

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 705
Apr 18, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50038-NHfa-95A

Short Title: Build Safer Communities and Schools Act. (Public)

Sponsors: Representative Alston.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN POLICIES AND STANDARDS SURROUNDING LAW ENFORCEMENT OFFICERS; TO APPROPRIATE FUNDS TO CREATE THE N.C. STAR PILOT PROGRAM TO PROVIDE GRANTS TO CITY AND TOWN POLICE DEPARTMENTS TO CREATE LOCAL SUPPORT TEAM ASSISTED RESPONSE (STAR) PILOT PROGRAMS; TO REINSTATE THE PISTOL PURCHASE PERMIT REQUIREMENT TO PURCHASE A PISTOL FOR PRIVATE SALES AND MAKE THE STATE BUREAU OF INVESTIGATION RESPONSIBLE FOR PERMITS; TO REQUIRE UNIVERSAL BACKGROUND CHECKS; TO STRENGTHEN SAFE STORAGE OF FIREARMS LAWS; TO PROVIDE A SALES TAX EXEMPTION FOR EQUIPMENT DESIGNED TO PREVENT UNAUTHORIZED PERSONS FROM ACCESSING FIREARMS; 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 ALLOW SCHOOLS TO CONTRACT FOR SCHOOL PSYCHOLOGIST SERVICES; AND TO CODIFY SCHOOL SAFETY GRANTS.

The General Assembly of North Carolina enacts:

PART I. STRENGTHEN POLICIES AND STANDARDS SURROUNDING LAW ENFORCEMENT OFFICERS; CREATE LOCAL SUPPORT TEAM ASSISTED RESPONSE PILOT PROGRAMS

DIRECT THE DEPARTMENT OF JUSTICE TO ASSIST LAW ENFORCEMENT AGENCIES IN APPLYING FOR GRANT FUNDS AND FUND POSITIONS TO MEET THE REQUIREMENTS OF THIS SECTION

SECTION 1.1.(a) The Department of Justice shall provide assistance to law enforcement agencies seeking grant funds, including, but not limited to, the following:

- (1) Alerting law enforcement agencies to available grant funds.
- (2) Assisting law enforcement agencies with drafting and submitting grant proposals and applications.

SECTION 1.1.(b) There is appropriated from the General Fund to the Department of Justice the sum of two hundred thousand dollars (\$200,000) in recurring funds for each year of the 2023-2025 fiscal biennium to be used to hire two full-time grant writers to assist law enforcement agencies pursuant to the requirements of subsection (a) of this section.

SECTION 1.1.(c) This section becomes effective July 1, 2023.



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SUPPORT COMMUNITY POLICING PROGRAMS

SECTION 1.2.(a) There is appropriated from the General Fund to the Department of Justice the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for each year of the 2023-2025 fiscal biennium to be used to award grants to law enforcement agencies for initiatives supporting community policing.

SECTION 1.2.(b) This section becomes effective July 1, 2023.

CREATE INCENTIVES FOR LAW ENFORCEMENT OFFICERS AND AGENCIES

SECTION 1.3.(a) There is appropriated from the General Fund to the Department of Justice the sum of five hundred thousand dollars (\$500,000) in recurring funds for the 2024-2025 fiscal year to be used to provide the following types of grants:

- (1) Grants provided to law enforcement agencies to be awarded to law enforcement officers exhibiting exemplary service as established by the Department of Justice.
- (2) Grants awarded to law enforcement agencies for meeting racial or gender diversity benchmarks as established by the Department of Justice.

SECTION 1.3.(b) No grant awarded pursuant to this section shall exceed ten thousand dollars (\$10,000).

SECTION 1.3.(c) This section becomes effective July 1, 2024.

REVISE POLICE USE OF FORCE POLICIES

SECTION 1.4.(a) G.S. 15A-401(d) is amended by adding a new subdivision to read:

"(3) Under all circumstances in which a law-enforcement officer uses force of any kind, a law-enforcement officer shall use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and shall attempt to utilize de-escalation tactics when possible."

SECTION 1.4.(b) The Attorney General, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, shall develop uniform use of force policies that may be adopted by all law enforcement agencies in the State. These policies shall be submitted to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2024, shall be published on the Department of Justice website, and shall be distributed in digital format by the Attorney General to all law enforcement agencies in the State.

SECTION 1.4.(c) Subsection (a) of this section becomes effective October 1, 2023, and applies to actions taken on or after that date. The remainder of this section is effective when it becomes law.

ESTABLISH MINIMUM STANDARDS FOR THE HIRING AND TRAINING OF LAW ENFORCEMENT OFFICERS

SECTION 1.5.(a) G.S. 17C-6(a) reads as rewritten:

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

...

(2a) Establish the minimum age requirement that shall be met in order to qualify for entry level employment as a criminal justice officer in temporary or probationary status or in a permanent position, which shall not be less than 21 years of age.

(2b) Establish minimum mental health screening protocols that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position. The

standards for entry level employment shall include a psychological screening within one year prior to certification performed by a physician, psychologist, psychiatric nurse practitioner, or other mental health professional.

...

(17a) Establish minimum annual mental health screening protocols for criminal justice officers, including additional mental health screening protocols for criminal justice officers following a traumatic event, including a psychological screening performed by a physician, psychologist, psychiatric nurse practitioner, or other mental health professional.

...."

SECTION 1.5.(b) G.S. 17C-13(b) reads as rewritten:

"(b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain access to a person's misdemeanor and felony conviction records, including those maintained by the Administrative Office of the Courts in its confidential files containing the names of persons granted expunctions. The Commission may deny, suspend, or revoke a person's certification based solely on that person's felony ~~conviction~~, conviction or the conviction of four or more misdemeanors, whether or not that conviction was the convictions were expunged."

SECTION 1.5.(c) G.S. 17E-4(a) reads as rewritten:

"(a) The Commission shall have the following powers, duties, and responsibilities, which are enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17E-8 and G.S. 17E-9:

...

(2a) Establish the minimum age requirement that shall be met in order to qualify for entry level employment as an officer in temporary or probationary status or in a permanent position, which shall not be less than 21 years of age.

(2b) Establish minimum mental health screening protocols that must be met in order to qualify for entry level employment and retention as an officer in temporary or probationary status or in a permanent position. The standards for entry level employment shall include a psychological screening within one year prior to certification performed by a physician, psychologist, psychiatric nurse practitioner, or other mental health professional.

...

(13a) Establish minimum annual mental health screening protocols for officers, including additional mental health screening protocols for officers following a traumatic event, including a psychological screening performed by a physician, psychologist, psychiatric nurse practitioner, or other mental health professional.

...

The Commission may certify, and no additional certification shall be required from it, programs, courses and teachers certified by the North Carolina Criminal Justice Education and Training Standards Commission. Where the Commission determines that a program, course, instructor or teacher is required for an area which is unique to the office of sheriff, the Commission may certify such program, course, instructor, or teacher under such standards and procedures as it may establish."

