department of Public Safety and was authorized by the Division  
29           of Adult Correction and Juvenile Justice of the Department of Public  
30           Safety to carry a handgun in the course of assigned duties.
- 31           b.       The individual retired in good standing and was never a subject of a  
32           disciplinary action by the Division of Adult Correction and Juvenile  
33           Justice of the Department of Public Safety that would have prevented  
34           the individual from carrying a handgun.
- 35           c.       The individual has a vested right to benefits under the Teachers' and  
36           State Employees' Retirement System of North Carolina established  
37           under Article 1 of Chapter 135 of the General Statutes.
- 38           d.       The individual is not prohibited by State or federal law from receiving  
39           a firearm.

40          ~~(4b)~~(11) Qualified retired law enforcement officer. – An individual who meets the  
41          definition of "qualified retired law enforcement officer" contained in section  
42          926C of Title 18 of the United States Code.

43          ~~(4e)~~(12) Qualified retired probation or parole certified officer. – An individual who  
44          retired from service as a State probation or parole certified officer, other than  
45          for reasons of mental disability, who has been retired as a probation or parole  
46          certified officer two years or less from the date of the permit application and  
47          who meets all of the following criteria:

- 48           a.       Immediately before retirement, the individual met firearms training  
49           standards of the Division of Adult Correction and Juvenile Justice of  
50           the Department of Public Safety and was authorized by the Division

1 of Adult Correction and Juvenile Justice of the Department of Public  
2 Safety to carry a handgun in the course of duty.

3 b. The individual retired in good standing and was never a subject of a  
4 disciplinary action by the Division of Adult Correction and Juvenile  
5 Justice of the Department of Public Safety that would have prevented  
6 the individual from carrying a handgun.

7 c. The individual has a vested right to benefits under the Teachers' and  
8 State Employees' Retirement System of North Carolina established  
9 under Article 1 of Chapter 135 of the General Statutes.

10 d. The individual is not prohibited by State or federal law from receiving  
11 a firearm.

12 ~~(5)~~(13) Qualified sworn law enforcement officer. – A law enforcement officer  
13 employed by a local, State, campus police, or company police agency in North  
14 Carolina who satisfies all of the following:

15 a. The individual is authorized by the agency to carry a handgun in the  
16 course of duty.

17 b. The individual is not the subject of a disciplinary action by the agency  
18 that prevents the carrying of a handgun.

19 c. The individual meets the requirements established by the agency  
20 regarding handguns."

21 **SECTION 2.2.** G.S. 14-415.11 reads as rewritten:

22 "**§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

23 (a) Any person who has a ~~concealed handgun~~ permit to carry a concealed handgun may  
24 carry a concealed handgun unless otherwise specifically prohibited by law. The person shall carry  
25 the permit together with valid identification whenever the person is carrying a concealed  
26 handgun, shall disclose to any law enforcement officer that the person holds a valid permit and  
27 is carrying a concealed handgun when approached or addressed by the officer, and shall display  
28 both the permit and the proper identification upon the request of a law enforcement officer. In  
29 addition to these requirements, a military permittee with a fixed duration permit whose permit  
30 has expired during deployment may carry a concealed handgun during the 90 days following the  
31 end of deployment and before the permit is renewed provided the permittee also displays proof  
32 of deployment to any law enforcement officer.

33 (b) The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies  
34 for a permit under G.S. 14-415.12. ~~The~~ A fixed duration permit shall be valid throughout the  
35 State for a period of five years from the date of issuance. A lifetime permit shall be valid  
36 throughout the State until revoked or surrendered.

37 ...

38 (d) A person who is issued a permit shall notify the sheriff ~~who issued the permit of the~~  
39 county where the person resides of any change in the person's permanent address within 30 days  
40 after the change of address. If a permit is lost or destroyed, the person to whom the permit was  
41 issued shall notify the sheriff who issued the permit of the loss or destruction of the permit. A  
42 person may obtain a duplicate permit by submitting to the sheriff a notarized statement that the  
43 permit was lost or destroyed and paying the required duplicate permit fee."

