

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15215-MLf-91

Short Title: Increase Safe Use of Firearms. (Public)

Sponsors: Senators Batch, Garrett, and Bode (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR OTHERS, TO PROMOTE GUN SAFETY BY STRENGTHENING THE LAW GOVERNING THE SAFE STORAGE OF FIREARMS, TO REQUIRE UNIVERSAL BACKGROUND CHECKS, TO MAKE THE STATE BUREAU OF INVESTIGATION RESPONSIBLE FOR PISTOL PURCHASE PERMITS, TO REINSTATE THE PERMIT REQUIREMENT TO PURCHASE A PISTOL FOR PRIVATE SALES, AND TO EXEMPT FIREARM SAFETY AND STORAGE ITEMS FROM THE SALES TAX.

The General Assembly of North Carolina enacts:

PART I. REINSTATE THE PISTOL PURCHASE PERMIT REQUIREMENT TO PURCHASE A PISTOL FOR PRIVATE SALES AND MAKE THE STATE BUREAU OF INVESTIGATION RESPONSIBLE FOR PERMITS

SECTION 1.(a) G.S. 14-402 is reenacted as it existed immediately prior to its repeal and reads as rewritten:

"§ 14-402. Sale of certain weapons without permit forbidden.

(a) It is unlawful for any ~~person, firm, or corporation~~ private person in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol ~~from any other person other than a federally licensed firearm dealer,~~ unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the ~~sheriff of the county in which the purchaser or receiver resides;~~ State Bureau of Investigation; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.

It is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the ~~sheriff~~ State Bureau of Investigation as provided in ~~G.S. 14-403.~~ G.S. 14-403 or documentation demonstrating that the person is a federally licensed firearm dealer. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

(b) This section does not apply to an antique firearm or an historic edged weapon.

(c) The following definitions apply in this Article:



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- (1) Antique firearm. – Defined in G.S. 14-409.11.
- (2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.
- (4) Historic edged weapon. – Defined in G.S. 14-409.12.
- (5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.
- (8) Private person. – A person, firm, or corporation who is not a federally licensed firearm dealer acting in accordance with federal law.
- (9) Federally licensed firearm dealer. – A person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms."

SECTION 1.(b) G.S. 14-403 is reenacted as it existed immediately prior to its repeal and reads as rewritten:

"§ 14-403. Permit issued by ~~sheriff; the State Bureau of Investigation;~~ form of permit; expiration of permit.

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

North Carolina,
 _____ County.

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

This permit expires five years from its date of issuance.
 This __ day of _____, ____.

Sheriff/Agent of the SBI.

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

SECTION 1.(c) G.S. 14-404 is reenacted as it existed immediately prior to its repeal and reads as rewritten:

"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; ~~sheriff's~~ State Bureau of Investigation's fee.

(a) Upon application, and such application must be provided by the ~~sheriff~~ State Bureau of Investigation electronically, the ~~sheriff~~ State Bureau of Investigation shall issue the permit to a resident of that county, unless the purpose of the permit is for collecting, in which case ~~a sheriff~~ the State Bureau of Investigation can issue a permit to a nonresident, when the ~~sheriff~~ State Bureau of Investigation has done all of the following:

- (1) Verified, before the issuance of a permit, by a criminal history background investigation that it is not a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The ~~sheriff~~ State Bureau of Investigation shall determine the criminal and background history of any applicant by accessing computerized criminal history records as maintained

1 by ~~the State Bureau of Investigation~~ it and the Federal Bureau of Investigation,
2 by conducting a national criminal history records check, by conducting a
3 check through the National Instant Criminal Background Check System
4 (NICS), and by conducting a criminal history check through the
5 Administrative Office of the Courts.

6 (2) Fully satisfied ~~himself or herself~~ itself by affidavits, oral evidence, or
7 otherwise, as to the good moral character of the applicant. For purposes of
8 determining an applicant's good moral character to receive a permit, the ~~sheriff~~
9 State Bureau of Investigation shall only consider an applicant's conduct and
10 criminal history for the five-year period immediately preceding the date of the
11 application.

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

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

24 (b1) The ~~sheriff~~ State Bureau of Investigation shall keep a list of all permit denials, with
25 the specific reasons for the denials noted. The list shall not include any information that would
26 identify the applicant whose application was denied. The list, as described in this subsection,
27 shall be a public record, and the ~~sheriff~~ State Bureau of Investigation shall make the list available
28 upon request to any member of the public. The list shall be organized by the quarters of the year,
29 showing the number of denials and the reasons in each three-month period, and the list shall only
30 be released for past, completed quarters.

31 ...

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

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

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

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

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

47 (4) Proof of residency.

48 (5) A signed release, in a form to be prescribed by the Administrative Office of
49 the Court, that authorizes and requires disclosure to the ~~sheriff~~ State Bureau
50 of Investigation of any court orders concerning the mental health or capacity

1 of the applicant to be used for the sole purpose of determining whether the
2 applicant is disqualified to receive a permit pursuant to this section.

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

4 (f) Each applicant for a license or permit shall be informed by the ~~sheriff~~ State Bureau
5 of Investigation within 14 days of the date of the application whether the license or permit will
6 be granted or denied and, if granted, the license or permit shall be immediately issued to the
7 applicant.

8 ...

9 (h) The ~~sheriff~~ State Bureau of Investigation shall revoke any permit upon the occurrence
10 of any event or condition subsequent to the issuance of the permit, or the applicant's subsequent
11 inability to meet a requirement under this Article, which would have resulted in a denial of the
12 application submitted to obtain the permit if the event, condition, or the applicant's current
13 inability to meet a statutory requirement had existed at the time of the application and prior to
14 the issuance of the permit. The following procedures apply to a revocation:

15 (1) The ~~sheriff~~ State Bureau of Investigation shall provide written notice to the
16 permittee, pursuant to the provisions of G.S. 1A-1, Rule 4(j), that the permit
17 is revoked upon the service of the notice. The notice shall provide the
18 permittee with information on the process to appeal the revocation.

