

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 41

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

S41-ACE-4 [v.7]

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Amends Title [YES]
Second Edition

Date _____, 2023

Senator Marcus

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

5
6 and on page 2, lines 28-36, by rewriting the lines to read:

7
8 **"PART II. MODIFY PISTOL PURCHASE PERMIT REQUIREMENTS**

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

10 **"§ 14-402. Sale of certain weapons without permit forbidden.**

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

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

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

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

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

28 (2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

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

30 (5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

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



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1 **"§ 14-407.1. Sale of blank cartridge pistols.**

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

8 North Carolina

9 _____ County

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

17 _____
18 Sheriff

19 The sheriff shall charge for the sheriff's services, upon issuing such permit, a fee of fifty cents
20 (50¢)."

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

22 **"§ 14-408.1. Solicit unlawful purchase of firearm; unlawful to provide materially false**
23 **information regarding legality of firearm or ammunition transfer.**

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

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

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

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

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- 1 (d) Any person who willfully procures another to engage in conduct prohibited by this
2 section shall be held accountable as a principal.
3 (e) This section does not apply to a law enforcement officer acting in his or her official
4 capacity or to a person acting at the direction of the law enforcement officer."
5 **SECTION 2.(f)** This section is effective when it becomes law and applies to pistols
6 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 _____