

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 518
SENATE BILL 680

AN ACT TO AMEND G.S. 14-404 AND G.S. 14-409.3 PERTAINING TO
FIREARMS PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-404 reads as rewritten:

"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; sheriff's fee.—Upon application, the sheriff shall issue such license or permit to a resident of that county unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a nonresident when the sheriff shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for (i) the protection of the home, business, person, family or property, (ii) target shooting, (iii) collecting, or (iv) hunting. If said sheriff shall not be so fully satisfied, he may, for good cause shown, decline to issue said license or permit and shall provide to said applicant within seven days of such refusal a written statement of the reason(s) for such refusal. An appeal from such refusal shall lie by way of petition to the chief judge of the district court for 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, and shall be final. A permit may not be issued to the following persons: (i) one who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade), except that if a person has been convicted and later pardoned or is not prohibited from purchasing a firearm under the Felony Firearms Act (Article 54A of this Chapter), he may obtain a permit; (ii) one who is a fugitive from justice; (iii) one who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section 802); (iv) one who has been adjudicated incompetent on the ground of mental illness or has been committed to any mental institution. Provided, that nothing in this Article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and state that the purpose for the purchase of the firearms is directly related to the law officers' official duties. The sheriff shall charge for his services upon issuing such license or permit a fee of five dollars (\$5.00). Each applicant for any such license or permit shall be informed by said sheriff within 30 days of the date of such application whether such license or permit will be granted or denied and, if granted, such license or permit shall be immediately issued to said applicant."

Sec. 2. G.S. 14-409.3 reads as rewritten:

"§ 14-409.3. Issuance or refusal of permit; appeal from refusal; grounds for refusal; clerk's fee.—Upon application, the clerk of the superior court shall issue such license or permit to a resident of that county, unless the purpose of the permit is for collecting, in which case a clerk can issue a permit to a nonresident, when the clerk shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for (i) the protection of the home, business, person, family or property, (ii) target shooting, (iii) collecting, or (iv) hunting. If said clerk of the superior court shall not be so fully satisfied, he may, for good cause shown, decline to issue said license or permit and shall provide to said applicant within seven days of such refusal a written statement of the reason(s) for such refusal. An appeal from such refusal shall lie by way of petition to the chief judge of the district court for 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 clerk of the superior court's refusal, and shall be final. A permit may not be issued to the following persons: (i) one who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade), except that if a person has been convicted and later pardoned or is not prohibited from purchasing a firearm under the Felony Firearms Act (Article 54A of this Chapter), he may obtain a permit; (ii) one who is a fugitive from justice; (iii) one who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section 802); (iv) one who has been adjudicated incompetent on the ground of mental illness or has been committed to any mental institution. Provided, that nothing in this Article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and state that the purpose for the purchase of the firearms is directly related to the law officers' official duties. The clerk of the superior court shall charge for his services upon issuing such license or permit a fee of five dollars (\$5.00). Each applicant for any such license or permit shall be informed by said clerk of the superior court within 30 days of the date of such application whether such license or permit will be granted or denied and, if granted, such license or permit shall be immediately issued to said applicant."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1987.