19 (2) Upon receipt of the written notice of revocation, the permittee shall surrender
20 the permit to the ~~sheriff~~ State Bureau of Investigation. Any law enforcement
21 officer serving the notice is authorized to take immediate possession of the
22 permit from the permittee. If the notice is served by means other than by a law
23 enforcement officer, the permittee shall surrender the permit to the ~~sheriff~~
24 State Bureau of Investigation no later than 48 hours after service of the notice.

25 (3) The ~~sheriff~~ State Bureau of Investigation shall insure that the list of permits
26 which have been revoked is immediately updated so that any potential
27 transferor calling to check the validity of the permit will be informed of the
28 revocation.

29 (4) A permittee may appeal the revocation of a permit pursuant to this subsection
30 by petitioning a district court judge of the district in which the permittee
31 resides.

32 (5) Any person who willfully fails to surrender a permit upon notice of revocation
33 shall be guilty of a Class 2 misdemeanor.

34 (i) A person or entity shall promptly disclose to the ~~sheriff~~ State Bureau of Investigation,
35 upon presentation by the applicant or ~~sheriff~~ State Bureau of Investigation of an original or
36 photocopied release form described in subdivision (5) of subsection (e1) of this section, any court
37 orders concerning the mental health or capacity of the applicant who signed the release form."

38 **SECTION 1.(d)** G.S. 14-405 is reenacted as it existed immediately prior to its repeal
39 and reads as rewritten:

40 "**§ 14-405. Record of permits kept by ~~sheriff~~ State Bureau of Investigation; confidentiality**
41 **of permit information.**

42 (a) The ~~sheriff~~ State Bureau of Investigation shall keep a record of all permits issued
43 under this article, including the name, date, place of residence, age, former place of residence,
44 etc., of each such ~~person, firm, or corporation~~ private person to whom or which a permit is issued.
45 The record shall include the date that a permit was revoked, the date that the permittee received
46 notice of the revocation, whether the permit was surrendered, and the reason for the revocation.

47 (b) The records maintained by the ~~sheriff~~ State Bureau of Investigation pursuant to this
48 section are confidential and are not a public record under G.S. 132-1; provided, however, that the
49 ~~sheriff~~ State Bureau of Investigation shall make the records available upon request to any federal,
50 State, and local law enforcement agencies and shall also make the records available to the court
51 if the records are required to be released pursuant to a court order. Any application to a court for

1 release of the list of permit holders and permit application information shall be by a petition to
 2 the chief judge of the district court for the district in which the person seeking the information
 3 resides."

4 **SECTION 1.(e)** G.S. 14-407.1 is reenacted as it existed immediately prior to its
 5 repeal and reads as rewritten:

6 "**§ 14-407.1. Sale of blank cartridge pistols.**

7 The provisions of G.S. 14-402, 14-405, and 14-406 shall apply to the sale of pistols suitable
 8 for firing blank cartridges. The ~~sheriffs of all the counties of this State are~~ Bureau of Investigation
 9 is authorized and may in their discretion issue to any ~~person, firm or corporation,~~ private person,
 10 in any such county, a license or permit to purchase or receive any pistol suitable for firing blank
 11 cartridges from any ~~person, firm or corporation~~ private person offering to sell or dispose of the
 12 same, which said permit shall be in substantially the following form:

13 North Carolina

14 _____ County

15 I, _____, Clerk of the Superior Court of said county, do hereby certify that
 16 _____, whose place of residence is _____ Street in _____ (or)
 17 in _____ Township in _____ County, North Carolina, having this day
 18 satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only
 19 for lawful purposes, a permit is therefore given said _____ to purchase said pistol
 20 from any ~~person, firm or corporation~~ private person authorized to dispose of the same, this
 21 _____ day of _____, _____.

22 _____
 23 Sheriff/SBI Agent

24 The ~~sheriff~~ State Bureau of Investigation shall charge for ~~the sheriff's~~ its services, upon
 25 issuing such permit, a fee of fifty cents (50¢)."

26 **SECTION 1.(f)** G.S. 14-408.1 reads as rewritten:

27 "**§ 14-408.1. Solicit unlawful purchase of firearm; unlawful to provide materially false**
 28 **information regarding legality of firearm or ammunition transfer.**

29 (a) The following definitions apply in this section:

- 30 (1) Ammunition. – Any cartridge, shell, or projectile designed for use in a firearm.
- 31 (2) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of
 32 an explosion.
- 33 (3) Handgun. – A pistol, revolver, or other gun that has a short stock and is
 34 designed to be held and fired by the use of a single hand.
- 35 (4) ~~Licensed dealer.~~ Federally licensed firearm dealer. – A person who is licensed
 36 pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.
- 37 (5) Materially false information. – Information that portrays an illegal transaction
 38 as legal or a legal transaction as illegal.
- 39 (6) Private seller. – A person who sells or offers for sale any firearm, as defined
 40 in G.S. 14-409.39, or ammunition.

41 (b) Any person who knowingly solicits, persuades, encourages, or entices a ~~licensed~~
 42 ~~dealer~~ federally licensed firearm dealer or private seller of firearms or ammunition to transfer a
 43 firearm or ammunition under circumstances that the person knows would violate the laws of this
 44 State or the United States is guilty of a Class F felony.

45 (c) Any person who provides to a ~~licensed dealer~~ federally licensed firearm dealer or
 46 private seller of firearms or ammunition information that the person knows to be materially false
 47 information with the intent to deceive the dealer or seller about the legality of a transfer of a
 48 firearm or ammunition is guilty of a Class F felony.

49 (d) Any person who willfully procures another to engage in conduct prohibited by this
 50 section shall be held accountable as a principal.