44 **SECTION 2.3.** G.S. 14-415.14(a) reads as rewritten:

45 "(a) The sheriff shall make permit applications readily available at the office of the sheriff  
46 or at other public offices in the sheriff's jurisdiction. The permit application shall be in triplicate,  
47 in a form to be prescribed by the State Bureau of Investigation, and shall include the following  
48 information with regard to the applicant: name, address, physical description, signature, date of  
49 birth, social security number, military status, law enforcement status, and the drivers license  
50 number or State identification card number of the applicant if used for identification in applying

1 for the permit. The application shall also indicate if the application is for a fixed duration permit  
2 or a lifetime permit."

3 **SECTION 2.4.** G.S. 14-415.16, as amended by Section 3.1 of this act, reads as  
4 rewritten:

5 "**§ 14-415.16. Renewal of fixed duration permit.**

6 (a) At least 45 days prior to the expiration date of a fixed duration permit, the sheriff of  
7 the county where the permit was issued shall send a written notice to the permittee explaining  
8 that the permit is about to expire and including information about the requirements for renewal  
9 of the permit. The notice shall be sent by first class mail to the last known address of the  
10 permittee. Failure to receive a renewal notice shall not relieve a permittee of requirements  
11 imposed in this section for renewal of the permit.

12 (b) The holder of a fixed duration permit shall apply to renew the permit within the  
13 90-day period prior to its expiration date by filing with the sheriff of the county in which the  
14 person resides a renewal form provided by the sheriff's office, an affidavit stating that the  
15 permittee remains qualified under the criteria provided in this Article, a newly administered full  
16 set of the permittee's fingerprints, and a renewal fee. The renewal form shall indicate whether the  
17 holder of the permit would like the renewal to be issued as a fixed duration permit or a lifetime  
18 permit.

19 ...  
20 (e) If the permittee does not apply to renew the fixed duration permit prior to its  
21 expiration date, but does apply to renew the permit less than 180 days after the permit expires,  
22 the sheriff shall waive the requirement of taking another firearms safety and training course. If  
23 the permittee applies to renew the permit between 180 days and one year after the permit expires,  
24 the sheriff may waive the requirement of taking another firearms and safety training course. This  
25 subsection does not extend the expiration date of the fixed duration permit."

26 **SECTION 2.5.** G.S. 14-415.16A reads as rewritten:

27 "**§ 14-415.16A. Permit extensions and renewals of fixed duration permits for deployed**  
28 **military permittees.**

29 (a) A deployed military permittee whose fixed duration permit will expire during the  
30 permittee's deployment, or the permittee's agent, may apply to the sheriff for an extension of the  
31 military permittee's permit by providing the sheriff with a copy of the permittee's proof of  
32 deployment. Upon receipt of the proof, the sheriff shall extend the fixed duration permit for a  
33 period to end 90 days after the permittee's deployment is scheduled to end. A fixed duration  
34 permit that has been extended under this section shall be valid throughout the State during the  
35 period of its extension.

36 (b) A military permittee's fixed duration permit that is not extended under subsection (a)  
37 of this section and that expires during deployment shall remain valid during the deployment and  
38 for 90 days after the end of the deployment as if the permit had not expired. The military permittee  
39 may carry a concealed handgun during this period provided the permittee meets all the  
40 requirements of G.S. 14-415.11(a).

41 (c) A military permittee under subsection (a) or subsection (b) of this section shall have  
42 90 days after the end of the permittee's deployment to renew the fixed duration permit. In addition  
43 to the requirements of G.S. 14-415.16, the permittee shall provide to the sheriff proof of  
44 deployment. The sheriff shall renew the permit upon receipt of this documentation provided the  
45 permittee otherwise remains qualified to hold a concealed handgun permit."

