H.B. 427
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HOUSE PRINCIPAL CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL DRH10139-ML-30B

Short Title: CCW Permit/No Records Provided. (Public)

Sponsors: Representative Kidwell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPLACE THE REQUIRED DISCLOSURE OF RECORDS CONCERNING THE MENTAL HEALTH OR CAPACITY OF AN APPLICANT FOR A CONCEALED HANDGUN PERMIT WITH A "YES" OR "NO" STATEMENT INDICATING WHETHER THE PERSON OR ENTITY HAS INFORMATION THAT THE APPLICANT HAS BEEN DIAGNOSED BY A MEDICAL PROFESSIONAL WITH A MENTAL ILLNESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-415.13(a)(5) reads as rewritten:

"(5) A release, in a form to be prescribed by the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of ~~any records~~ a statement concerning the mental health ~~or capacity~~ of the applicant to be used for the sole purpose of determining whether the applicant is disqualified for a permit under the provisions of G.S. 14-415.12. This provision does not prohibit submitting information related to involuntary commitment to the National Instant Criminal Background Check System (NICS)."

SECTION 2. G.S. 14-415.14(c) reads as rewritten:

"(c) Any person or entity who is presented by the applicant or by the sheriff with an original or photocopied release form as described in G.S. 14-415.13(a)(5) shall promptly ~~disclose~~ respond to the sheriff ~~any records concerning the mental health or capacity of~~ with a statement indicating "Yes" or "No" as to whether the person or entity has information that the applicant who signed the form ~~and authorized the release of the records.~~has been diagnosed by a medical professional with a mental illness. If a person or entity responds with a statement indicating "Yes," then the person or entity shall, in writing and no later than 15 days from the date it provided the sheriff with the required statement, provide the applicant with the grounds for responding "Yes." In the absence of fraud or malice, no person or entity who responds with a statement in accordance with this subsection shall be liable for damages in a civil action if the statement and any accompanying information is found to be inaccurate or otherwise in error. Nothing in this subsection shall be construed as requiring the disclosure of records to the sheriff."

SECTION 3. G.S. 14-415.15(a) reads as rewritten:

"(a) Except as permitted under subsection (b) of this section, within 45 days after receipt of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required ~~records~~ statement concerning the mental health ~~or capacity~~ of the applicant, the sheriff shall either issue or deny the permit. The sheriff may conduct any investigation necessary to determine the qualification or competency of the person applying for the permit, including record checks. The sheriff shall make the request for ~~any records~~ the statement concerning the mental health ~~or capacity~~ of the applicant within 10 days of receipt of the items listed in G.S. 14-415.13. No

person, company, mental health provider, or governmental entity may charge additional fees to the applicant for background checks conducted under this subsection. A permit shall not be denied unless the applicant is determined to be ineligible pursuant to G.S. 14-415.12."

SECTION 4. G.S. 14-415.15(c) reads as rewritten:

"(c) A person's application for a permit shall be denied only if the applicant fails to qualify under the criteria listed in this Article. If the sheriff denies the application for a permit, the sheriff shall, within 45 days, notify the applicant in writing, stating the grounds for denial. Any grounds for denial provided in accordance with this subsection shall (i) identify any person or entity who provided a statement under G.S. 14-415.14(c), (ii) specify whether the person or entity responded with a "Yes" or "No," and (iii) provide contact information for the person or entity who provided the statement. An applicant may appeal the denial, revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal. The determination by the court shall be final."

SECTION 5. By no later than September 30, 2025, the Administrative Office of the Courts shall update the release required under G.S. 14-415.13(a)(5) to reflect the amendment set forth in Section 1 of this act.

SECTION 6. This act becomes effective October 1, 2025, and applies to applications submitted on or after that date.