1 (e) This section does not apply to a law enforcement officer acting in his or her official
2 capacity or to a person acting at the direction of the law enforcement officer."

3 **SECTION 1.(g)** G.S. 14-315(b1)(1) is reenacted as it existed immediately prior to
4 its repeal.

5 **SECTION 1.(h)** G.S. 122C-54(d2) is reenacted as it existed immediately prior to its
6 repeal and reads as rewritten:

7 "(d2) The record of involuntary commitment for inpatient or outpatient mental health
8 treatment or for substance abuse treatment required to be reported to the National Instant
9 Criminal Background Check System (NICS) by G.S. 14-409.43 shall be accessible only by the
10 ~~sheriff or the sheriff's designee~~ State Bureau of Investigation for the purposes of conducting
11 background checks under G.S. 14-404 and shall remain otherwise confidential as provided by
12 this Article."

13 **SECTION 1.(i)** This Part is effective when it becomes law and applies to pistols
14 sold, given away, transferred, purchased, or received on or after that date.

15 **PART II. REQUIRE UNIVERSAL BACKGROUND CHECKS**

16 **SECTION 2.(a)** Chapter 14 of the General Statutes is amended by adding a new
17 Article to read:

18 "Article 53D.

19 "Universal Background Check.

20 **"§ 14-409.48. Short title.**

21 This Article shall be known and may be cited as the "North Carolina Universal Background
22 Check Act."

23 **"§ 14-409.49. Definitions.**

24 The following definitions apply in this Article:

- 25 (1) Federally licensed firearm dealer. – A person who is licensed pursuant to 18
26 U.S.C. § 923 to engage in the business of dealing in firearms.
27 (2) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of
28 an explosion.
29 (3) Materially false information. – Information that portrays an illegal transaction
30 as legal or a legal transaction as illegal.
31 (4) Private person. – A person, firm, or corporation who is not a federally licensed
32 firearm dealer acting in accordance with federal law.

33 **"§ 14-409.50. Background checks for the sales of firearms- federally licensed firearm** 34 **dealers.**

35 (a) A federally licensed firearm dealer may not sell, transfer, or deliver any firearm to
36 any private person without conducting a background check as provided for in subsection (c) of
37 this section to verify that it would not be a violation of state or federal law for the private person
38 to possess the firearm.

39 (b) In addition to any other applicable state or federal law, it shall be unlawful for any of
40 the following persons to possess a firearm:

- 41 (1) One who is under an indictment or information for, or has been convicted in
42 any state or in any court of the United States of, a felony (other than an offense
43 pertaining to antitrust violations, unfair trade practices, or restraints of trade).
44 (2) One who is a fugitive from justice.
45 (3) One who is an unlawful user of or addicted to marijuana or any depressant,
46 stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).
47 (4) One who has been adjudicated mentally incompetent or has been committed
48 to any mental institution.
49 (5) One who is an alien illegally or unlawfully in the United States.
50

- 1 (6) One who has been discharged from the Armed Forces of the United States
2 under dishonorable conditions.
- 3 (7) One who, having been a citizen of the United States, has renounced his or her
4 citizenship.
- 5 (8) One who is subject to a court order that:
6 a. Was issued after a hearing of which the person received actual notice,
7 and at which the person had an opportunity to participate.
8 b. Restrains the person from harassing, stalking, or threatening an
9 intimate partner of the person or child of the intimate partner of the
10 person, or engaging in other conduct that would place an intimate
11 partner in reasonable fear of bodily injury to the partner or child.
12 c. Includes a finding that the person represents a credible threat to the
13 physical safety of the intimate partner or child, or by its terms
14 explicitly prohibits the use, attempted use, or threatened use of
15 physical force against the intimate partner or child that would
16 reasonably be expected to cause bodily injury.
- 17 (c) In order to comply with the background check required by subsection (a) of this
18 section, the federally licensed firearm dealer must:
- 19 (1) Verify the private person's identity by examining a government-issued
20 identification card.
- 21 (2) Conduct a check through the National Instant Criminal Background Check
22 System (NICS).
- 23 (d) It is unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any
24 firearm to any other person if a NICS check reveals that the possession of any firearm by the
25 person would violate state or federal law or if the federally licensed firearm dealer knows or has
26 reason to know that the private person is prohibited from possessing any firearm by state or
27 federal law.
- 28 (e) It is a Class F felony for any federally licensed firearm dealer to sell, transfer, or
29 deliver any firearm to any person in violation of this Article. It is a Class F felony for any person
30 to provide any materially false information to a federally licensed firearm dealer with the intent
31 to obtain a firearm in violation of state or federal law.
- 32 **§ 14-409.51. Background checks required for the sales of firearms- private persons.**
- 33 (a) It shall be unlawful for a private person to transfer any firearm to any other private
34 person without conducting a background check of that person through a federally licensed
35 firearm dealer as provided by G.S. 14-409.50(c) and the federally licensed firearm dealer
36 verifying that the transfer would not violate state or federal law.
- 37 (b) A federally licensed firearm dealer may charge a fee for conducting the background
38 check required by subsection (a) of this section.
- 39 (c) For the purposes of this section, "transfer" means assigning, pledging, leasing,
40 loaning, selling, giving away, or otherwise disposing of, but does not include any of the
41 following:
- 42 (1) The loan of a firearm for any lawful purpose, for a period of 14 days or less,
43 by the owner of the firearm to a person known personally to the owner.
- 44 (2) A temporary transfer for any lawful purpose that occurs while in the
45 continuous presence of the owner of the firearm, if the temporary transfer does
46 not exceed 24 hours in duration.
- 47 (3) The transfer of a firearm for repair, service, or modification to a licensed
48 gunsmith or other person lawfully engaged in such activities as a regular
49 course of trade or business.

(4) A transfer that occurs by operation of law or because of the death of a person for whom the prospective transferor is an executor or administrator of an estate or a trustee of a trust created in a will.