SECTION 1.5.(d) G.S. 17E-12(b) reads as rewritten:

"(b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain access to a person's misdemeanor and felony conviction records, including those maintained by the Administrative Office of the Courts in its confidential files containing the names of persons granted expunctions. The Commission may deny, suspend, or revoke a person's certification based solely on that person's felony ~~conviction~~, conviction or the conviction of four or more misdemeanors, whether or not that conviction was the convictions were expunged."

1 **SECTION 1.5.(e)** There is appropriated from the General Fund to the Department
2 of Justice the sum of one million dollars (\$1,000,000) in recurring funds for each year of the
3 2023-2025 fiscal biennium to be used to provide grants to law enforcement agencies to pay for
4 the mental health screenings required by subsections (a) and (c) of this section.

5 **SECTION 1.5.(f)** Subsections (a) and (c) of this section become effective January
6 1, 2024, and apply to officers hired or employed on or after that date. Subsections (b) and (d) of
7 this section become effective January 1, 2024, and apply to (i) officers hired on or after that date
8 and (ii) officers employed on or after that date that are convicted of a felony or misdemeanor on
9 or after that date. Subsection (e) of this section becomes effective July 1, 2023. The remainder
10 of this section is effective when it becomes law.

11
12 **FUND ADDITIONAL DETECTIVES OR INVESTIGATIVE OFFICERS TO**
13 **INVESTIGATE SEVERE CRIMES**

14 **SECTION 1.6.(a)** There is appropriated from the General Fund to the Department
15 of Justice the sum of one million dollars (\$1,000,000) in recurring funds for each year of the
16 2023-2025 fiscal biennium to be used to provide grants to law enforcement agencies to
17 temporarily provide partial or total funding for detective or other investigative law enforcement
18 positions in order to aid in the investigation of severe crimes that would constitute a charge of a
19 Class D felony or higher.

20 **SECTION 1.6.(b)** This section becomes effective July 1, 2023.

21
22 **FUNDS FOR NORTH CAROLINA JUSTICE ACADEMY**

23 **SECTION 1.7.(a)** There is appropriated from the General Fund to the North Carolina
24 Justice Academy the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for
25 each year of the 2023-2025 fiscal biennium to be used to expand its ability to serve law
26 enforcement agencies of the State by providing more opportunities to attend courses and
27 trainings.

28 **SECTION 1.7.(b)** There is appropriated from the General Fund to the North Carolina
29 Justice Academy the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds
30 for each year of the 2023-2025 fiscal biennium to be used to expand the Academy's ability to
31 offer online courses for law enforcement agencies to allow for greater statewide participation in
32 Academy courses and training.

33 **SECTION 1.7.(c)** This section becomes effective July 1, 2023.

34
35 **CREATE A PARTNERSHIP BETWEEN THE NORTH CAROLINA JUSTICE**
36 **ACADEMY AND NORTH CAROLINA COMMUNITY COLLEGES**

37 **SECTION 1.8.(a)** The North Carolina Justice Academy and the North Carolina
38 Community College System shall develop a memorandum of understanding to allow community
39 colleges throughout the State to provide training and education to those individuals trained and
40 educated by the North Carolina Justice Academy in order to alleviate travel time and related costs
41 incurred by law enforcement agencies due to the limited availability of North Carolina Justice
42 Academy training locations.

43 **SECTION 1.8.(b)** The memorandum of understanding required by subsection (a) of
44 this section shall be submitted to the Joint Legislative Oversight Committee on Justice and Public
45 Safety no later than October 1, 2023.

46 **SECTION 1.8.(c)** This section is effective when it becomes law.

47
48 **FUNDS FOR THE NORTH CAROLINA LAW ENFORCEMENT ACCREDITATION**
49 **PROGRAM**

50 **SECTION 1.9.(a)** There is appropriated from the General Fund to the Department
51 of Justice the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for each

1 year of the 2023-2025 fiscal biennium to be used to further develop, maintain, and staff the North
2 Carolina Law Enforcement Accreditation Program.

3 **SECTION 1.9.(b)** This section becomes effective July 1, 2023.
4

5 **EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM**

6 **SECTION 1.10.(a)** Article 2 of Chapter 17C of the General Statutes reads as
7 rewritten:

8 "Article 2.

9 "North Carolina Criminal Justice Fellows Program.

10 **"§ 17C-20. Definitions.**

11 As used in this Article, the following definitions apply:

12 ...

13 (5) Eligible county. – ~~A Any county with a population of less than 200,000~~
14 ~~according to the latest federal decennial census of this State.~~

15 ...

16 **"§ 17C-22. North Carolina Criminal Justice Fellows Program established; administration.**

17 (a) Program. – There is established the North Carolina Criminal Justice Fellows Program
18 to be administered by the Committee with the assistance of the Division. The purpose of the
19 Program is to increase the number of criminal justice professionals by providing forgivable loans
20 to exceptional individuals to obtain any of the following:

21 (1) An Applied Associate Degrees—Degree in Criminal Justice or other
22 Committee-approved related fields of study as preparation to enter a criminal
23 justice profession.

24 (2) A bachelor's degree.

25 (3) A North Carolina Basic Law Enforcement Training Program certificate of
26 completion.

27 ...

28 (c) Awards of Forgivable Loans. – The Program shall provide forgivable loans of up to
29 three thousand one hundred fifty-two dollars (\$3,152.00) per year for up to ~~two~~ four years to
30 selected individuals. The funds from the forgivable loans may be used for tuition, fees, and the
31 cost of books. The Committee may determine the maximum amount of loan proceeds that may
32 be applied to community college ~~fees—fees, college or university fees,~~ Basic Law Enforcement
33 Training Program fees, and course textbooks. The number of forgivable loans awarded annually
34 shall not exceed 100 and the total number of recipients in the Program each year shall not exceed
35 200. The Committee shall select recipients no later than June 1 of each year.

36 ...

37 (g) Administration of Forgivable Loan Awards. – Upon the naming of recipients by the
38 Committee, the Division shall perform all administrative functions necessary to implement this
39 Article, which functions shall include dissemination of information, disbursement, receipt,
40 liaison with participating community colleges, colleges, universities, and Basic Law
41 Enforcement Training Programs, determination of the acceptability of service repayment
42 agreements, and all other functions necessary for the execution, payment, and enforcement of
43 promissory notes required under this Article.