46 **SECTION 2.6.** Article 54B of Chapter 14 of the General Statutes is amended by  
47 adding a new section to read:

48 "**§ 14-415.16B. Reissuance of a lifetime permit as a fixed duration permit.**

49 The holder of a lifetime permit may apply at any time to have the lifetime permit reissued as  
50 a fixed duration permit. An application for reissuance shall be submitted by the permittee and

1 considered by the sheriff in the same manner as an application for renewal of a fixed duration  
2 permit pursuant to the applicable provisions of G.S. 14-415.16."

3 **SECTION 2.7.** G.S. 14-415.17 reads as rewritten:

4 **"§ 14-415.17. Permit; sheriff to retain a list of permittees; confidentiality of list and permit**  
5 **application information; availability to law enforcement agencies.**

6 (a) The permit shall be in a certificate form, as prescribed by the State Bureau of  
7 Investigation, that is approximately the size of a North Carolina drivers license. It shall bear the  
8 signature, name, address, date of birth, and the drivers license identification number used in  
9 applying for the permit. A lifetime permit shall bear a clear indication of its lifetime duration on  
10 its face. A fixed duration permit shall bear the expiration date of the permit on its face.

11 (b) The sheriff shall maintain a listing, including the identifying information, of those  
12 persons who are issued a ~~permit~~ permit and whether the permit issued is a fixed duration permit  
13 or a lifetime permit. Within five days of the date a permit is issued, the sheriff shall send a copy  
14 of the permit to the State Bureau of Investigation.

15 (c) Except as provided otherwise by this subsection, the list of permit holders and the  
16 information collected by the sheriff to process an application for a permit are confidential and  
17 are not a public record under G.S. 132-1. The sheriff shall make the list of permit holders and the  
18 permit information available upon request to all State and local law enforcement agencies. The  
19 State Bureau of Investigation shall make the list of permit holders and the information collected  
20 by the sheriff to process an application for a permit available to law enforcement officers and  
21 clerks of court on a statewide system.

22 (d) A sheriff shall provide any change of permanent address received pursuant to  
23 G.S. 14-415.11(d) to the State Bureau of Investigation for inclusion in the statewide system  
24 required by subsection (c) of this section."

25 **SECTION 2.8.** G.S. 14-415.18(a) reads as rewritten:

26 "(a) The sheriff of the county where the permit was issued or the sheriff of the county  
27 where the person resides may revoke a permit subsequent to a hearing for any of the following  
28 reasons:

- 29 (1) Fraud or intentional and material misrepresentation in the obtaining of a  
30 permit.
- 31 (2) Misuse of a permit, including lending or giving a permit or a duplicate permit  
32 to another person, materially altering a permit, or using a permit with the intent  
33 to unlawfully cause harm to a person or property. It shall not be considered  
34 misuse of a permit to provide a duplicate of the permit to a ~~vendor~~ vendor for  
35 record-keeping purposes.
- 36 (3) The doing of an act or existence of a condition which would have been  
37 grounds for the denial of the permit by the sheriff.
- 38 (4) The violation of any of the terms of this Article.
- 39 (5) Repealed by Session Laws 2013-369, s. 20, effective October 1, 2013.
- 40 (6) The person is no longer a resident of the State.

41 A permittee may appeal the ~~revocation, or nonrenewal~~ revocation of a permit by petitioning  
42 a district court judge of the district in which the applicant resides. The determination by the court,  
43 on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal."

44 **SECTION 2.9.** G.S. 14-415.19 reads as rewritten:

45 **"§ 14-415.19. Fees.**

46 (a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall  
47 transmit the proceeds of these fees to the county finance officer to be remitted or credited by the  
48 county finance officer in accordance with the provisions of this section. Except as otherwise  
49 provided by this section, the permit fees are as follows:

50  
51 Application fee ..... \$80.00

1	Renewal <u>or reissuance</u> fee .....	\$75.00
2	Duplicate permit fee .....	\$15.00

3  
4 The county finance officer shall remit forty-five dollars (\$45.00) of each new application fee  
5 and forty dollars (\$40.00) of each renewal or reissuance fee assessed under this subsection to the  
6 North Carolina Department of Public Safety for the costs of State and federal criminal record  
7 checks performed in connection with processing applications and for the implementation of the  
8 provisions of this Article. The remaining thirty-five dollars (\$35.00) of each ~~application or~~  
9 ~~renewal~~ application, renewal, or reissuance fee shall be used by the sheriff to pay the costs of  
10 administering this Article and for other law enforcement purposes. The county shall expend the  
11 restricted funds for these purposes only.