(d) This section does not apply to transactions in which the private person the firearm being transferred to is a parent, mother-in-law, father-in-law, stepparent, legal guardian, grandparent, child, daughter-in-law, son-in-law, stepchild, grandchild, sibling, sister-in-law, brother-in-law, spouse, or civil union partner of the private person.

(e) Any violation of this section shall be punished as a Class F felony."

SECTION 2.(b) This Part becomes effective December 1, 2023, and applies to transfers of firearms that occur on or after that date.

PART III. STRENGTHEN THE LAW GOVERNING THE SAFE STORAGE OF FIREARMS

SECTION 3.(a) G.S. 14-315.1 reads as rewritten:

"§ 14-315.1. ~~Storage of firearms to protect minors.~~ Safe storage of firearms.

(a) Any person who resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a ~~Class 1 misdemeanor~~ Class D felony if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the minor:

- (1) Possesses it in violation of G.S. 14-269.2(b);
- (2) Exhibits it in a public place in a careless, angry, or threatening manner;
- (3) Causes personal injury or death with it not in self defense; or
- (4) Uses it in the commission of a crime.

(a1) Any person who resides in the same premises as an unauthorized person, owns or possesses a firearm, and stores or leaves the firearm without having securely locked the firearm in an appropriate safe storage depository or rendered it incapable of being fired is guilty of a Class D felony if the unauthorized person gains access to the firearm and does any of the following:

- (1) Possesses it in violation of G.S. 14-269.2(b).
- (2) Exhibits it in a public place in a careless, angry, or threatening manner.
- (3) Causes personal injury or death with it not in self-defense.
- (4) Uses it in the commission of a crime.

(b) Nothing in this section shall prohibit a person from carrying a firearm on his or her body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body.

(c) This section shall not apply if the minor or unauthorized person obtained the firearm as a result of an unlawful entry by any person.

(d) ~~"Minor" as used in this section means a~~ The following definitions apply in this section:

- (1) Minor. – A person under 18 years of age who is not emancipated.
- (2) Unauthorized person. – A person who is not authorized to purchase a firearm under State or federal law."

SECTION 3.(b) This Part becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART IV. AUTHORIZE THE ISSUANCE OF EXTREME RISK PROTECTION ORDERS

SECTION 4.(a) The General Statutes are amended by adding a new Chapter to read:

"Chapter 50E.

"Extreme Risk Protection Orders.

"§ 50E-1. Title of Chapter.

This Chapter may be cited as the "Extreme Risk Protection Orders Act."

"§ 50E-2. Legislative findings and purpose.

(a) Legislative Findings. – The General Assembly finds all of the following:

(1) Every year, over 100,000 people are victims of gunshot wounds and more than 30,000 of those victims lose their lives.

(2) Individuals who pose a danger to themselves or others often exhibit signs that alert family, household members, or law enforcement to the threat. Many mass shooters displayed warning signs prior to the killings, but federal and State laws provided no clear legal process to suspend the shooters' access to guns, even temporarily.

(b) Purpose. – The purpose of this Chapter is to reduce gun deaths and injuries, while respecting constitutional rights, by providing a court procedure for concerned citizens and law enforcement to obtain an order temporarily restricting a person's access to firearms. The court orders authorized under this Chapter are intended to be limited to situations in which the person poses a significant danger of harming themselves or others by possessing a firearm and include standards and safeguards to protect the rights of respondents and due process of law.

"§ 50E-3. Definitions.

The following definitions apply in this Chapter:

(1) Extreme Risk Protection Order or ERPO. – An order granted under this Chapter, which includes a remedy authorized under G.S. 50E-6.

(2) Family or household member. – Any of the following:

a. A person related by blood, marriage, or adoption to the respondent.

b. A dating partner of the respondent.

c. A person who has a child in common with the respondent, regardless of whether the person has been married to the respondent or has lived together with the respondent at any time.

d. A domestic partner of the respondent.

e. A person who has a biological or legal parent-child relationship with the respondent, including stepparents, stepchildren, grandparents, and grandchildren.

f. A person who is acting or has acted as the respondent's legal guardian.

(3) Firearm. – Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver.

(4) Petitioner. – The person who petitions for an ERPO under this Chapter.

(5) Respondent. – The person who is identified as the respondent in a petition filed under this Chapter.

"§ 50E-4. Commencement of action.

(a) Petition. – Either of the following may file a verified petition in district court for an Extreme Risk Protection Order:

(1) A family or household member.

(2) A law enforcement officer or agency.

(b) Filing Location. – A petition for an ERPO under this Chapter may be filed in any county permitted under G.S. 1-82.

(c) Required Information in Petition. – A petition for an ERPO under this Chapter shall include all of the following:

(1) An allegation that the respondent poses a danger of physical harm to self or others by having in his or her care, custody, possession, ownership, or control a firearm. If the petitioner is seeking an ex parte ERPO, the petition shall

1 include an allegation that the respondent poses an imminent danger of physical
2 harm to self or others by having in his or her care, custody, possession,
3 ownership, or control a firearm. The allegation required under this subdivision
4 shall include facts to support the allegation.

5 (2) An identification, to the best of the petitioner's knowledge, of the number,
6 types, and locations of firearms under the respondent's custody or control.

7 (3) An identification of any existing protection order under State law governing
8 the respondent.

9 (4) An identification of any pending lawsuits, complaints, petitions, or other
10 actions between the petitioner and the respondent.

11 (d) Corroborating Evidence. – A petition for an ERPO under this Chapter shall be
12 accompanied by either (i) a written statement made by a witness other than the petitioner that
13 states specific facts supporting the allegation set forth in the petition or (ii) an audio and visual
14 recording of the incident the petitioner is using as the basis for seeking an ERPO under this
15 Chapter. A written statement provided under this subsection shall include the name of the witness
16 and a description of the witness's relationship to the petitioner.