44 (h) Applied Associate Degree Recipient Obligations. – A recipient must become and
45 remain a full-time student at a North Carolina community college in an Applied Associate Degree
46 in Criminal Justice or in a Committee-approved related field of study at all times during each of
47 the recipient's two academic years of community college study and pursue continuously studies
48 that will qualify the recipient to be employed in an eligible criminal justice profession upon
49 graduation. The recipient must maintain a minimum cumulative 2.0 GPA throughout the course
50 of study and also maintain appropriate credit hours for each semester to obtain an Applied
51 Associate Degree in Criminal Justice or Committee-approved field of study within two years.

1 The recipient must also accept employment in an eligible county in an eligible criminal justice
2 profession for at least four out of five years following graduation. The Committee may adopt
3 additional recipient obligations it deems appropriate.

4 (h1) Bachelor's Degree Recipient Obligations. – A recipient must become and remain a
5 full-time student at a North Carolina college or university in a bachelor's degree and pursue
6 continuous studies that will qualify the recipient to be employed in an eligible criminal justice
7 profession upon graduation. The recipient must maintain a minimum cumulative 2.0 GPA
8 throughout the course of study and also maintain appropriate credit hours for each semester to
9 obtain a bachelor's degree within four years. The recipient must also accept employment in an
10 eligible county as a criminal justice professional for at least four out of five years following
11 graduation. The Committee may adopt additional recipient obligations it deems appropriate.

12 (h2) Basic Law Enforcement Training Program Certificate of Completion Recipient
13 Obligations. – A recipient must become and remain a trainee in a North Carolina Basic Law
14 Enforcement Training Program and pursue continuous studies that will qualify the recipient to
15 be employed in an eligible criminal justice profession upon completion of the Basic Law
16 Enforcement Training Program. The recipient must maintain appropriate participation and test
17 results required to obtain a Basic Law Enforcement Training Program certificate of completion
18 within one year. The recipient must also accept employment in an eligible county as a criminal
19 justice professional for at least four out of five years following graduation. The Committee may
20 adopt additional recipient obligations it deems appropriate.

21 ...

22 **"§ 17C-23. Terms of forgivable loans; receipt and disbursement of funds; default.**

23 (a) Forgivable Loans. – All forgivable loans shall be evidenced by notes made payable
24 to the Program that bear interest at a rate not to exceed ten percent (10%) per year as set by the
25 Committee and beginning on the first day of September after the completion of the Program or
26 60 days after termination of the forgivable loan, whichever is earlier. The forgivable loan may
27 be terminated upon the recipient's withdrawal from ~~school~~, a school or training program by the
28 recipient's failure to meet the standards set by the Committee, or by the recipient's default based
29 on conditions set by the Committee. The Committee may only disburse funds to the community
30 ~~college~~ college, college, university, or Basic Law Enforcement Training Program where the
31 recipient is enrolled and may not disburse funds directly to a recipient.

32 (b) Forgiveness. – The Committee shall forgive the loan and any interest accrued on the
33 loan if, within five years after obtaining (i) an Applied Associate Degree in Criminal Justice or
34 Committee-approved field of study, (ii) a bachelor's degree, or (iii) a Basic Law Enforcement
35 Training Program certificate of completion, the recipient is employed on a full-time basis for a
36 period of at least four years in an eligible county in an eligible criminal justice profession. The
37 recipient shall provide the Committee within 60 days of completion of the Program verification
38 of the recipient's intent to seek employment in an eligible criminal justice profession in an eligible
39 county. The recipient shall provide verification of employment to the Committee each year until
40 the obligation is satisfied. The Committee shall also forgive the loan if it finds that it is impossible
41 for the recipient to meet the terms of the loan, after or before graduation, due to death or
42 permanent disability of the recipient.

43 ...

44 (d) Repayment. – If the recipient notifies the Committee that the recipient intends to
45 forego forgiveness of the loan after completion of the Program, the Committee shall provide the
46 recipient with the conditions of repayment and the recipient will have 60 days to begin repayment
47 of all funds distributed, including interest. The recipient will have up to 60 months to repay all
48 funds distributed, including ~~interest~~ interest, received in pursuit of an Applied Associate Degree
49 in Criminal Justice or Committee-approved field of study or a Basic Law Enforcement Training
50 Program certificate of completion. The recipient will have up to 120 months to repay all funds
51 distributed, including interest, received in pursuit of a bachelor's degree.

1 (e) Default. – The Committee shall determine the events that constitute a default during
2 the Program, including, but not limited to, failure by the recipient to comply with the obligations
3 set out in ~~G.S. 17C-22(h)~~ G.S. 17C-22(h), (h1), or (h2). In the event of default during the
4 Program, the Committee may declare the entire unpaid amount of indebtedness evidenced by the
5 note, including interest, immediately due and payable. A default shall preclude further
6 participation by the recipient in the Program. Upon default, the Committee shall notify the
7 recipient, in writing, by certified mail, return receipt requested, addressed to the recipient at the
8 last address on file with the Committee. Refusal or nondelivery at that address will be deemed
9 delivered after seven days. The Committee may allow a recipient who is in default to repay all
10 funds distributed, including interest. If the Committee approves repayment, the recipient will
11 receive the conditions of repayment and will have 60 days to begin repayment of all funds
12 distributed, including interest. The recipient will have up to 60 months to repay all funds
13 distributed, including ~~interest~~ interest, received in pursuit of an Applied Associate Degree in
14 Criminal Justice or Committee-approved field of study or Basic Law Enforcement Training
15 Program certificate of completion. The recipient will have up to 120 months to repay all funds
16 distributed, including interest, received in pursuit of a bachelor's degree."

17 **SECTION 1.10.(b)** There is appropriated from the General Fund to the North
18 Carolina Criminal Justice Fellows Program the sum of sixty-three thousand dollars (\$63,000) in
19 recurring funds in each year of the 2023-2025 fiscal biennium to be used to hire one full-time
20 loan administrator to manage and track forgivable loans distributed pursuant to the Program.

21 **SECTION 1.10.(c)** Subsection (b) of this section becomes effective July 1, 2023.
22 The remainder of this section is effective when it becomes law and applies to North Carolina
23 Criminal Justice Fellows Program participants selected on or after that date.
24

25 ESTABLISH CRISIS INTERVENTION TEAMS

26 **SECTION 1.11.(a)** G.S. 15A-401 is amended by adding a new subsection to read:
27 "(h) Crisis Intervention Team Requirement. – In order to assist law enforcement officers
28 in the safe and efficient execution of the provisions of this section, all law enforcement agencies
29 in the State shall designate specially trained law enforcement officers to be a part of an agency
30 Crisis Intervention Team. Each Crisis Intervention Team member shall be trained in how to
31 determine whether a person is experiencing a mental or behavioral health crisis and what methods
32 are available to de-escalate or otherwise safely engage in interactions with a person experiencing
33 a mental or behavioral health crisis.

34 In order to remain eligible for Governor's Crime Commission grants, all law enforcement
35 agencies in the State shall have established a Crisis Intervention Team pursuant to this subsection
36 no later than December 1, 2025."

