

1 (2) Dealer. – Defined in G.S. 105-80.

2 (3) Firearm. – A handgun or any other firearm with a barrel less than 24
3 inches in length.

4 (4) Handgun. – A firearm that has a short stock and is designed to be held
5 and fired by the use of a single hand.

6 (5) Transfer. – Any act that conveys ownership or title including a sale,
7 purchase, gift, or other receipt of title.

8 **"§ 14-415.11. Registration required; application; penalty for failure to register.**

9 (a) Owner of Firearm Must Register. – Any person who owns a firearm shall
10 register that firearm with the sheriff of the county in which the person resides. If an
11 application for registration is denied, the owner of the firearm shall surrender the
12 firearm to the sheriff until the owner submits a new application and registration is
13 granted. If the owner of a firearm rents the firearm to another, the owner of the firearm
14 shall notify the sheriff of the firearm rental and provide any information regarding the
15 rental that the sheriff may require.

16 (b) Application. – An application for registration shall be made on the
17 appropriate form furnished by the sheriff and shall include the written and notarized
18 signature of the firearm owner. The application shall include all of the following
19 information:

20 (1) The name, the bona fide residence and mail address of the owner, or
21 the business address of the owner if the owner is a firm, association, or
22 corporation.

23 (2) A description of the firearm, including the make, model, serial
24 number, and any other identifying numbers of the firearm, whether it is
25 new or used, and if a new firearm, the date of sale and actual date of
26 delivery of the firearm by the manufacturer or dealer to the applicant.

27 (3) A statement of the applicant's title and of all liens upon the firearm,
28 including the names and addresses of all lienholders in the order of
29 their priority, and the date and nature of each lien.

30 (4) Any other information the sheriff considers reasonably necessary to
31 enable the sheriff to determine whether the firearm is lawfully entitled
32 to registration.

33 (c) Evidence of Ownership. – When the application refers to a new firearm
34 acquired from a manufacturer, the application shall be accompanied by a manufacturer's
35 certificate of origin that is properly assigned to the applicant. If the new firearm is
36 acquired from a dealer or another person who is not the manufacturer, the application
37 shall be accompanied by the evidence of ownership required by the laws that apply to
38 the person from whom the firearm was acquired. If those laws do not require evidence
39 of ownership, the application shall be accompanied by a notarized bill of sale from the
40 person from whom the firearm was acquired.

41 (d) Failure to Register Is Class 1 Misdemeanor; Grace Period for New State
42 Residents; Confiscation of Firearm. – Failure to register a firearm as required by this
43 Part is a Class 1 misdemeanor. A nonresident who moves into the State and who fails to
44 register a firearm as required by this Part shall have a grace period of 30 days from the

1 date of the offense in which to register the firearm. The sheriff shall confiscate any
2 firearm not registered under this Part and destroy it in accordance with G.S. 14-415.14.

3 **"§ 14-415.12. Motor Vehicles to provide notice of registration requirement.**

4 The Division of Motor Vehicles of the Department of Transportation shall modify its
5 forms so that any eligible person who applies for original issuance, renewal, or
6 correction of a drivers license or a special identification card issued under G.S. 20-37.7
7 shall be notified of the firearm registration requirement in this State and directed to
8 contact the sheriff for further information.

9 **"§ 14-415.13. Manufacturer's certificate of origin of new firearm; assignment.**

10 (a) Manufacturer Must Issue Certificate. – Any manufacturer who transfers a
11 new firearm to another shall, at the time of the transfer, supply the transferee with a
12 manufacturer's certificate of origin assigned to the transferee.

13 (b) Transfer Between Dealers. – A dealer who transfers a new firearm to another
14 dealer shall, at the time of transfer, give the transferee the proper manufacturer's
15 certificate assigned to the transferee.

16 (c) Assignment of Certificate Upon Sale. – Upon sale of a new firearm by a
17 dealer to a consumer-purchaser, the dealer shall execute in the presence of a person
18 authorized to administer oaths an assignment of the manufacturer's certificate of origin
19 for the firearm, including in the assignment the name and address of the transferee. No
20 title to a new firearm acquired by a dealer under subsections (a) and (b) of this section
21 shall pass or vest until the assignment is executed and the firearm delivered to the
22 transferee as provided in this subsection.

