

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

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HOUSE BILL 212*

Short Title: Conform N. C. Law to Brady Bill.

(Public)

Sponsors: Representatives Michaux; and Burton.

Referred to: Judiciary I.

February 14, 1994

A BILL TO BE ENTITLED

1 AN ACT TO AMEND ARTICLES 52A AND 53 OF CHAPTER 14 OF THE
2 GENERAL STATUTES TO CONFORM WITH THE "BRADY HANDGUN
3 VIOLENCE PREVENTION ACT" AND TO MAKE OTHER CHANGES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-403 reads as rewritten:

6 **"§ 14-403. Permit issued by sheriff; form of permit.**

7 ~~The sheriffs of any and all counties of this State are hereby authorized and directed~~
8 ~~to issue to any person, firm, or corporation in any such county a license or permit to~~
9 ~~purchase or receive any weapon mentioned in this Article from any person, firm, or~~
10 ~~corporation offering to sell or dispose of the same, which said license or permit shall be~~
11 ~~in the following form, to wit:~~

12 ~~North Carolina,~~

13 ~~..... County.~~

14 ~~I,, Sheriff of said County, do hereby certify that whose place of residence~~
15 ~~is in (or) in Township, County, North Carolina, having this~~
16 ~~day satisfied me as to his, her (or) their good moral character, a license or permit is~~
17 ~~therefore hereby given said to purchase one pistol from any person, firm or~~
18 ~~corporation authorized to dispose of the same.~~

19 ~~This day of, 19~~

20
21
22 ~~.....~~
23 ~~Sheriff.~~

24 The sheriffs of any and all counties of this State shall issue to any qualified person in any county a permit to purchase or receive any weapon mentioned in this Article from

1 any licensed dealer offering to sell or person offering to give away or transfer a weapon,
2 which permit shall be in the following form:

3 North Carolina
4 County.

5 I,, Sheriff of said County, do certify that whose place of residence is
6in(or) in...Township, County, North Carolina, has met the legal
7 requirements for issuance of this permit to purchase or receive one weapon from any
8 licensed dealer offering to sell or from any person offering to give away or transfer a
9 weapon.

10
11
12 Sheriff

13 Issue Date:.....Expiration Date:.....
14 (Not to exceed five years from date of issue)".

15 Sec. 2. G.S. 14-404 reads as rewritten:

16 **"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;**
17 **sheriff's fee.**

18 (a) Upon application, the sheriff shall issue ~~such a~~ license or permit to a resident
19 of that county unless the purpose of the permit is for collecting, in which case a sheriff
20 ~~can may~~ issue a permit to a nonresident when the sheriff shall have fully satisfied himself
21 ~~nonresident.~~ In all cases the sheriff shall be fully satisfied by affidavits, oral evidence,
22 or otherwise, as to the good moral character of the ~~applicant therefor,~~ applicant, and that
23 ~~such person, firm, or corporation~~ the applicant desires the possession of the weapon
24 mentioned for (i) the protection of the home, business, person, family or property, (ii)
25 target shooting, (iii) collecting, or (iv) ~~hunting~~ hunting, and that the applicant meets all
26 criteria for a permit and is qualified to receive or possess a weapon in accordance with
27 this section. The applicant for a permit must be at least 21 years of age or present
28 satisfactory evidence to the sheriff that the applicant is lawfully able to possess a
29 weapon pursuant to G.S. 14-315.1(b)(3), or that the applicant is a law enforcement
30 officer authorized to carry firearms and the possession of the firearm is directly related
31 to the officer's official duties. For purposes of this Article, a resident is one who has
32 lawfully resided in the county in which the permit is to be issued for six continuous
33 months. Any member of the active duty armed forces is entitled to apply for a permit to
34 receive a pistol if the member meets the residency requirements stated in this section
35 and the member's active duty commanding officer certifies in writing to the sheriff that
36 the member has good moral character and has no criminal history within the military
37 justice system.

38 (b) If ~~said the sheriff shall not be~~ is not so fully satisfied, ~~he the~~ sheriff may, for
39 good cause shown, decline to issue ~~said the~~ license or permit and shall provide to ~~said~~
40 the applicant within seven days of such refusal a written statement of the ~~reason(s)~~
41 reasons for ~~such the~~ refusal. An appeal from ~~such the~~ refusal shall lie by way of petition
42 to the chief judge of the district court for the district in which the application was filed.
43 The determination by the court, on appeal, shall be upon the facts, the law, and the
44 reasonableness of the sheriff's refusal, and shall be final. A permit may not be issued to
the following persons: (i) ~~one~~ following:

- 1 (1) A person who is under an indictment or information for or has been
2 convicted in any state, or in any court of the United States, of a felony
3 (other than an offense pertaining to antitrust violations, unfair trade
4 practices, or restraints of trade), felony, except that if a person has been
5 convicted and later pardoned or is not prohibited from purchasing a firearm
6 under the Felony Firearms Act (Article 54A of this Chapter), he pardoned,
7 the person may obtain a permit; (ii) one who is a permit.
8 (2) A fugitive from justice; (iii) one who is an justice.
9 (3) A person who is an unlawful user of or addicted to marijuana or any
10 depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section 802);
11 any controlled substance as defined under the North Carolina
12 Controlled Substances Act or section 102 of the Federal Controlled
13 Substances Act. (iv) one
14 (4) A person who has been adjudicated incompetent on the ground of
15 mental illness or has been committed to any mental institution.
16 (5) An alien who is illegally or unlawfully in the United States.

17 The sheriff shall determine the criminal history of any applicant by accessing
18 computerized criminal history records as maintained by the State Bureau of
19 Investigation and the Federal Bureau of Investigation by conducting a national criminal
20 history records check, and by conducting a criminal history check through the
21 Administrative Office of the Courts.

22 ~~Provided, that nothing~~ Nothing in this Article shall apply to officers authorized by law
23 to carry firearms if ~~such~~ the officers identify themselves to the vendor or donor as being
24 officers authorized by law to carry firearms and state that the purpose for the purchase
25 of the firearms is directly related to the law officers' official duties.

26 (c) The sheriff shall charge for his ~~the~~ sheriff's services upon issuing ~~such~~ the
27 license or permit a fee of five dollars (\$5.00), not to exceed twenty-five dollars (\$25.00).
28 Each applicant for any ~~such~~ a license or permit shall be informed by ~~said~~ the sheriff
29 within 30 days of the date of ~~such~~ the application whether ~~such~~ the license or permit will
30 be granted or denied and, if granted, ~~such~~ the license or permit shall be immediately
31 issued to ~~said~~ the applicant."

32 Sec. 3. Article 53 of Chapter 14 of the General Statutes is repealed.

33 Sec. 4. This act is effective upon ratification and applies to applications for
34 permits filed on or after that date.