12 (a) The permit fees for a retired sworn law enforcement officer who provides the  
13 information required by subdivisions (1) and (2) of this subsection to the sheriff, in addition to  
14 any other information required under this Article, are as follows:

16	Application fee .....	\$45.00
17	Renewal <u>or reissuance</u> fee .....	\$40.00

- 18  
19 (1) A copy of the officer's letter of retirement from either the North Carolina  
20 Teachers' and State Employees' Retirement System or the North Carolina  
21 Local Governmental Employees' Retirement System.  
22 (2) Written documentation from the head of the agency where the person was  
23 previously employed indicating that the person was neither involuntarily  
24 terminated nor under administrative or criminal investigation within six  
25 months of retirement.

26 The county finance officer shall remit the proceeds of the fees assessed under this subsection  
27 to the North Carolina Department of Public Safety to cover the cost of performing the State and  
28 federal criminal record checks performed in connection with processing applications and for the  
29 implementation of the provisions of this Article.

30 (b) An additional fee, not to exceed ten dollars (\$10.00), shall be collected by the sheriff  
31 from an applicant for a permit to pay for the costs of processing the applicant's fingerprints, if  
32 fingerprints were required to be taken. This fee shall be retained by the sheriff."

33 **SECTION 2.10.** G.S. 17C-6(a) reads as rewritten:

34 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the  
35 Commission shall have the following powers, which shall be enforceable through its rules and  
36 regulations, certification procedures, or the provisions of G.S. 17C-10:

- 37 ...  
38 (16) Establish standards and guidelines for the annual firearms certification of  
39 qualified retired law enforcement officers, as defined in ~~G.S. 14-415.10(4b)~~,  
40 G.S. 14-415.10(11), to efficiently implement the provisions of  
41 G.S. 14-415.25. The standards shall provide for the courses, qualifications,  
42 and the issuance of the annual firearms qualification certification. The  
43 Commission may adopt any rules necessary to effect the provisions of this  
44 section, and may charge a reasonable fee to applicants for the costs incurred  
45 in compliance with this subdivision.

46 ...."

47 **SECTION 2.11.** G.S. 14-269(a1) reads as rewritten:

48 "(a1) It shall be unlawful for any person ~~willfully and intentionally~~ to willfully and  
49 intentionally carry any pistol or gun concealed about his or her person ~~any pistol or gun~~ except  
50 in the following circumstances:

- 51 (1) The person is on the person's own premises.

1 (2) The deadly weapon is a handgun, the person has a concealed handgun permit  
2 issued in accordance with Article 54B of this Chapter or considered valid  
3 under G.S. 14-415.24, and the person is carrying the concealed handgun in  
4 accordance with the scope of the concealed handgun permit as set out in  
5 G.S. 14-415.11(c).

6 (3) The deadly weapon is a handgun and the person is a military permittee as  
7 defined under ~~G.S. 14-415.10(2a)~~ G.S. 14-415.10(6) who provides to the law  
8 enforcement officer proof of deployment as required under  
9 G.S. 14-415.11(a)."

10 **SECTION 2.12.** This Part becomes effective December 1, 2023, and applies to all  
11 permits issued or renewed on or after that date.

### 12 **PART III. REVISE LAW ON LAPSE OF CONCEALED CARRY PERMIT**

13 **SECTION 3.1.** G.S. 14-415.16(e) reads as rewritten:

14 "(e) If the permittee does not apply to renew the permit prior to its expiration date, but  
15 does apply to renew the permit ~~within 60~~ less than 180 days after the permit expires, the sheriff  
16 ~~may~~ shall waive the requirement of taking another firearms safety and training course. If the  
17 permittee applies to renew the permit between 180 days and one year after the permit expires,  
18 the sheriff may waive the requirement of taking another firearms and safety training course. This  
19 subsection does not extend the expiration date of the permit."