17 (e) Verification of Terms of Existing Orders. – The clerk of court shall verify the terms
18 of any existing protection orders governing the petitioner and respondent. The court shall not
19 delay granting relief because of the existence of a pending action between the petitioner and
20 respondent or the necessity of verifying the terms of an existing protection order. A petition for
21 an ERPO under this Chapter may be granted whether or not there is a pending action between
22 the petitioner and respondent.

23 (f) Nondisclosure of Address. – A petitioner with a current and valid Address
24 Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of
25 the General Statutes may use the substitute address designated by the Address Confidentiality
26 Program when filing with the court any document required under this Chapter.

27 (g) Court Costs and Attorneys' Fees. – No court costs or attorneys' fees shall be assessed
28 for the filing or service of the petition, or the service of any ERPOs, except as provided in
29 G.S. 1A-1, Rule 11.

30 (h) Electronic Filing. – All documents filed, issued, registered, or served in an action
31 under this Chapter relating to an ERPO may be filed electronically.

32 **"§ 50E-5. Process.**

33 (a) Summons Required. – Except as otherwise provided in G.S. 50E-7, a petition for an
34 ERPO requires that a summons be issued and served not later than five days prior to the date set
35 for the full ERPO hearing. Attachments to the summons shall include the petition for any ERPO,
36 any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a
37 description of what an ERPO is.

38 (b) Service of the Summons and Attachments. – The clerk of court shall effect service of
39 the summons and any attachments through the appropriate law enforcement agency where the
40 respondent is to be served.

41 **"§ 50E-6. ERPO requirements; remedy; mental health or chemical dependency evaluation.**

42 (a) Required Information in ERPO. – An ERPO issued under this Chapter shall include
43 all of the following:

44 (1) A statement of the grounds supporting issuance of the ERPO.

45 (2) The date and time the ERPO was issued.

46 (3) The date and time the ERPO expires.

47 (4) Whether a mental health evaluation or chemical dependency evaluation of the
48 respondent is required.

49 (5) The address of the court in which any responsive pleading may be filed.

50 (6) A description of the requirements for relinquishment and retrieval of any
51 firearms, ammunition, permits to purchase firearms, and permits to carry

1 concealed firearms that are in the care, custody, ownership, or control of the
2 respondent.

3 (7) A description of the process for seeking termination of the ERPO.

4 (8) A statement that a violation of the ERPO is punishable as a Class A1
5 misdemeanor.

6 (b) Remedy Granted. – Upon issuance of an ERPO, including an ex parte ERPO, the
7 court shall order the respondent to surrender to the sheriff all firearms, ammunition, permits to
8 purchase firearms, and permits to carry concealed firearms that are in the care, custody,
9 possession, ownership, or control of the respondent.

10 (c) Mental Health or Chemical Dependency Evaluation. – During a hearing for issuance
11 of an ERPO, the court shall consider whether a mental health evaluation or chemical dependency
12 evaluation of the respondent is appropriate and may order the respondent to undergo evaluation
13 if appropriate.

14 **"§ 50E-7. Hearing and issuance of an ex parte Extreme Risk Protection Order.**

15 (a) Hearing. – Upon receipt of a petition for an ex parte ERPO, the court shall hold a
16 hearing in person on the day the petition is filed or the judicial day immediately following the
17 day the petition is filed.

18 (b) Order. – If the court finds by clear, cogent, and convincing evidence that the
19 respondent poses an imminent danger of causing physical injury to self or others by having in his
20 or her custody a firearm, a judge or magistrate of district court may issue an ex parte ERPO
21 before a hearing for a full ERPO and without evidence of service of process or notice.

22 (c) Requirements. – An ex parte ERPO granted without notice shall meet all of the
23 following requirements:

24 (1) The ERPO shall be endorsed with the date and hour of issuance.

25 (2) The ERPO shall be filed immediately in the clerk's office and entered of
26 record.

27 (3) The ERPO shall include a statement detailing why the ERPO was granted
28 without notice.

29 (4) The ERPO shall include the applicable information required under
30 G.S. 50E-6(a).

31 (5) The ERPO shall expire by its terms within a specified amount of time after
32 entry, not to exceed the limits set forth in G.S. 50E-10(a).

33 (6) The ERPO shall give notice of the date of hearing on the ex parte ERPO.

34 (d) Appearance by Respondent. – If the respondent appears in court for a hearing on an
35 ex parte ERPO, the respondent may elect to file a general appearance and testify. Any resulting
36 ERPO may be an ex parte ERPO governed by this section. Notwithstanding the requirements of
37 this section, if all requirements of G.S. 50E-8 have been met, the court may issue a full ERPO.

38 (e) Court Out of Session. – When the court is not in session, the petitioner may file for
39 an ex parte ERPO before any judge or magistrate designated to grant relief under this Article. If
40 the judge or magistrate finds that the requirements of subsection (a) of this section have been
41 met, the judge or magistrate may issue an ex parte ERPO. The chief district court judge may
42 designate for each county at least one judge or magistrate to be reasonably available to issue ex
43 parte ERPOs when the court is not in session.

44 (f) Video Conference. – Hearings held to consider ex parte relief pursuant to subsection
45 (a) of this section may be held via video conference.

46 **"§ 50E-8. Hearing and issuance of a full Extreme Risk Protection Order.**

47 (a) Hearing. – A court shall hold a hearing on a petition for a full ERPO no later than 10
48 days from either of the following dates:

49 (1) If an ex parte ERPO has been issued, the date the ex parte ERPO was issued.

50 (2) If subdivision (1) of this subsection does not apply, the date the petition for a
51 full ERPO was filed with the court.

1 A continuance shall be limited to one extension of no more than 10 days unless all parties
2 consent or good cause is shown.

