

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 650

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S650-ACE-63 [v.6]

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Amends Title [YES]
Second Edition

Date _____, 2023

Senator Marcus

1 moves to amend the bill on page 1, line 4, by inserting the following at the end of the line before
2 the period:

3
4 "AND TO REQUIRE A STATE BACKGROUND CHECK FOR THE PURCHASE OF A
5 FIREARM";

6
7 and on page 2, lines 4-5 by inserting the following between the lines:

8
9 "SECTION 2.1(a) Chapter 14 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 53D.

12 "Requirements for purchase of all firearms.

13 "**§ 14-409.50 Sale of certain weapons without permit forbidden.**

14 (a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or
15 transfer, or to purchase or receive, at any place within this State from any other place within or
16 without the State any pistol, assault weapon, or long gun unless: (i) a license or permit is first
17 obtained under this Article by the purchaser or receiver from the sheriff of the county in which
18 the purchaser or receiver resides; or (ii) a valid North Carolina concealed handgun permit is held
19 under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State
20 at the time of the purchase.

21 It is unlawful for any person or persons to receive from any postmaster, postal clerk,
22 employee in the parcel post department, rural mail carrier, express agent or employee, railroad
23 agent or employee within the State of North Carolina any pistol, assault weapon, or long gun
24 without having in his or their possession and without exhibiting at the time of the delivery of the
25 same and to the person delivering the same the permit from the sheriff as provided in
26 G.S. 14-409.51. Any person violating the provisions of this section is guilty of a Class 2
27 misdemeanor.

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

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

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

31 (1a) Assault weapon. – The term includes all of the following:



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- 1 a. Any selective-fire firearm capable of semiautomatic or burst fire at the
2 option of the user. The term also includes all of the following
3 semiautomatic firearms:
4 1. Algimec Agmi.
5 2. Armalite AR-180.
6 3. Australian Automatic Arms SAP Pistol.
7 4. Auto-Ordnance Thompson type.
8 5. Avtomat Kalashnikov AK-47 type.
9 6. Barrett Light-Fifty model 82A1.
10 7. Beretta AR-70.
11 8. Bushmaster Auto Rifle and Auto Pistol.
12 9. Calico models M-900, M-950, and 100-P.
13 10. Chartered Industries of Singapore SR-88.
14 11. Colt AR-15 and Sporter.
15 12. Daewoo K-1, K-2, Max-1, and Max-2.
16 13. Encom MK-IV, MP-9, and MP-45.
17 14. Fabrique Nationale FN/FAL, FN/LAR, and FN/FNC.
18 15. FAMAS MAS 223.
19 16. Feather AT-9 and Mini-AT.
20 17. Federal XC-900 and XC-450.
21 18. Franchi SPAS-12 and LAW-12.
22 19. Galil AR and ARM.
23 20. Goncz High-Tech Carbine and High-Tech Long Pistol.
24 21. Heckler & Koch HK-91, HK-93, HK-94, and SP-89.
25 22. Holmes MP-83.
26 23. MAC-10, MAC-11, and MAC-11 Carbine type.
27 24. Intratec TEC-9 and Scorpion.
28 25. Iver Johnson Enforcer model 3000.
29 26. Ruger Mini-14/5F folding stock model.
30 27. Scarab Skorpion.
31 28. SIG 57 AMT and 500 series.
32 29. Spectre Auto Carbine and Auto Pistol.
33 30. Springfield Armory BM59, SAR-48, and G-3.
34 31. Sterling MK-6 and MK-7.
35 32. Steyr AUG.
36 33. Street Sweeper and Striker-12 revolving cylinder shotguns.
37 34. USAS-12.
38 35. UZI Carbine, Mini-Carbine, and Pistol.
39 36. Weaver Arms Nighthawk.
40 37. Wilkinson "Linda" Pistol.
41 b. All of the following semiautomatic centerfire rifles, or copies or
42 duplicates with the capability of the rifles:
43 1. AK-47.