20 **SECTION 3.2.** This Part becomes effective October 1, 2023, and applies to renewal  
21 applications submitted on or after that date.

### 22 **PART IV. PROPERTY PROTECTION ACT/DVPO**

23 **SECTION 4.1.** G.S. 50B-3.1 reads as rewritten:

24 **"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.**

25 (a) Required Surrender of Firearms. – Upon issuance of an emergency or ex parte order  
26 pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms,  
27 machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms  
28 that are in the care, custody, possession, ownership, or control of the defendant if the court finds  
29 any of the following factors:

- 30 (1) The use or threatened use of a deadly weapon by the defendant or a pattern of  
31 prior conduct involving the use or threatened use of violence with a firearm  
32 against persons.  
33 (2) Threats to seriously injure or kill the aggrieved party or minor child by the  
34 defendant.  
35 (3) Threats to commit suicide by the defendant.  
36 (4) Serious injuries inflicted upon the aggrieved party or minor child by the  
37 defendant.

38 ...

39 (d) Surrender. – Upon service of the order, the defendant shall immediately surrender to  
40 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,  
41 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or  
42 control of the defendant. In the event that weapons cannot be surrendered at the time the order is  
43 served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within  
44 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms  
45 or contract with a licensed firearms dealer to provide storage.

- 46 (1) If the court orders the defendant to surrender firearms, ammunition, and  
47 permits, the court shall inform the plaintiff and the defendant of the terms of  
48 the protective order and include these terms on the face of the order, including  
49 that the defendant is prohibited from possessing, purchasing, or receiving or  
50  
51

1 attempting to possess, purchase, or receive a firearm for so long as the  
2 protective order or any successive protective order is in effect. The terms of  
3 the order shall include instructions as to how the defendant may request  
4 retrieval of any firearms, ammunition, and permits surrendered to the sheriff  
5 when the protective order is no longer in effect. The terms shall also include  
6 notice of the penalty for violation of G.S. 14-269.8.

7 (2) The sheriff may charge the defendant a reasonable fee for the storage of any  
8 firearms and ammunition taken pursuant to a protective order. The fees are  
9 payable to the sheriff. The sheriff shall transmit the proceeds of these fees to  
10 the county finance officer. The fees shall be used by the sheriff to pay the costs  
11 of administering this section and for other law enforcement purposes. The  
12 county shall expend the restricted funds for these purposes only. The sheriff  
13 shall not release firearms, ammunition, or permits without a court order  
14 granting the release. The defendant must remit all fees owed prior to the  
15 authorized return of any firearms, ammunition, or permits. The sheriff shall  
16 not incur any civil or criminal liability for alleged damage or deterioration due  
17 to storage or transportation of any firearms or ammunition held pursuant to  
18 this section.

19 (d1) Transfer to Licensed Firearms Dealer. – After the defendant surrenders possession of  
20 all firearms, machine guns, ammunition, and permits to the sheriff pursuant to subsection (d) of  
21 this section, the defendant may enter into an agreement with a qualified licensed firearms dealer  
22 to take possession of the surrendered items from the custody of the sheriff if (i) the defendant is  
23 the owner of the items and (ii) the items have been in the custody of the sheriff at least 15 days.  
24 The defendant shall authorize the qualified licensed firearms dealer to submit the form provided  
25 for in this subsection requesting the transfer of the firearms, machine guns, and ammunition to  
26 the sheriff currently storing the items. The qualified licensed firearms dealer must present the  
27 completed form and a copy of the dealer's valid federal firearms license to the sheriff, who shall  
28 have 24 hours to facilitate the transfer of the firearms, machine guns, and ammunition to the  
29 dealer. Any funds received from the sale of a firearm, machine gun, or ammunition by a  
30 defendant pursuant to this subsection are the property of the defendant. The defendant's permits  
31 to purchase firearms and permits to carry concealed firearms shall remain in the care and custody  
32 of the sheriff as provided in subsection (d) of this section.