37 **SECTION 1.11.(b)** There is appropriated from the General Fund to the Department
38 of Justice the sum of two hundred fifty million dollars (\$250,000,000) in nonrecurring funds for
39 the 2023-2024 fiscal year to provide grant funds to law enforcement agencies for Crisis
40 Intervention Team training required by subsection (a) of this section.

41 **SECTION 1.11.(c)** Subsection (b) of this section becomes effective July 1, 2023.
42 The remainder of this section is effective when it becomes law.
43

44 CREATE GRANT FOR LOCAL SUPPORT TEAM ASSISTED RESPONSE (STAR) 45 PILOT PROGRAM

46 **SECTION 1.12.(a)** There is appropriated from the General Fund to the Criminal
47 Justice Education and Training Standards Commission the sum of five hundred thousand dollars
48 (\$500,000) in nonrecurring funds in the 2023-2024 fiscal year to be used to implement the N.C.
49 STAR Pilot Program created by this section.

50 **SECTION 1.12.(b)** Grant Manager; Program. – The Criminal Justice Education and
51 Training Standards Commission shall manage the N.C. STAR Pilot Program on behalf of the

1 State and shall develop guidelines and procedures not inconsistent with the provisions of this act
2 for the administration of the program and distribution of program grants.

3 The N.C. STAR Pilot Program created in this act shall be created for the purpose of
4 helping city and town police departments provide alternative responses to citizens in crisis. Each
5 local Support Team Assisted Response (STAR) program receiving a grant under the N.C. STAR
6 Pilot Program should allow for the response of behavioral and medical health personnel to
7 nonviolent situations deemed appropriate by the city or town police department. At a minimum,
8 those responding to citizens on behalf of each local STAR program should be equipped to provide
9 individuals with information regarding shelter, food aid, counseling, and medication, as
10 necessary.

11 **SECTION 1.12.(c) Eligible Grant Recipients.** – All city and town police departments
12 in the State are eligible grant recipients under this section.

13 **SECTION 1.12.(d) Application for Grant Funds.** – Upon forms developed by the
14 Criminal Justice Education and Training Standards Commission, an eligible grant recipient may
15 apply to the Commission for the award of grant funds pursuant to this section. The application
16 shall include, at a minimum, the following information:

- 17 (1) The city or town where the applicant department serves.
- 18 (2) Information regarding prior experience with a local STAR program or other
19 similar program, if any.
- 20 (3) Information regarding the applicant's ability to successfully manage and
21 implement a local STAR program pursuant to this act.
- 22 (4) The signature of the applicant's chief of police, or the chief of police's
23 designee.

24 **SECTION 1.12.(e) Grant Determinations.** – The Criminal Justice Education and
25 Training Standards Commission shall distribute N.C. STAR Pilot Program grant funds if it finds
26 each of the following:

- 27 (1) The applicant is an eligible grant recipient pursuant to subsection (c) of this
28 section.
- 29 (2) The applicant demonstrates the ability to successfully manage and implement
30 a local STAR program.
- 31 (3) Sufficient State-allocated funds provided to the Criminal Justice Education
32 and Training Standards Commission for the distribution of grants under the
33 N.C. STAR Pilot Program remain available.

34 **SECTION 1.12.(f) Grant Maximums.** – Grants distributed pursuant to the N.C.
35 STAR Pilot Program shall not exceed fifty thousand dollars (\$50,000) per eligible grant recipient.

36 **SECTION 1.12.(g)** The Criminal Justice Education and Training Standards
37 Commission may utilize up to the sum of fifty thousand dollars (\$50,000) of the funds
38 appropriated by this act for the administration of the N.C. STAR Pilot Program.

39 **SECTION 1.12.(h)** No later than April 1 of 2024, 2025, and 2026, the Criminal
40 Justice Education and Training Standards Commission, in consultation with each police
41 department receiving N.C. STAR Pilot Program funds pursuant to this act, shall submit a report
42 to the Joint Legislative Oversight Committee on Justice and Public Safety regarding the
43 following:

- 44 (1) The general progress of each local STAR program.
- 45 (2) The number of incidents in which each police department utilized its local
46 STAR program.
- 47 (3) The outcomes of the incidents in which each police department utilized its
48 local STAR program.
- 49 (4) An itemized accounting from each police department of the use of N.C. STAR
50 Pilot Program grant funds.

1 **SECTION 1.12.(i)** Notwithstanding any other provision of law, funds appropriated
2 and distributed in this act shall not revert until June 30, 2025.

3 **SECTION 1.12.(j)** This section becomes effective July 1, 2023.
4

5 **PART II. REINSTATE THE PISTOL PURCHASE PERMIT REQUIREMENT TO**
6 **PURCHASE A PISTOL FOR PRIVATE SALES AND MAKE THE STATE BUREAU OF**
7 **INVESTIGATION RESPONSIBLE FOR PERMITS; REQUIRE UNIVERSAL**
8 **BACKGROUND CHECKS; STRENGTHEN SAFE STORAGE OF FIREARMS LAWS;**
9 **PROVIDE A SALES TAX EXEMPTION FOR FIREARM STORAGE EQUIPMENT;**
10 **AUTHORIZE EXTREME RISK PROTECTION ORDERS**

11
12 **REINSTATE THE PISTOL PURCHASE PERMIT REQUIREMENT TO PURCHASE A**
13 **PISTOL FOR PRIVATE SALES AND MAKE THE STATE BUREAU OF**
14 **INVESTIGATION RESPONSIBLE FOR PERMITS**

15 **SECTION 2.1.(a)** G.S. 14-402 is reenacted as it existed immediately prior to its
16 repeal and reads as rewritten:

17 **"§ 14-402. Sale of certain weapons without permit forbidden.**

18 (a) It is unlawful for any ~~person, firm, or corporation~~ private person in this State to sell,
19 give away, or transfer, or to purchase or receive, at any place within this State from any other
20 place within or without the State any pistol from any other person other than a federally licensed
21 firearm dealer, unless: (i) a license or permit is first obtained under this Article by the purchaser
22 or receiver from the ~~sheriff of the county in which the purchaser or receiver resides;~~ State Bureau
23 of Investigation; or (ii) a valid North Carolina concealed handgun permit is held under Article
24 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time
25 of the purchase.

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

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

35 (c) The following definitions apply in this Article:

36 (1) Antique firearm. – Defined in G.S. 14-409.11.

37 (2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

38 (4) Historic edged weapon. – Defined in G.S. 14-409.12.

39 (5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

40 (8) Private person. – A person, firm, or corporation who is not a federally licensed
41 firearm dealer acting in accordance with federal law.

42 (9) Federally licensed firearm dealer. – A person who is licensed pursuant to 18
43 U.S.C. § 923 to engage in the business of dealing in firearms."

