

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 50

AMENDMENT NO. A15
(to be filled in by
Principal Clerk)

S50-ACE-14 [v.6]

Page 1 of 3

Amends Title [YES]
Second Edition

Date _____, 2025

Senator Batch

1 moves to amend the bill on page 1, line 5, by inserting the following at the end of the line and
2 before the period: "AND TO REQUIRE A VIOLENT OFFENDER BACKGROUND CHECK";

3
4 and on page 7, lines 47-48, by inserting the following between the lines:

5
6 "SECTION 16.3 Chapter 14 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 53D.

9 "Violent Offender Background Check.

10 "§ 14-409.48. Short title.

11 This Article shall be known and may be cited as the "North Carolina Violent Offender
12 Background Check Act.

13 "§ 14-409.49. Definitions.

14 The following definitions apply in this article:

- 15 (1) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of
16 an explosion.
- 17 (2) Federally licensed firearm dealer. – A person who is licensed pursuant to 18
18 U.S.C. § 923 to engage in the business of dealing in firearms.
- 19 (3) Materially false information. – Information that portrays an illegal transaction
20 as legal or a legal transaction as illegal.
- 21 (4) Private Person. – A person, firm, or corporation who is not a federally licensed
22 firearm dealer acting in accordance with federal law.

23 "§ 14-409.50. Background checks for the sales of firearms; federally licensed firearm
24 dealers.

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

29 (b) In addition to any other applicable State or federal law it shall be unlawful for any of
30 the following persons to possess a firearm:



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Page 2 of 3

- 1 (1) One who is under an indictment or information for or has been convicted in
2 any state, or in any court of the United States, of a felony (other than an offense
3 pertaining to antitrust violations, unfair trade practices, or restraints of trade).
4 (2) One who is a fugitive from justice.
5 (3) One who is an unlawful user of or addicted to marijuana or any depressant,
6 stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).
7 (4) One who has been adjudicated mentally incompetent or has been committed
8 to any mental institution.
9 (5) One who is an alien illegally or unlawfully in the United States.
10 (6) One who has been discharged from the Armed Forces of the United States
11 under dishonorable conditions.
12 (7) One who, having been a citizen of the United States, has renounced his or her
13 citizenship.
14 (8) One who is subject to a court order that:
15 a. Was issued after a hearing of which the person received actual notice,
16 and at which the person had an opportunity to participate.
17 b. Restrains the person from harassing, stalking, or threatening an
18 intimate partner of the person or child of the intimate partner of the
19 person, or engaging in other conduct that would place an intimate
20 partner in reasonable fear of bodily injury to the partner or child.
21 c. Includes a finding that the person represents a credible threat to the
22 physical safety of the intimate partner or child; or by its terms
23 explicitly prohibits the use, attempted use, or threatened use of
24 physical force against the intimate partner or child that would
25 reasonably be expected to cause bodily injury.
26 (c) In order to comply with the background check required by subsection (a) of this
27 section the federally licensed firearm dealer must:
28 (1) Verify the private person's identity by examining a government issued
29 identification card.
30 (2) Conduct a check through the National Instant Criminal Background Check
31 System (NICS).
32 (d) It is unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any
33 firearm to any other person if a NICS check reveals that the possession of any firearm by the
34 person would violate State or federal law or if the federally licensed firearm dealer knows or has
35 reason to know that the private person is prohibited from possessing any firearm by State or
36 federal law.
37 (e) It is a Class F felony for any federally licensed firearm dealer to sell, transfer, or
38 deliver any firearm to any person in violation of this Article. It is a Class F felony for any person
39 to provide any materially false information to a federally licensed firearm dealer with the intent
40 to obtain a firearm in violation of State or federal law.
41 **§ 14-409.51. Background checks required for the sales of firearms- private persons.**
42 (a) It shall be unlawful for a private person to transfer any firearm to any other private
43 person without conducting a background check of that person through a federally licensed

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Page 3 of 3

1 firearm dealer as provided by G.S. 14-409.50(c) and the federally licensed firearm dealer
2 verifying that the transfer would not violate State or federal law.

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

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

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

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

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

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

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

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____