33 At the time a qualified licensed firearms dealer takes possession of the firearms, machine  
34 guns, and ammunition, the dealer shall provide a copy of the record required to be maintained  
35 under federal law upon the receipt or disposition of the firearm, machine gun, or ammunition to  
36 both the sheriff and the owner of the firearms, machine guns, and ammunition.

37 A qualified licensed firearms dealer that accepts firearms, machine guns, and ammunition  
38 pursuant to this subsection shall not (i) release the firearms, machine guns, or ammunition to the  
39 defendant unless the motion for a protective order is dismissed or any order of surrender has  
40 expired or (ii) transfer possession of the firearms, machine guns, or ammunition to any person  
41 the dealer knows or reasonably should know will allow the defendant to exercise care, custody,  
42 possession, ownership, or control of the firearms, machine guns, or ammunition, and any  
43 violation of this prohibition is a Class 2 misdemeanor.

44 The Administrative Office of the Courts shall create a form for use in transferring firearms,  
45 machine guns, and ammunition from the custody of the sheriff to a qualified licensed firearms  
46 dealer pursuant to this subsection. The form shall require the notarized signatures of both the  
47 defendant and the qualified licensed firearms dealer and shall allow for either the storage or sale  
48 of the firearms, machine guns, and ammunition by the qualified licensed firearms dealer. The  
49 form shall also include information concerning the defendant's rights to recover the surrendered  
50 firearms, machine guns, or ammunition.



1        The sheriff shall not charge a fee for the first 15 days of storage for any items transferred to  
2 a qualified licensed firearms dealer pursuant to this subsection.

3        (e) Retrieval. – If the court does not enter a protective order when the ex parte or  
4 emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff or  
5 the qualified licensed firearms dealer unless the court finds that the defendant is precluded from  
6 owning or possessing a firearm pursuant to State or federal law or final disposition of any pending  
7 criminal charges committed against the person that is the subject of the current protective order.

8        (f) ~~Motion-Request~~ for Return. – The defendant may request the return of any firearms,  
9 ammunition, or permits surrendered by ~~filing a motion with the court~~ submitting a written request  
10 with the sheriff or the qualified licensed firearms dealer who has control of the firearms,  
11 ammunition, or permits at the expiration of the current order or final disposition of any pending  
12 criminal charges committed against the person that is the subject of the current protective order  
13 and not later than ~~90 days~~ 30 days after the expiration of the current order or final disposition of  
14 any pending criminal charges committed against the person that is the subject of the current  
15 protective order. Upon receipt of the ~~motion, request,~~ the sheriff or the qualified licensed firearms  
16 dealer shall conduct a check through the National Instant Criminal Background Check System  
17 (NICS). If the results of the NICS check provide grounds that preclude the defendant from  
18 owning or possessing a firearm under State or federal law, the sheriff or the qualified licensed  
19 firearms dealer shall file a motion with the court on a form created by the Administrative Office  
20 of the Courts and shall not return the firearms, ammunition, or permits until the court has ruled  
21 on the motion. Upon receipt of the motion, the court shall schedule a hearing and provide written  
22 notice to the plaintiff who shall have the right to appear and be heard and to the sheriff or the  
23 qualified licensed firearms dealer who has control of the firearms, ammunition, or permits. The  
24 court shall determine whether the defendant is subject to any State or federal law or court order  
25 that precludes the defendant from owning or possessing a firearm. The inquiry shall include:

- 26            (1) Whether the protective order has been renewed.
- 27            (2) Whether the defendant is subject to any other protective orders.
- 28            (3) Whether the defendant is disqualified from owning or possessing a firearm  
29 pursuant to 18 U.S.C. § 922 or any State law.
- 30            (4) Whether the defendant has any pending criminal charges, in either State or  
31 federal court, committed against the person that is the subject of the current  
32 protective order.

33 The court shall deny the return of firearms, ammunition, or permits if the court finds that the  
34 defendant is precluded from owning or possessing a firearm pursuant to State or federal law or  
35 if the defendant has any pending criminal charges, in either State or federal court, committed  
36 against the person that is the subject of the current protective order until the final disposition of  
37 those charges.