44 **SECTION 2.1.(b)** G.S. 14-403 is reenacted as it existed immediately prior to its
45 repeal and reads as rewritten:

46 **"§ 14-403. Permit issued by ~~sheriff;~~ the State Bureau of Investigation; form of permit;**
47 **expiration of permit.**

48 The ~~sheriffs of any and all counties of this State~~ Bureau of Investigation shall issue to any
49 ~~person, firm, or corporation~~ private person in any county a permit to purchase or receive any
50 weapon mentioned in this Article from any ~~person, firm, or corporation~~ private person offering
51 to sell or dispose of the weapon. The permit shall expire five years from the date of issuance. The

1 permit shall be a standard form created by the State Bureau of ~~Investigation in consultation with~~
 2 ~~the North Carolina Sheriffs' Association, Investigation,~~ shall be of a uniform size and material,
 3 and shall be designed with security features intended to minimize the ability to counterfeit or
 4 replicate the permit and shall be set forth as follows:

5 North Carolina,
 6 _____ County.

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

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

16 This ___ day of _____, ____.

17 _____
 18 Sheriff Agent of the SBI

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

22 **SECTION 2.1.(c)** G.S. 14-404 is reenacted as it existed immediately prior to its
 23 repeal and reads as rewritten:

24 "**§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; sheriff's**
 25 **State Bureau of Investigation's fee.**

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

- 31 (1) Verified, before the issuance of a permit, by a criminal history background
 32 investigation that it is not a violation of State or federal law for the applicant
 33 to purchase, transfer, receive, or possess a handgun. The ~~sheriff~~ State Bureau
 34 of Investigation shall determine the criminal and background history of any
 35 applicant by accessing computerized criminal history records as maintained
 36 by ~~the State Bureau of Investigation~~ it and the Federal Bureau of Investigation,
 37 by conducting a national criminal history records check, by conducting a
 38 check through the National Instant Criminal Background Check System
 39 (NICS), and by conducting a criminal history check through the
 40 Administrative Office of the Courts.
- 41 (2) Fully satisfied ~~himself or herself~~ itself by affidavits, oral evidence, or
 42 otherwise, as to the good moral character of the applicant. For purposes of
 43 determining an applicant's good moral character to receive a permit, the ~~sheriff~~
 44 State Bureau of Investigation shall only consider an applicant's conduct and
 45 criminal history for the five-year period immediately preceding the date of the
 46 application.
- 47 (3) Fully satisfied himself or herself that the applicant desires the possession of
 48 the weapon mentioned for (i) the protection of the home, business, person,
 49 family or property, (ii) target shooting, (iii) collecting, or (iv) hunting.

50 (b) If the ~~sheriff~~ State Bureau of Investigation is not fully satisfied, the ~~sheriff~~ State
 51 Bureau of Investigation may, for good cause shown, decline to issue the permit and shall provide

1 to the applicant within seven days of the refusal a written statement of the reason(s) for the
2 refusal. The statement shall cite the specific facts upon which the ~~sheriff~~ State Bureau of
3 Investigation concluded that the applicant was not qualified for the issuance of a permit and list,
4 by statute number, the applicable law upon which the denial is based. An appeal from the refusal
5 shall lie by way of petition to the superior court in the district in which the application was filed.
6 The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness
7 of the ~~sheriff's~~ State Bureau of Investigation's refusal, and shall be final.

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

15 ...

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

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

- 27 (1) The permit application developed pursuant to this subsection.
- 28 (2) Five dollars for each permit requested pursuant to subsection (e) of this
29 section.
- 30 (3) A government issued identification confirming the identity of the applicant.
- 31 (4) Proof of residency.
- 32 (5) A signed release, in a form to be prescribed by the Administrative Office of
33 the Court, that authorizes and requires disclosure to the ~~sheriff~~ State Bureau
34 of Investigation of any court orders concerning the mental health or capacity
35 of the applicant to be used for the sole purpose of determining whether the
36 applicant is disqualified to receive a permit pursuant to this section.

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

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

42 ...

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

- 49 (1) The ~~sheriff~~ State Bureau of Investigation shall provide written notice to the
50 permittee, pursuant to the provisions of G.S. 1A-1, Rule 4(j), that the permit

is revoked upon the service of the notice. The notice shall provide the permittee with information on the process to appeal the revocation.

- (2) Upon receipt of the written notice of revocation, the permittee shall surrender the permit to the ~~sheriff~~, State Bureau of Investigation. Any law enforcement officer serving the notice is authorized to take immediate possession of the permit from the permittee. If the notice is served by means other than by a law enforcement officer, the permittee shall surrender the permit to the ~~sheriff~~ State Bureau of Investigation no later than 48 hours after service of the notice.
- (3) The ~~sheriff~~ State Bureau of Investigation shall insure that the list of permits which have been revoked is immediately updated so that any potential transferor calling to check the validity of the permit will be informed of the revocation.
- (4) A permittee may appeal the revocation of a permit pursuant to this subsection by petitioning a district court judge of the district in which the permittee resides.
- (5) Any person who willfully fails to surrender a permit upon notice of revocation shall be guilty of a Class 2 misdemeanor.

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

SECTION 2.1.(d) G.S. 14-405 is reenacted as it existed immediately prior to its repeal and reads as rewritten:

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

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

(b) The records maintained by the ~~sheriff~~ State Bureau of Investigation pursuant to this section are confidential and are not a public record under G.S. 132-1; provided, however, that the ~~sheriff~~ State Bureau of Investigation shall make the records available upon request to any federal, State, and local law enforcement agencies and shall also make the records available to the court if the records are required to be released pursuant to a court order. Any application to a court for release of the list of permit holders and permit application information shall be by a petition to the chief judge of the district court for the district in which the person seeking the information resides."

SECTION 2.1.(e) G.S. 14-407.1 is reenacted as it existed immediately prior to its repeal and reads as rewritten:

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

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

North Carolina

_____ County

I, _____, Clerk of the Superior Court of said county, do hereby certify that _____, whose place of residence is _____ Street in _____ (or)

1 in _____ Township in _____ County, North Carolina, having this day
 2 satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only
 3 for lawful purposes, a permit is therefore given said _____ to purchase said pistol
 4 from any ~~person, firm or corporation~~ private person authorized to dispose of the same, this
 5 _____ day of _____, _____.

6 _____
 7 SheriffSBI Agent

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

10 **SECTION 2.1.(f)** G.S. 14-408.1 reads as rewritten:

11 "**§ 14-408.1. Solicit unlawful purchase of firearm; unlawful to provide materially false**
 12 **information regarding legality of firearm or ammunition transfer.**

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

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

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

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

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

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

37 **SECTION 2.1.(g)** G.S. 14-315(b1)(1) is reenacted as it existed immediately prior to
 38 its repeal.