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2. AK-74.
 3. AKM.
 4. AKS-74U.
 5. ARM.
 6. MAADI AK47.
 7. MAK90.
 8. MISR.
 9. NHM90 and NHM91.
 10. Norinco 56, 56S, 84S, and 86S.
 11. Poly Technologies AKS and AK47.
 12. SA 85.
 13. SA 93.
 14. VEPR.
 15. WASR-10.
 16. WUM.
 17. Rock River Arms LAR-47.
 18. Vector Arms AK-47.
 19. AR-10.
 20. AR-15.
 21. Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, and Bushmaster MOE Rifles.
 22. Colt Match Target Rifles.
 23. Armalite M15.
 24. Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8, and K9 Rifles.
 25. DPMS Tactical Rifles.
 26. Smith and Wesson M&P15 Rifles.
 27. Rock River Arms LAR-15.
 28. Doublestar AR Rifles.
 29. Barrett REC7.
 30. Beretta Storm.
 31. Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II, and II Tactical Rifles.
 32. Hi-Point Carbine Rifles.
 33. HK-PSG-1.
 34. Kel-Tec Sub-2000, SU Rifles, and RFB.
 35. Remington Tactical Rifle Model 7615.
 36. SAR-8, SAR-4800, and SR9.
 37. SLG 95.
 38. SLR 95 and 96.
 39. TNW M230 and M2HB.
 40. Vector Arms UZI.
 41. Galil and Galil Sporter.

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42. Daewoo AR 100 and AR 110C.
 43. Fabrique Nationale/FN 308 Match and L1A1 Sporter.
 44. HK USC.
 45. IZHMASH Saiga AK.
 46. SIG Sauer 551-A1, 556, 516, 716, and M400 Rifles.
 47. Valmet M62S, M71S, and M78S.
 48. Wilkinson Arms Linda Carbine.
 49. Barrett M107A1.
- c. All of the following semiautomatic centerfire pistols, or copies or duplicates with the capability of the pistols:
1. Centurion 39 AK.
 2. Draco AK-47.
 3. HCR AK-47.
 4. IO Inc. Hellpup AK-47.
 5. Mini-Draco AK-47.
 6. Yugo Krebs Krink.
 7. American Spirit AR-15.
 8. Bushmaster Carbon 15.
 9. Doublestar Corporation AR.
 10. DPMS AR-15.
 11. Olympic Arms AR-15.
 12. Rock River Arms LAR-15.
 13. Calico Liberty III and III Tactical Pistols.
 14. Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols.
 15. Intratec TEC-DC9 and AB-10.
 16. Colefire Magnum.
 17. German Sport 522 PK and Chiappa Firearms Mfour-22.
 18. DSA SA58 PKP FAL.
 19. I.O. Inc. PPS-43C.
 20. Kel-Tec PLR 16 Pistol.
 21. Sig Sauer P516 and P556 Pistols.
 22. Thompson TA5 Pistols.
- d. All IZHMAASH Saiga 12 Shotguns, or copies or duplicates with the capability of the shotguns.
- e. All semiautomatic firearms that meet any of the following criteria:
1. A semiautomatic, centerfire rifle that has the ability to accept a detachable magazine and has at least one of the following:
 - I. A folding or telescoping stock.
 - II. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the

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- 1 trigger finger being directly below any portion of the
2 action of the weapon when firing.
3 III. A forward pistol grip.
4 IV. A flash suppressor.
5 V. A grenade launcher or flare launcher.
6 2. A semiautomatic, centerfire rifle that has a fixed magazine
7 with the ability to accept more than 10 rounds.
8 3. A semiautomatic, centerfire rifle that has an overall length of
9 less than 30 inches.
10 4. A semiautomatic pistol that has an ability to accept a
11 detachable magazine and has at least one of the following:
12 I. An ability to accept a detachable ammunition magazine
13 that attaches at some location outside of the pistol grip.
14 II. A threaded barrel capable of accepting a flash
15 suppressor, forward pistol grip, or silencer.
16 III. A shroud that is attached to, or partially or completely
17 encircles, the barrel and that permits the shooter to fire
18 the firearm without being burned, except a slide that
19 encloses the barrel.
20 IV. A second hand grip.
21 5. A semiautomatic pistol with a fixed magazine that has the
22 ability to accept more than 10 rounds.
23 6. A semiautomatic shotgun that has both of the following:
24 I. A folding or telescoping stock.
25 II. Any grip of the weapon, including a pistol grip, a
26 thumbhole stock, or any other stock, the use of which
27 would allow an individual to grip the weapon, resulting
28 in any finger on the trigger hand in addition to the
29 trigger finger being directly below any portion of the
30 action of the weapon when firing.
31 7. A semiautomatic shotgun that has the ability to accept a
32 detachable magazine.
33 8. A shotgun with a revolving cylinder.
34 (4) Historic edged weapon. – Defined in G.S. 14-409.12.
35 (4a) Long guns. – A shotgun or rifle that is not considered an antique firearm or
36 assault weapon, as those terms are defined under this section."