38        (g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,  
39 ammunition, or permits who is otherwise eligible to possess such items may file a motion  
40 requesting the return to said third party of any such items in the possession of the sheriff or the  
41 qualified licensed firearms dealer seized as a result of the entry of a domestic violence protective  
42 order. The motion must be filed not later than 30 days after the seizure of the items by the sheriff.  
43 Upon receipt of the third party's motion, the court shall schedule a hearing and provide written  
44 notice to all parties and the ~~sheriff.~~ sheriff or the qualified licensed firearms dealer. The court  
45 shall order return of the items to the third party unless the court determines that the third party is  
46 disqualified from owning or possessing said items pursuant to State or federal law. If the court  
47 denies the return of said items to the third party, the items shall be disposed of by the sheriff or  
48 the qualified licensed firearms dealer as provided in subsection (h) of this section.

49        (h) Disposal of Firearms. – If the defendant does not ~~file a motion requesting~~ submit a  
50 written request for the return of any firearms, ammunition, or permits surrendered within the time  
51 period prescribed by this section, if the court determines that the defendant is precluded from

1 regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or  
2 third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within  
3 30 days of the request for the return of firearms, ammunition, or permits or entry of ~~the an~~ order  
4 granting the return of the firearms, ammunition, or permits, the sheriff or the qualified licensed  
5 firearms dealer who has control of the firearms, ammunition, or permits shall give notice to the  
6 defendant, and the sheriff or the qualified licensed firearms dealer shall apply to the court for an  
7 order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may  
8 order the disposition of the firearms, ammunition, or permits in one or more of the ways  
9 authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. Additionally, for  
10 firearms and ammunition surrendered to a qualified licensed firearms dealer under subsection  
11 (d1) of this section, the judge may order the firearms and ammunition disposed of by sale by the  
12 qualified licensed firearms dealer. If a sale by the sheriff or a qualified licensed firearms dealer  
13 does occur, occur pursuant to this subsection, any proceeds from the sale after deducting any  
14 costs associated with the sale, sale and any storage fees owed to the sheriff or the qualified  
15 licensed firearms dealer, and in accordance with all applicable State and federal law, shall be  
16 provided to the defendant, if requested by the defendant by motion made before the hearing or at  
17 the hearing and if ordered by the judge. defendant.

18 (i) Failure to Surrender or Disclose. – It is unlawful for any person subject to a protective  
19 order prohibiting the possession or purchase of firearms ~~to do any of the following:~~

- 20 (1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and  
21 permits to carry concealed firearms to the sheriff as ordered by the ~~court;~~ court.
- 22 (2) Fail to disclose all information pertaining to the possession of firearms,  
23 ammunition, and permits to purchase and permits to carry concealed firearms  
24 as requested by the ~~court;~~ or court.
- 25 (3) Provide false information to the court pertaining to any of these items.

26 ...  
27 (l) Construction. – Nothing in this section is intended to limit the discretion of the court  
28 in granting additional relief as provided in other sections of this Chapter.

29 (m) Qualified Licensed Firearms Dealer. – For purposes of this section, the term  
30 "qualified licensed firearms dealer" shall mean a federally licensed firearms dealer that meets all  
31 of the following requirements:

- 32 (1) Operates a business in a commercial building located in the State.
- 33 (2) Is open to the public.
- 34 (3) Regularly engages in the purchase and sale of firearms with members of the  
35 public."

36 **SECTION 4.2.** This Part becomes effective December 1, 2023, and applies to orders  
37 issued on or after that date.

## 38 **PART V. MISCELLANEOUS**

39 **SECTION 5.1.** Prosecutions for offenses committed before the effective date of this  
40 act are not abated or affected by this act, and the statutes that would be applicable but for this act  
41 remain applicable to those prosecutions.

42 **SECTION 5.2.** Except as otherwise provided, this act is effective when it becomes  
43 law.  
44