39 **SECTION 2.1.(h)** G.S. 122C-54(d2) is reenacted as it existed immediately prior to
 40 its repeal and reads as rewritten:

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

47 **SECTION 2.1.(i)** This section is effective when it becomes law and applies to pistols
 48 sold, given away, transferred, purchased, or received on or after that date.

49 **UNIVERSAL BACKGROUND CHECKS**
 50

1 **SECTION 2.2.(a)** If House Bill 50 of the 2023 Regular Session of the General
2 Assembly, or substantially similar legislation, becomes law, then Chapter 14 of the General
3 Statutes is amended by adding a new Article to read:

4 "Article 53D.

5 "Universal Background Check.

6 "§ 14-409.48. Short title.

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

9 "§ 14-409.49. Definitions.

10 The following definitions apply in this Article:

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

19 "§ 14-409.50. Background checks for the sales of firearms - federally licensed firearm
20 dealers.

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

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

- 27 (1) One who is under an indictment or information for, or has been convicted in
28 any state or in any court of the United States of, a felony (other than an offense
29 pertaining to antitrust violations, unfair trade practices, or restraints of trade).
30 (2) One who is a fugitive from justice.
31 (3) One who is an unlawful user of or addicted to marijuana or any depressant,
32 stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).
33 (4) One who has been adjudicated mentally incompetent or has been committed
34 to any mental institution.
35 (5) One who is an alien illegally or unlawfully in the United States.
36 (6) One who has been discharged from the Armed Forces of the United States
37 under dishonorable conditions.
38 (7) One who, having been a citizen of the United States, has renounced his or her
39 citizenship.
40 (8) One who is subject to a court order that:
41 a. Was issued after a hearing of which the person received actual notice,
42 and at which the person had an opportunity to participate.
43 b. Restrains the person from harassing, stalking, or threatening an
44 intimate partner of the person or child of the intimate partner of the
45 person, or engaging in other conduct that would place an intimate
46 partner in reasonable fear of bodily injury to the partner or child.
47 c. Includes a finding that the person represents a credible threat to the
48 physical safety of the intimate partner or child; or by its terms
49 explicitly prohibits the use, attempted use, or threatened use of
50 physical force against the intimate partner or child that would
51 reasonably be expected to cause bodily injury.

1 (c) In order to comply with the background check required by subsection (a) of this
2 section, the federally licensed firearm dealer must:

3 (1) Verify the private person's identity by examining a government-issued
4 identification card.

5 (2) Conduct a check through the National Instant Criminal Background Check
6 System (NICS).

7 (d) It is unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any
8 firearm to any other person if a NICS check reveals that the possession of any firearm by the
9 person would violate state or federal law or if the federally licensed firearm dealer knows or has
10 reason to know that the private person is prohibited from possessing any firearm by state or
11 federal law.

12 (e) Nothing in this section prevents a transferor from removing a firearm from the
13 premises of a licensed dealer if the results of the background check indicate that the transferee is
14 prohibited from possessing or receiving firearms under federal or state law.

15 (f) It is a Class F felony for any federally licensed firearm dealer to sell, transfer, or
16 deliver any firearm to any person in violation of this Article. It is a Class F felony for any person
17 to provide any materially false information to a federally licensed firearm dealer with the intent
18 to obtain a firearm in violation of state or federal law.

19 **"§ 14-409.51. Background checks required for the sales of firearms - private persons.**

20 (a) It shall be unlawful for a private person to transfer any firearm to any other private
21 person without conducting a background check of that person through a federally licensed
22 firearm dealer as provided by G.S. 14-409.50(c) and the federally licensed firearm dealer
23 verifying that the transfer would not violate state or federal law.

24 (b) A federally licensed firearm dealer may charge a fee for conducting the background
25 check required by subsection (a) of this section.

26 (c) For the purposes of this section, "transfer" means assigning, pledging, leasing,
27 loaning, selling, giving away, or otherwise disposing of, but does not include any of the
28 following:

29 (1) The loan of a firearm for any lawful purpose, for a period of 14 days or less,
30 by the owner of the firearm to a person known personally to the owner.

31 (2) A temporary transfer for any lawful purpose that occurs while in the
32 continuous presence of the owner of the firearm if the temporary transfer does
33 not exceed 24 hours in duration.

34 (3) The transfer of a firearm for repair, service, or modification to a licensed
35 gunsmith or other person lawfully engaged in such activities as a regular
36 course of trade or business.

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

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

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

45 **SECTION 2.2.(b)** This section becomes effective December 1, 2023, and applies to
46 transfers of firearms that occur on or after that date.

47
48 **STRENGTHEN GUN STORAGE LAWS**

49 **SECTION 2.3.(a)** G.S. 14-315.1 reads as rewritten:

50 **"§ 14-315.1. Storage of firearms to protect minors. Safe storage of firearms.**

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

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

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

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

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

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

25 (d) The following definitions apply in this section:

- 26 (1) "~~Minor~~" as used in this section means a Minor. – A person under 18 years of
 27 age who is not emancipated.
- 28 (2) Unauthorized person. – A person who is not authorized to purchase a firearm
 29 under State or federal law."

30 **SECTION 2.3.(b)** This section becomes effective December 1, 2023, and applies to
 31 offenses committed on or after that date.

32
 33 **SALES TAX EXEMPTION FOR FIREARM STORAGE EQUIPMENT**

34 **SECTION 2.4.(a)** G.S. 105-164.13 reads as rewritten:

35 **"§ 105-164.13. Retail sales and use tax.**

36 The sale at retail and the use, storage, or consumption in this State of the following items are
 37 specifically exempted from the tax imposed by this Article:

38 ...

- 39 (74) Equipment designed to prevent unauthorized access to firearms, including (i)
 40 a device that, when installed on a firearm, is designed to prevent the firearm
- 41 from being operated without first deactivating the device or (ii) a gun safe,
- 42 gun case, lock box, or other device that is designed, in light of materials used,
- 43 to prevent access to a firearm by any means other than a key, a combination,
- 44 biometric data, or other similar means. The equipment exempted under this
- 45 subdivision does not include a glass-faced cabinet or other form of storage
- 46 that is primarily designed to allow for the display of firearms."

47 **SECTION 2.4.(b)** This section becomes effective October 1, 2023, and applies to
 48 sales made on or after that date.

49
 50 **AUTHORIZE EXTREME RISK PROTECTION ORDERS**

1 SECTION 2.5.(a) The General Statutes are amended by adding a new Chapter to
2 read:

3 **"Chapter 50E.**

4 **"Extreme Risk Protection Orders.**

5 **"§ 50E-1. Title of Chapter.**

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

7 **"§ 50E-2. Legislative findings and purpose.**

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

9 (1) Every year, over 100,000 people are victims of gunshot wounds and more than
10 30,000 of those victims lose their lives.