37 **§ 14-409.51 Permit issued by sheriff; form of permit; expiration of permit.**

38 The sheriffs of any and all counties of this State shall issue to any person, firm, or corporation
39 in any county a permit to purchase or receive any weapon mentioned in this Article from any
40 person, firm, or corporation offering to sell or dispose of the weapon. The permit shall expire
41 five years from the date of issuance. The permit shall be a standard form created by the State
42 Bureau of Investigation in consultation with the North Carolina Sheriffs' Association, shall be of

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1 a uniform size and material, and shall be designed with security features intended to minimize
2 the ability to counterfeit or replicate the permit and shall be set forth as follows:

3 North Carolina,
4 _____ County.

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

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

14 This ___ day of _____, ____.

15 _____
16 Sheriff.

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

20 **"14-409.52 Issuance or refusal of permit; appeal from refusal; grounds for refusal; sheriff's**
21 **fee.**

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

26 (1) Verified, before the issuance of a permit, by a criminal history background
27 investigation that it is not a violation of State or federal law for the applicant
28 to purchase, transfer, receive, or possess a handgun. The sheriff shall
29 determine the criminal and background history of any applicant by accessing
30 computerized criminal history records as maintained by the State Bureau of
31 Investigation and the Federal Bureau of Investigation, by conducting a
32 national criminal history records check, by conducting a check through the
33 National Instant Criminal Background Check System (NICS), and by
34 conducting a criminal history check through the Administrative Office of the
35 Courts.

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

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

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

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

15 **(c)** A permit may not be issued to the following persons:

16 **(1)** One who is under an indictment or information for or has been convicted in
17 any state, or in any court of the United States, of a felony (other than an offense
18 pertaining to antitrust violations, unfair trade practices, or restraints of trade).
19 However, a person who has been convicted of a felony in a court of any state
20 or in a court of the United States and (i) who is later pardoned, or (ii) whose
21 firearms rights have been restored pursuant to G.S. 14-415.4, may obtain a
22 permit, if the purchase or receipt of a pistol, assault weapon, or long gun
23 permitted in this Article does not violate a condition of the pardon or
24 restoration of firearms rights..

25 **(2)** One who is a fugitive from justice.

26 **(3)** One who is an unlawful user of or addicted to marijuana or any depressant,
27 stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).

28 **(4)** One who has been adjudicated mentally incompetent or has been committed
29 to any mental institution.

30 **(5)** One who is an alien illegally or unlawfully in the United States.

31 **(6)** One who has been discharged from the Armed Forces of the United States
32 under dishonorable conditions.

33 **(7)** One who, having been a citizen of the United States, has renounced his or her
34 citizenship.

35 **(8)** One who is subject to a court order that:

36 a. Was issued after a hearing of which the person received actual notice,
37 and at which the person had an opportunity to participate;

38 b. Restrains the person from harassing, stalking, or threatening an
39 intimate partner of the person or child of the intimate partner of the
40 person, or engaging in other conduct that would place an intimate
41 partner in reasonable fear of bodily injury to the partner or child; and

42 c. Includes a finding that the person represents a credible threat to the
43 physical safety of the intimate partner or child; or by its terms

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1 explicitly prohibits the use, attempted use, or threatened use of
2 physical force against the intimate partner or child that would
3 reasonably be expected to cause bodily injury.