3 (b) Order. – A court may issue a full ERPO if all of the following requirements are met:

4 (1) The court finds by a preponderance of the evidence that the respondent poses
5 a danger of causing physical injury to self or others by having in his or her
6 custody a firearm.

7 (2) Process was served on the respondent in accordance with the requirements of
8 this Article.

9 (3) Notice of hearing was given to the respondent in accordance with the
10 requirements of this Article.

11 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

12 (a) Surrender of Firearms. – Upon service of an ERPO, the respondent shall immediately
13 surrender to the sheriff possession of all firearms, ammunition, permits to purchase firearms, and
14 permits to carry concealed firearms that are in the care, custody, possession, ownership, or control
15 of the respondent. In the event that weapons cannot be surrendered at the time the ERPO is
16 served, the respondent shall surrender the firearms, ammunitions, and permits to the sheriff
17 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the
18 firearms or contract with a licensed firearms dealer to provide storage.

19 (b) Failure to Surrender. – Upon the sworn statement of the petitioner or the sheriff
20 alleging that the respondent has failed to comply with the surrender of firearms required under
21 subsection (a) of this section, the court shall determine whether probable cause exists to believe
22 that the respondent has failed to surrender all firearms in his or her care, custody, possession,
23 ownership, or control. If probable cause exists, the court shall issue a warrant describing the
24 firearms and authorizing (i) a search of the locations where the firearms are reasonably believed
25 to be and (ii) seizure of any firearms discovered pursuant to the search.

26 (c) Receipt. – At the time of surrender or seizure, the sheriff taking possession of a
27 firearm shall issue a receipt identifying all firearms that have been surrendered or seized and shall
28 provide a copy of the receipt to the respondent. Within 48 hours after issuing the receipt, the
29 officer shall file the original receipt with the court and shall also retain a copy for the sheriff's
30 records.

31 (d) Fee. – The sheriff may charge the respondent a reasonable fee for the storage of any
32 firearms and ammunition taken pursuant to an ERPO. The fees are payable to the sheriff. The
33 sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be
34 used by the sheriff to pay the costs of administering this section and for other law enforcement
35 purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall
36 not release firearms, ammunition, or permits without a court order granting the release. The
37 respondent shall remit all fees owed prior to the authorized return of any firearms, ammunition,
38 or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or
39 deterioration due to storage or transportation of any firearms or ammunition held pursuant to this
40 section.

41 (e) Retrieval. – If the court does not enter a full ERPO when the ex parte ERPO expires,
42 the respondent may retrieve any weapons surrendered to the sheriff unless the court finds that the
43 respondent is otherwise precluded from owning or possessing a firearm pursuant to State or
44 federal law.

45 (f) Motion for Return. – The respondent may request the return of any firearms,
46 ammunition, or permits surrendered by filing a motion with the court no later than 90 days after
47 the expiration of the ERPO. Unless the court finds that the respondent is otherwise precluded
48 from owning or possessing a firearm pursuant to State or federal law, all firearms, ammunition,
49 and permits surrendered by the respondent shall be returned within 30 days of the date the motion
50 was received by the court.

1 (g) Motion for Return by Third Party. – A third-party owner of firearms or ammunition
2 who is otherwise eligible to possess the items may file a motion requesting the return to the third
3 party of any of the items in the possession of the sheriff surrendered or seized as a result of the
4 entry of an ERPO. The motion must be filed not later than 30 days after the surrender or seizure
5 of the items by the sheriff. The third-party owner shall also (i) provide proof of ownership of the
6 firearms or ammunition and (ii) certify that the third-party owner shall not allow the respondent
7 to have access to the firearms or ammunition. Upon receipt of the third party's motion, the court
8 shall schedule a hearing and provide written notice to all parties and the sheriff. The court shall
9 order return of the items to the third party unless the third-party owner fails to provide proof of
10 ownership or certification as required under this subsection, or the court determines that the third
11 party is disqualified from owning or possessing the items pursuant to State or federal law. If the
12 court orders the return of the items to the third party, the third party is not required to pay any
13 fees imposed under subsection (d) of this section. If the court denies the return of the items to the
14 third party, the items shall be disposed of by the sheriff as provided in subsection (h) of this
15 section.

16 (h) Disposal of Firearms. – If the respondent or a third-party owner does not file a motion
17 within the applicable time period prescribed by this section requesting the return of any
18 surrendered firearms, ammunition, or permits, if the court determines that the respondent or
19 third-party owner is precluded from regaining possession of any surrendered firearms,
20 ammunition, or permits, or if the respondent fails to remit all fees owed for the storage of the
21 firearms or ammunition within 30 days of the entry of the order granting the return of the
22 firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or
23 permits shall give notice to the respondent and the sheriff shall apply to the court for an order of
24 disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the
25 sheriff in possession, or the sheriff's duly authorized agent, to destroy the firearms, ammunition,
26 and permits, or to dispose of the firearms, ammunition, and permits in one or more of the ways
27 authorized by law, including subdivision (4b), (5), or (6) of G.S. 14-269.1. The sheriff shall
28 maintain a record of any firearms, ammunition, and permits destroyed in accordance with this
29 subsection. If a sale by the sheriff does occur, any proceeds from the sale after deducting any
30 costs associated with the storage and sale, and, in accordance with all applicable State and federal
31 law, shall be provided to the respondent if requested by the respondent by motion made before
32 the hearing or at the hearing and if ordered by the judge.

33 **"§ 50E-10. Duration; renewal of ERPOs.**

34 (a) Duration of Ex Parte ERPO. – Except as otherwise provided in this subsection, an ex
35 parte ERPO shall be effective until the date a hearing is held under G.S. 50E-8. If a hearing is
36 not held or a continuance was not granted, an ex parte ERPO shall be effective for not more than
37 10 days from the date the ex parte ERPO was issued.