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

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

22 **"§ 50E-3. Definitions.**

23 The following definitions apply in this Chapter:

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

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

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

28 b. A dating partner of the respondent.

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

32 d. A domestic partner of the respondent.

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

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

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

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

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

43 **"§ 50E-4. Commencement of action.**

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

46 (1) A family or household member.

47 (2) A law enforcement officer or agency.

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

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

1 (1) An allegation that the respondent poses a danger of physical harm to self or
2 others by having in his or her care, custody, possession, ownership, or control
3 a firearm. If the petitioner is seeking an ex parte ERPO, the petition shall
4 include an allegation that the respondent poses an imminent danger of physical
5 harm to self or others by having in his or her care, custody, possession,
6 ownership, or control a firearm. The allegation required under this subdivision
7 shall include facts to support the allegation.

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

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

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

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

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

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

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

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

35 **"§ 50E-5. Process.**

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

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

44 **"§ 50E-6. ERPO requirements; remedy; mental health or chemical dependency evaluation.**

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

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

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

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

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

- 1 (5) The address of the court in which any responsive pleading may be filed.
2 (6) A description of the requirements for relinquishment and retrieval of any
3 firearms, ammunition, permits to purchase firearms, and permits to carry
4 concealed firearms that are in the care, custody, ownership, or control of the
5 respondent.
6 (7) A description of the process for seeking termination of the ERPO.
7 (8) A statement that a violation of the ERPO is punishable as a Class A1
8 misdemeanor.

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

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

17 **§ 50E-7. Hearing and issuance of an ex parte Extreme Risk Protection Order.**

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

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

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

- 27 (1) The ERPO shall be endorsed with the date and hour of issuance.
28 (2) The ERPO shall be filed immediately in the clerk's office and entered of
29 record.
30 (3) The ERPO shall include a statement detailing why the ERPO was granted
31 without notice.
32 (4) The ERPO shall include the applicable information required under
33 G.S. 50E-6(a).
34 (5) The ERPO shall expire by its terms within a specified amount of time after
35 entry, not to exceed the limits set forth in G.S. 50E-10(a).
36 (6) The ERPO shall give notice of the date of hearing on the ex parte ERPO.

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

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

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

49 **§ 50E-8. Hearing and issuance of a full Extreme Risk Protection Order.**

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

- 1 (1) If an ex parte ERPO has been issued, the date the ex parte ERPO was issued.
2 (2) If subdivision (1) of this subsection does not apply, the date the petition for a
3 full ERPO was filed with the court.

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

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

- 7 (1) The court finds by a preponderance of the evidence that the respondent poses
8 a danger of causing physical injury to self or others by having in his or her
9 custody a firearm.
10 (2) Process was served on the respondent in accordance with the requirements of
11 this Chapter.
12 (3) Notice of hearing was given to the respondent in accordance with the
13 requirements of this Chapter.

14 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

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

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

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

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

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

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

1 and permits surrendered by the respondent shall be returned within 30 days of the date the motion
2 was received by the court.

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

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

35 **"§ 50E-10. Duration; renewal of ERPOs.**

36 (a) Duration of Ex Parte ERPO. – Except as otherwise provided in this subsection, an ex
37 parte ERPO shall be effective until the date a hearing is held under G.S. 50E-8. If a hearing is
38 not held or a continuance was not granted, an ex parte ERPO shall be effective for not more than
39 10 days from the date the ex parte ERPO was issued.

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

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

1 ERPO to be renewed. If the motion for renewal is uncontested and the petitioner seeks no
2 modification of the ERPO, the ERPO may be renewed if the petitioner's motion or affidavit states
3 that there has been no material change in relevant circumstances since entry of the ERPO and
4 states the reason for the requested renewal. Renewals may be granted only in open court.

5 (d) Expiration Date. – An ERPO expiring on a day the court is not open for business shall
6 expire in accordance with the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1.
7 **"§ 50E-11. Termination of an Extreme Risk Protection Order.**

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

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

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

22 **"§ 50E-12. Notice.**

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

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

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

44 **"§ 50E-13. Prohibition; violation.**

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

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

51 **"§ 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 2.5.(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 2.5.(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 2.5.(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 2.5.(e)** Effective Date. – This section becomes effective December 1,
 51 2023.

1
2 **PART III. ALLOW SCHOOLS TO CONTRACT FOR SCHOOL PSYCHOLOGIST**
3 **SERVICES; CODIFY SCHOOL SAFETY GRANTS**
4

5 **ALLOW SCHOOLS TO CONTRACT FOR SCHOOL PSYCHOLOGIST SERVICES**

6 **SECTION 3.1.** G.S. 115C-47(67) read as rewritten:

7 "~~(67) To Provide at Least One School Psychologist.~~ Psychologist Services. – Local
8 boards of education shall ensure that each local school administrative unit
9 ~~employs staffs~~ at least one full-time, permanent full-time school psychologist.
10 If the board is unable to find a qualified school psychologist to hire as a
11 full-time, permanent employee, the position allocation for the psychologist
12 may be converted to a dollar equivalent for the board to contract with a third
13 party to provide school psychologist services for an amount of hours
14 equivalent to the hours a full-time school psychologist employee would
15 provide."
16

17 **CODIFY SCHOOL SAFETY GRANTS**

18 **SECTION 3.2.(a)** Article 8C of Chapter 115C of the General Statutes is amended
19 by adding a new section to read:

20 **"§ 115C-105.62. School safety grants for students in crisis, training, and equipment.**

21 (a) Definitions. – For purposes of this section, the following definitions shall apply:

22 (1) Community partner. – A public or private entity, including, but not limited to,
23 a nonprofit corporation or a local management entity/managed care
24 organization (LME/MCO), that partners with a public school unit to provide
25 services or pay for the provision of services for the unit.

26 (2) School health support personnel. – School nurses, school counselors, school
27 psychologists, and school social workers.

28 (b) Program; Purpose. – The Superintendent of Public Instruction shall establish the
29 School Safety Grants Program (Program). To the extent funds are made available for the
30 Program, its purpose shall be to improve safety in public school units by providing grants for (i)
31 services for students in crisis, (ii) school safety training, and (iii) safety equipment in schools.

32 (c) Grant Applications. – A public school unit may submit an application to the
33 Superintendent of Public Instruction for one or more grants pursuant to this section. The
34 application shall include an assessment, to be performed in conjunction with a local law
35 enforcement agency, of the need for improving school safety within the public school unit that
36 would receive the funding or services. The application shall identify current and ongoing needs
37 and estimated costs associated with those needs.

38 (d) Criteria and Guidelines. – The Superintendent of Public Instruction shall develop
39 criteria and guidelines for the administration and use of the grants pursuant to this section,
40 including any documentation required to be submitted by applicants. In assessing grant
41 applications, the Superintendent of Public Instruction shall consider at least the following factors:

42 (1) The level of resources available to the public school unit that would receive
43 the funding.