4 (c1) Repealed by Session Laws 2015-195, s. 11(c), effective August 5, 2015.

5 (d) Nothing in this Article shall apply to officers authorized by law to carry firearms if
6 the officers identify themselves to the vendor or donor as being officers authorized by law to
7 carry firearms and provide any of the following:

8 (1) A letter signed by the officer's supervisor or superior officer stating that the
9 officer is authorized by law to carry a firearm.

10 (2) A current photographic identification card issued by the officer's employer.

11 (3) A current photographic identification card issued by a State agency that
12 identifies the individual as a law enforcement officer or a probation and parole
13 officer certified by the State of North Carolina.

14 (4) A current identification card issued by the officer's employer and another form
15 of current photographic identification.

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

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

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

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

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

29 (4) Proof of residency.

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

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

36 (f) Each applicant for a license or permit shall be informed by the sheriff within 14 days
37 of the date of the application whether the license or permit will be granted or denied and, if
38 granted, the license or permit shall be immediately issued to the applicant.

39 (g) An applicant shall not be ineligible to receive a permit under subdivision (c)(4) of this
40 section because of involuntary commitment to mental health services if the individual's rights
41 have been restored under G.S. 14-409.42.

42 (h) The sheriff shall revoke any permit upon the occurrence of any event or condition
43 subsequent to the issuance of the permit, or the applicant's subsequent inability to meet a

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1 requirement under this Article, which would have resulted in a denial of the application submitted
2 to obtain the permit if the event, condition, or the applicant's current inability to meet a statutory
3 requirement had existed at the time of the application and prior to the issuance of the permit. The
4 following procedures apply to a revocation:

5 (1) The sheriff shall provide written notice to the permittee, pursuant to the
6 provisions of G.S. 1A-1, Rule 4(j), that the permit is revoked upon the service
7 of the notice. The notice shall provide the permittee with information on the
8 process to appeal the revocation.

9 (2) Upon receipt of the written notice of revocation, the permittee shall surrender
10 the permit to the sheriff. Any law enforcement officer serving the notice is
11 authorized to take immediate possession of the permit from the permittee. If
12 the notice is served by means other than by a law enforcement officer, the
13 permittee shall surrender the permit to the sheriff no later than 48 hours after
14 service of the notice.

15 (3) The sheriff shall insure that the list of permits which have been revoked is
16 immediately updated so that any potential transferor calling to check the
17 validity of the permit will be informed of the revocation.

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

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

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

27 **"§ 14-409.53 Record of permits kept by sheriff; confidentiality of permit information.**

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

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

40 **"§ 14-409.54 Dealer to keep record of sales; confidentiality of records.**

41 (a) Every dealer in weapons mentioned in this Article shall keep an accurate record of all
42 sales thereof, including the name, place of residence, date of sale, etc., of each person, firm, or
43 corporation to whom or which such sales are made. The records maintained by a dealer pursuant

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1 to this section are confidential and are not a public record under G.S. 132-1; provided, however,
2 that the dealer shall make the records available upon request to all State and local law
3 enforcement agencies.

4 **"§ 14-409.55. Sale of blank cartridge pistols.**

5 The provisions of G.S. 14-409.50, 14-409.53, and 14-409.54 shall apply to the sale of pistols,
6 assault weapons, or long guns suitable for firing blank cartridges. The sheriffs of all the counties
7 of this State are authorized and may in their discretion issue to any person, firm or corporation,
8 in any such county, a license or permit to purchase or receive any pistol, assault weapon, or long
9 gun suitable for firing blank cartridges from any person, firm or corporation offering to sell or
10 dispose of the same, which said permit shall be in substantially the following form:

11 North Carolina

12 _____
County

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

20 _____
21 Sheriff

22 The sheriff shall charge for the sheriff's services, upon issuing such permit, a fee of fifty cents
23 (50¢)."

24 **SECTION 2.1(b)** This section becomes effective December 1, 2023, and applies to
25 the sale, giving away, transfer, purchase, or receiving of a pistol, assault weapon, or long gun on
26 or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____