38 (b) Duration of Full ERPO. – A full ERPO shall be effective for a fixed period of time
39 not to exceed one year.

40 (c) Renewal. – Any ERPO may be renewed one or more times, as required, provided that
41 the requirements of G.S. 50E-7 or G.S. 50E-8, as appropriate, are satisfied. The court may renew
42 an ERPO, including an ERPO that previously has been renewed, upon a motion by the petitioner
43 filed before the expiration of the current ERPO. Upon a motion for a renewal, the court shall hold
44 a hearing no later than 10 days after the date the motion is filed in court. The court may renew
45 an ex parte ERPO if the court finds by clear, cogent, and convincing evidence that there has been
46 no material change in relevant circumstances since entry of the ex parte ERPO. The court may
47 renew a full ERPO if the court finds by a preponderance of the evidence that there has been no
48 material change in relevant circumstances since entry of the full ERPO. The commission of an
49 act of unlawful conduct by the respondent after entry of the current ERPO is not required for an
50 ERPO to be renewed. If the motion for renewal is uncontested and the petitioner seeks no
51 modification of the ERPO, the ERPO may be renewed if the petitioner's motion or affidavit states

1 that there has been no material change in relevant circumstances since entry of the ERPO and
2 states the reason for the requested renewal. Renewals may be granted only in open court.

3 (d) Expiration Date. – An ERPO expiring on a day the court is not open for business shall
4 expire in accordance with the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1.

5 **"§ 50E-11. Termination of an Extreme Risk Protection Order.**

6 (a) Motion. – The respondent may request the termination of a full ERPO by filing a
7 motion with the court. The respondent may submit no more than one motion for termination for
8 every 12-month period the full ERPO is in effect, starting from the date of the full ERPO and
9 continuing through any renewals.

10 (b) Hearing. – Upon receipt of a request for a hearing to terminate a full ERPO, the court
11 shall set a date for a hearing. Notice of the request for a hearing shall be served on the petitioner
12 in accordance with Rule 4 of the Rules of Civil Procedure, G.S. 1A-1. The court shall set the date
13 for the hearing no sooner than 14 days and no later than 30 days from the date of service of the
14 request upon the petitioner.

15 (c) Burden of Proof; Termination. – The respondent shall have the burden of proving by
16 a preponderance of the evidence that the respondent does not pose a danger of causing physical
17 injury to self or others by having in his or her care, custody, possession, ownership, or control a
18 firearm. If the court finds after the hearing that the respondent has met his or her burden, the
19 court shall terminate the full ERPO.

20 **"§ 50E-12. Notice.**

21 (a) Notice to Law Enforcement; Entry into National Database. – The clerk of court shall
22 deliver on the same day that an ERPO is issued a certified copy of that ERPO to the sheriff of
23 the county in which the ERPO is issued. Any order extending, modifying, or revoking an ERPO
24 shall be promptly delivered to the sheriff by the clerk and served in a manner provided for service
25 of process in accordance with the provisions of this section. The sheriff shall provide for prompt
26 entry of the ERPO into the National Crime Information Center registry and shall provide for
27 access of such orders to the courts on a 24-hour-a-day basis. Modifications, terminations,
28 renewals, and dismissals of the ERPO shall also be promptly entered. A copy of the ERPO shall
29 be issued promptly to and retained by the police department of the municipality of the petitioner's
30 residence. If the petitioner's residence is not located in a municipality or in a municipality with
31 no police department, copies shall be issued promptly to and retained by the sheriff of the county
32 in which the petitioner's residence is located.

33 (b) Notice to Respondent. – If the respondent was not present in court when the ERPO
34 was issued, the respondent may be served in the manner provided for service of process in civil
35 proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure, G.S. 1A-1. If the
36 summons has not yet been served upon the respondent, it shall be served with the ERPO. Law
37 enforcement agencies shall accept receipt of copies of the ERPO issued by the clerk of court by
38 electronic transmission for service on respondents.

39 (c) Notice to Third Parties. – If the petitioner for an ERPO is a law enforcement officer
40 or agency, the officer or agency shall make a good-faith effort to provide notice of the petition
41 to any known third party who may be at risk of unlawful conduct from the respondent.

42 **"§ 50E-13. Prohibition; violation.**

43 (a) Prohibition. – It is unlawful for any person to possess, purchase, or receive, or attempt
44 to possess, purchase, or receive, a firearm, ammunition, or permits to purchase or carry concealed
45 firearms, for so long as an ERPO entered against that person in accordance with this Chapter is
46 in effect.

47 (b) Violation. – A person who violates subsection (a) of this section or any other term of
48 an ERPO entered pursuant to this Chapter is guilty of a Class A1 misdemeanor.

49 **"§ 50E-14. False statement regarding ERPO a misdemeanor.**

1 A person who knowingly makes a false statement when petitioning for an ERPO under this
2 Chapter, or who knowingly makes a false statement to a law enforcement agency or officer that
3 an ERPO entered pursuant to this Chapter remains in effect, is guilty of a Class 2 misdemeanor.

4 **"§ 50E-15. Remedies not exclusive.**

5 The remedies provided by this Chapter are not exclusive but are additional to other remedies
6 provided under law.

7 **"§ 50E-16. Other authority retained.**

8 This Chapter does not affect the ability of a law enforcement officer to remove a firearm,
9 permit to purchase firearms, or permit to carry concealed firearms from any person, or conduct
10 any search and seizure for firearms, pursuant to other lawful authority.

11 **"§ 50E-17. Liability.**

12 Except as provided in G.S. 50E-13 or G.S. 50E-14, this Chapter shall not be interpreted to
13 impose any criminal or civil liability on any person or entity for acts or omissions related to
14 obtaining an ERPO, including reporting, declining to report, investigating, declining to
15 investigate, filing, or declining to file a petition under this Chapter."