44 (2) Whether the public school unit has received other grants for school safety.

45 (3) The overall impact on student safety in the public school unit if the identified
46 needs are funded.

47 (e) Grants for Students in Crisis. – Of the funds appropriated to the Department of Public
48 Instruction for the grants provided in this subsection, the Superintendent of Public Instruction, in
49 consultation with the Department of Health and Human Services, shall award grants to public
50 school units to contract with community partners to provide or pay for the provision of any of
51 the following crisis services:

- 1 (1) Crisis respite services for parents or guardians of an individual student to
2 prevent more intensive or costly levels of care.
- 3 (2) Training and expanded services for therapeutic foster care families and
4 licensed child placement agencies that provide services to students who (i)
5 need support to manage their health, welfare, and safety and (ii) have any of
6 the following:
- 7 a. Cognitive or behavioral problems.
8 b. Developmental delays.
9 c. Aggressive behavior.
- 10 (3) Evidence-based therapy services aligned with targeted training for students
11 and their parents or guardians, including any of the following:
- 12 a. Parent-child interaction therapy.
13 b. Trauma-focused cognitive behavioral therapy.
14 c. Dialectical behavior therapy.
15 d. Child-parent psychotherapy.
- 16 (4) Any other crisis service, including peer-to-peer mentoring, that is likely to
17 increase school safety. Of the funds appropriated to the Department for grants
18 pursuant to this subsection, the Superintendent shall not use more than three
19 hundred fifty thousand dollars (\$350,000) per fiscal year for the services
20 identified in this subsection.
- 21 (f) Grants for Training to Increase School Safety. – Of the funds appropriated to the
22 Department of Public Instruction for the grant provided in this subsection, the Superintendent of
23 Public Instruction, in consultation with the Department of Health and Human Services, shall
24 award grants to public school units to contract with community partners to address school safety
25 by providing training to help students develop healthy responses to trauma and stress. The
26 training shall be targeted and evidence-based and shall include any of the following services:
- 27 (1) Counseling on Access to Lethal Means (CALM) training for school health
28 support personnel, local first responders, and teachers on the topics of suicide
29 prevention and reducing access by students to lethal means.
- 30 (2) Training for school health support personnel on comprehensive and
31 evidence-based clinical treatments for students and their parents or guardians,
32 including any of the following:
- 33 a. Parent-child interaction therapy.
34 b. Trauma-focused cognitive behavioral therapy.
35 c. Behavioral therapy.
36 d. Dialectical behavior therapy.
37 e. Child-parent psychotherapy.
- 38 (3) Training for students and school employees on community resilience models
39 to improve understanding and responses to trauma and significant stress.
- 40 (4) Training for school health support personnel on Modular Approach to
41 Therapy for Children with Anxiety, Depression, Trauma, or Conduct
42 problems (MATCH-ADTC), including any of the following components:
- 43 a. Trauma-focused cognitive behavioral therapy.
44 b. Parent and student coping skills.
45 c. Problem solving.
46 d. Safety planning.
- 47 (5) Any other training, including the training on the facilitation of peer-to-peer
48 mentoring, that is likely to increase school safety. Of the funds appropriated
49 to the Department for grants pursuant to this subsection, the Superintendent
50 shall use no more than three hundred fifty thousand dollars (\$350,000) per
51 fiscal year for the services identified in this subsection.

1 (g) Grants for Safety Equipment. – Of the funds appropriated to the Department of Public
2 Instruction for the grant provided in this subsection, the Superintendent of Public Instruction
3 shall award grants to public school units for (i) the purchase of safety equipment for school
4 buildings and (ii) training associated with the use of safety equipment purchased pursuant to this
5 subsection. Notwithstanding G.S. 115C-218.105(b), charter schools may receive grants for
6 school safety equipment pursuant to this subsection. In assessing grant applications, the
7 Superintendent shall prioritize applications for the purchase of any of the following school safety
8 equipment:

9 (1) Exterior doors with push bars.

10 (2) Erected vehicle barriers.

11 (3) Security systems that monitor and record school entrances, exits, and
12 hallways.

13 (4) Campus-wide active shooter alarm systems that are separated from fire
14 alarms.

15 (5) Two-way radio systems.

16 (6) Perimeter security fencing.

17 (7) Bullet-resistant glass or film for school entrances.

18 (8) Door-locking systems.

19 (h) Supplement Not Supplant. – Grants provided to public school units or community
20 partners pursuant to the Program shall be used to supplement and not to supplant State or
21 non-State funds already provided for these services.

22 (i) Administrative Costs. – Of the funds appropriated to the Department of Public
23 Instruction for the grants provided pursuant to this section, the Superintendent of Public
24 Instruction may retain a total of up to one hundred thousand dollars (\$100,000) per fiscal year
25 for administrative costs associated with the Program.

26 (j) Report. – No later than April 1 of each fiscal year in which funds are awarded pursuant
27 to the Program, the Superintendent of Public Instruction shall report on the Program to the Joint
28 Legislative Education Oversight Committee, the Joint Legislative Oversight Committee on
29 Health and Human Services, the Joint Legislative Oversight Committee on Justice and Public
30 Safety, the Joint Legislative Commission on Governmental Operations, the Senate
31 Appropriations/Base Budget Committee, the House Committee on Appropriations, and the Fiscal
32 Research Division. The report shall include at least the following information:

33 (1) The identity of each public school unit and community partner that received
34 grant funds through the Program.

35 (2) The amount of funding received by each entity identified pursuant to
36 subdivision (1) of this subsection.

37 (3) The services, training, and equipment purchased with grant funds by each
38 entity that received a grant.

39 (4) Recommendations for the implementation of additional effective school
40 safety measures."

41 **SECTION 3.2.(b)** The Superintendent of Public Instruction shall establish the
42 School Safety Grants Program as directed by G.S. 115C-105.62(b), as enacted by this section,
43 and have the application for the Program available to public school units no later than August 1,
44 2023.

45 **SECTION 3.2.(c)** There is appropriated from the ARPA Temporary Savings Fund
46 to the Department of Public Instruction the sum of twenty million dollars (\$20,000,000) in
47 nonrecurring funds for each year of the 2023-2025 fiscal biennium to fund the School Safety
48 Grants Program under G.S. 115C-105.62, as enacted by this section. It is the intent of the General
49 Assembly to fund the Program with recurring funds beginning with the 2025-2027 fiscal
50 biennium.

51 **SECTION 3.2.(d)** This section becomes effective July 1, 2023.

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PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 4.(a) If any Part, section, or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any portion other than the portion declared to be unconstitutional or invalid.

SECTION 4.(b) Except as otherwise provided, this act is effective when it becomes law.