

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 41

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S41-ACE-5 [v.3]

Page 1 of 3

Amends Title [YES]
Second Edition

Date _____, 2023

Senator Murdock

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 REQUIRE UNIVERSAL
3 BACKGROUND CHECKS,";

4
5 and on page 2, lines 28-36, by rewriting the lines to read:

6
7 **"PART II. UNIVERSAL BACKGROUND CHECK REQUIRED**

8
9 **SECTION 2.(a)** Chapter 14 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 53D.

12 "Universal Background Check.

13 **"§ 14-409.48. Short title.**

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

16 **"§ 14-409.49. Definitions.**

17 The following definitions apply in this article:

18 (a) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of an
19 explosion.

20 (b) Federally licensed firearm dealer. – A person who is licensed pursuant to 18 U.S.C. §
21 923 to engage in the business of dealing in firearms.

22 (c) Materially false information. – Information that portrays an illegal transaction as legal
23 or a legal transaction as illegal.

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

26
27 **"§ 14-409.50. Background checks for the sales of firearms- federally licensed firearm**
28 **dealers.**

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



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Page 2 of 3

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

3 (1) One who is under an indictment or information for or has been convicted
4 in any state, or in any court of the United States, of a felony (other than an
5 offense pertaining to antitrust violations, unfair trade practices, or restraints of
6 trade).

7 (2) One who is a fugitive from justice.

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

10 (4) One who has been adjudicated mentally incompetent or has been
11 committed to any mental institution.

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

13 (6) One who has been discharged from the Armed Forces of the United States
14 under dishonorable conditions.

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

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

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

20 b. Restrains the person from harassing, stalking, or threatening an intimate
21 partner of the person or child of the intimate partner of the person, or
22 engaging in other conduct that would place an intimate partner in
23 reasonable fear of bodily injury to the partner or child.

24 c. Includes a finding that the person represents a credible threat to the physical
25 safety of the intimate partner or child; or by its terms explicitly
26 prohibits the use, attempted use, or threatened use of physical force
27 against the intimate partner or child that would reasonably be expected
28 to cause bodily injury.

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

31 (1) Verify the private person's identity by examining a government issued
32 identification card.

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

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

40 **(e)** If is a Class F felony for any federally licensed firearm dealer to sell, transfer, or
41 deliver any firearm to any person in violation of this article. It is a Class F felony for any person
42 to provide any materially false information to a federally licensed firearm dealer with the intent
43 to obtain a firearm in violation of state or federal law.

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Page 3 of 3

1 **"§ 14-409.51. Background checks required for the sales of firearms- private persons.**

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

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

8 (c) For the purposes of this section "Transfer" means assigning, pledging, leasing,
9 loaning, selling, giving away, or otherwise disposing of, but does not include any of the
10 following:

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

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

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

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

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

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

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____