16 **SECTION 4.(b)** Chapter 15C of the General Statutes reads as rewritten:

17 **"Chapter 15C.**

18 **"Address Confidentiality Program.**

19 **"§ 15C-1. Purpose.**

20 The purpose of this Chapter is to enable the State and the agencies of North Carolina to
21 respond to requests for public records without disclosing the location of a petitioner for an
22 Extreme Risk Protection Order or a victim of domestic violence, sexual offense, stalking, or
23 human trafficking; to enable interagency cooperation in providing address confidentiality for a
24 petitioner for an Extreme Risk Protection Order or victims of domestic violence, sexual offense,
25 stalking, or human trafficking; and to enable the State and its agencies to accept a program
26 participant's use of an address designated by the Office of the Attorney General as a substitute
27 address.

28 **"§ 15C-2. Definitions.**

29 The following definitions apply in this Chapter:

30 ...

31 (2) Address Confidentiality Program or Program. – A program in the Office of
32 the Attorney General to protect the confidentiality of the address of an ERPO
33 petitioner or a relocated victim of domestic violence, sexual offense, or
34 stalking to prevent the petitioner's or victim's assailants or potential assailants
35 from finding the petitioner or victim through public records.

36 ...

37 (5a) ERPO petitioner. – The person who petitions for an Extreme Risk Protection
38 Order under Chapter 50E of the General Statutes.

39 ...

40 **"§ 15C-3. Address Confidentiality Program.**

41 The General Assembly establishes the Address Confidentiality Program in the Office of the
42 Attorney General to protect the confidentiality of the address of an ERPO petitioner or a relocated
43 victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the
44 petitioner's or victim's assailants or potential assailants from finding the petitioner or victim
45 through public records. Under this Program, the Attorney General shall designate a substitute
46 address for a program participant and act as the agent of the program participant for purposes of
47 service of process and receiving and forwarding first-class mail or certified or registered mail.
48 The Attorney General shall not be required to forward any mail other than first-class mail or
49 certified or registered mail to the program participant. The Attorney General shall not be required
50 to track or otherwise maintain records of any mail received on behalf of a program participant
51 unless the mail is certified or registered mail.

1 **"§ 15C-4. Filing and certification of applications; authorization card.**

2 (a) An individual who wants to participate in the Address Confidentiality Program shall
 3 file an application with the Attorney General with the assistance of an application assistant. Any
 4 of the following individuals may apply to the Attorney General to have an address designated by
 5 the Attorney General to serve as the substitute address of the individual:

- 6 (1) An adult individual.
- 7 (2) A parent or guardian acting on behalf of a minor when the minor resides with
 8 the individual.
- 9 (3) A guardian acting on behalf of an incapacitated individual.

10 (b) The application shall be dated, signed, and verified by the applicant and shall be
 11 signed by the application assistant who assisted in the preparation of the application.

12 (c) The application shall contain all of the following:

- 13 (1) A statement by the applicant that the applicant is an ERPO petitioner or a
 14 victim of domestic violence, sexual offense, stalking, or human trafficking
 15 and that the applicant fears for the applicant's safety or the safety of the
 16 applicant's child.
- 17 (2) ~~Evidence~~ Except for an applicant that is an ERPO petitioner, evidence that the
 18 applicant is a victim of domestic violence, sexual offense, stalking, or human
 19 trafficking. For an applicant that is an ERPO petitioner, evidence that the
 20 applicant is at risk from violence or other unlawful conduct from the
 21 respondent in a petition filed under Chapter 50E of the General Statutes. This
 22 evidence may include any of the following:
 23 a. Law enforcement, court, or other federal or state agency records or
 24 files.
 25 b. Documentation from a domestic violence program if the applicant is
 26 alleged to be a victim of domestic violence.
 27 c. Documentation from a religious, medical, or other professional from
 28 whom the applicant has sought assistance in dealing with the alleged
 29 domestic violence, sexual offense, or stalking.
 30 d. Documentation submitted to support a victim of human trafficking's
 31 application for federal assistance or benefits under federal human
 32 trafficking laws.

33 ...

- 34 (4) ~~A~~ Except for an applicant that is an ERPO petitioner, a statement by the
 35 applicant that the applicant has or will confidentially relocate in North
 36 Carolina.

37 ...

- 38 (7) The address that the applicant requests not to be disclosed by the Attorney
 39 General that directly relates to the increased risk of domestic violence, sexual
 40 offense, ~~or stalking~~ stalking, or other unlawful conduct.

41"

42 **SECTION 4.(c)** G.S. 14-415.4(e) is amended by adding a new subdivision to read:

43 "(11) An ex parte or full Extreme Risk Protection Order has been issued pursuant to
 44 Chapter 50E of the General Statutes or a similar out-of-state or federal order
 45 has been issued against the petitioner and the court order issued is still in
 46 effect."

47 **SECTION 4.(d)** Development of Forms. – The Administrative Office of the Courts
 48 shall develop the appropriate forms to implement the processes provided under Chapter 50E of
 49 the General Statutes, as enacted by subsection (a) of this section.

50 **SECTION 4.(e)** Effective Date. – This section becomes effective December 1, 2023.

51

1 **PART V. EXEMPT FIREARM SAFETY AND STORAGE ITEMS FROM THE SALES**
2 **TAX**

3 **SECTION 5.(a)** G.S. 105-164.3 is amended by adding a new subdivision to read:

4 "(88) Firearm safety equipment. – An enclosure or a device, other than one that is
5 part of the design of a firearm, that is intended to prevent access to, or
6 unintentional or unauthorized use of, the firearm."

7 **SECTION 5.(b)** G.S. 105-164.13 is amended by adding a new subdivision to read:

8 "(74) Firearm safety equipment."

9 **SECTION 5.(c)** This Part becomes effective October 1, 2023, and applies to sales
10 made on or after that date.

11
12 **PART VI. EFFECTIVE DATE**

13 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
14 law.