Amends Title [YES] Second Edition
Date ______________________ , 2023

Senator Marcus

moves to amend the bill on page 1, line 5, by deleting the phrase "TO REPEAL PISTOL PURCHASE PERMITS," and substituting the phrase "TO ELIMINATE THE PERMIT REQUIREMENT TO PURCHASE A PISTOL FROM A FEDERALLY LICENSED FIREARM DEALER;";

and on page 2, lines 28-36, by rewriting the lines to read:

"PART II. MODIFY PISTOL PURCHASE PERMIT REQUIREMENTS

SECTION 2.(a) G.S. 14-402 reads as rewritten:

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

(a) It is unlawful for any person, firm, or corporation private person in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol from any other person other than a federally licensed firearm dealer, unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase. It is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the sheriff as provided in G.S. 14-403, G.S. 14-403 or documentation demonstrating that the person is a federally licensed firearm dealer. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

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

(c) The following definitions apply in this Article:

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

(2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.


(5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

(8) Private Person. – A person, firm, or corporation who is not a federally licensed firearm dealer acting in accordance with federal law.
(9) Federally licensed firearm dealer. – A person who is licensed pursuant to 18
U.S.C. § 923 to engage in the business of dealing in firearms."

SECTION 2.(b) G.S. 14-403 reads as rewritten:
§ 14-403. Permit issued by sheriff; form of permit; expiration of permit.
The sheriffs of any and all counties of this State shall issue to any person, firm, or
private person in any county a permit to purchase or receive any weapon mentioned
in this Article from any person, firm, or corporation offering to sell or dispose of
the weapon. The permit shall expire five years from the date of issuance. The permit shall be a
standard form created by the State Bureau of Investigation in consultation with the North
Carolina Sheriffs' Association, shall be of a uniform size and material, and shall be designed with
security features intended to minimize the ability to counterfeit or replicate the permit and shall
be set forth as follows:
North Carolina,
________ County.
I, ________, Sheriff of said County, do hereby certify that I have conducted a criminal
background check of the applicant, ________ whose place of residence is ________ in ________
(or) in ________ Township, ________ County, North Carolina, and have received no
information to indicate that it would be a violation of State or federal law for the applicant to
purchase, transfer, receive, or possess a handgun. The applicant has further satisfied me as to his,
her (or) their good moral character. Therefore, a permit is issued to ________ to purchase one
pistol from any person, firm or corporation authorized to dispose of the same.
This permit expires five years from its date of issuance.
This ___ day of ______, ____.
________________________________
Sheriff.
The standard permit created by this section shall be used statewide by the sheriffs of any and
all counties and, when issued by a sheriff, shall also contain an embossed seal unique to the office
of the issuing sheriff. "

SECTION 2.(c) G.S. 14-405 reads as rewritten:
§ 14-405. Record of permits kept by sheriff; confidentiality of permit information.
(a) The sheriff 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 pursuant to this section are confidential and are
not a public record under G.S. 132-1; provided, however, that the sheriff 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.(d) G.S. 14-407.1 reads as rewritten:

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 are 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) in ______________ Township in ______________ County, North Carolina, having this day satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only for lawful purposes, a permit is therefore given said ______________ to purchase said pistol from any person, firm or corporation, private person authorized to dispose of the same, this ______ day of ____________, ________.

________________________________

Sheriff

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

SECTION 2.(e) G.S. 14-408.1 reads as rewritten:

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

(a) The following definitions apply in this section:

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

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

(c) Any person who provides to a licensed dealer, Federally licensed firearm dealer or private seller of firearms or ammunition information that the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a Class F felony.
(d) Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.
(e) This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of the law enforcement officer."

SECTION 2.(f) This section is effective when it becomes law and applies to pistols sold, given away, transferred, purchased, or received on or after that date.".

SIGNED ________________________________
Amendment Sponsor

SIGNED ________________________________
Committee Chair if Senate Committee Amendment

ADOPTED ___________  FAILED _______________  TABLED ___________