23 Any dealer transferring title to, or an interest in, a new firearm shall deliver the
24 manufacturer's certificate of origin duly assigned in accordance with this subsection to
25 the transferee at the time of delivering the firearm, except that where a security interest
26 is obtained in the firearm from the transferee in payment of the purchase price or
27 otherwise, the transferor shall deliver the manufacturer's certificate of origin to the
28 lienholder and the lienholder shall immediately forward the manufacturer's certificate of
29 origin together with the transferee's application for registration and necessary fees to the
30 sheriff.

31 **"§ 14-415.14. Grant or refusal of registration.**

32 (a) Grounds for Refusing Registration. – The sheriff shall refuse registration or
33 any transfer of registration upon any of the following grounds:

34 (1) The application contains any false or fraudulent statement, the
35 applicant has failed to furnish required information or reasonable
36 additional information requested by the sheriff, or the applicant is not
37 entitled to the registration of the firearm under this Article.

38 (2) The firearm is mechanically unfit or unsafe to be operated.

39 (3) The sheriff has reasonable grounds to believe that the firearm is a
40 stolen or embezzled firearm, or that granting registration would
41 constitute a fraud against the rightful owner or other person having
42 valid lien upon the firearm.

43 (4) The registration of the firearm stands suspended or revoked for any
44 reason.

1 (5) The required fee has not been paid.

2 (6) The applicant does not have financial responsibility for the firearm as
3 provided in G.S. 14-415.16.

4 (7) The sheriff has reasonable grounds to believe that the applicant is an
5 unemancipated minor.

6 (b) Confiscation of Firearm. – If the sheriff refuses an original registration of a
7 firearm, the sheriff shall confiscate the firearm until its owner is able to register
8 pursuant to this Part. If the sheriff determines after 30 days that the owner will not be
9 able to register the firearm, the sheriff shall destroy the firearm. If the sheriff refuses to
10 transfer a registration, the sheriff shall return the firearm to the original registered
11 owner.

12 (c) Grant of Registration. – If the sheriff is satisfied that the application is
13 genuine and complete and that the applicant is entitled to register the firearm described
14 in the application, the sheriff shall register the firearm.

15 **§ 14-415.15. Examination of registration records and index of stolen and**
16 **recovered firearms.**

17 The sheriff, upon receiving an application for registration or transfer of registration
18 of a firearm, other than a firearm sold by a North Carolina dealer, shall first cross-check
19 the serial numbers shown in the application with the sheriff's record of registered
20 firearms, and against the index of stolen and recovered firearms required to be
21 maintained by this Article.

22 **§ 14-415.16. Financial responsibility prerequisite to registration; liability**
23 **insurance must be maintained throughout registration period.**

24 (a) No firearm shall be registered in this State unless the owner at the time of
25 registration has financial responsibility for the firearm as provided in this section. The
26 owner of each firearm registered in this State shall maintain financial responsibility
27 continuously throughout the period of registration.

28 (b) Financial responsibility shall be a liability insurance policy or a financial
29 security bond or a financial security deposit or by qualification as a self-insurer.

30 (c) When it is certified that financial responsibility is a liability insurance policy,
31 the sheriff may require that the owner produce records to prove the fact of the insurance,
32 and failure to produce these records shall be **prima facie** evidence that no financial
33 responsibility exists with regard to the firearm concerned. It shall be the duty of
34 insurance companies, upon request of the sheriff, to verify the accuracy of any owner's
35 certification.

36 (d) When liability insurance with regard to any firearm is terminated by
37 cancellation or failure to renew, or the owner's financial responsibility for the firearm is
38 otherwise terminated, the owner shall immediately surrender the firearm and
39 registration certificate of the firearm to the sheriff, unless financial responsibility is
40 maintained in some other manner in compliance with this section.

41 (e) Upon termination by cancellation or otherwise of an insurance policy or other
42 security required in subsection (b) of this section, the insurer shall notify the sheriff of
43 the termination, except that no cancellation notice is required if the insurer issues a new
44 insurance policy complying with this section at the same time the insurer cancels or

1 otherwise terminates the old policy, no lapse in coverage results, and the insurer sends
2 the certificate of insurance form for the new policy to the sheriff. The sheriff, upon
3 receiving notice of cancellation or termination of an owner's financial responsibility as
4 required by this section, shall notify the owner of the cancellation or termination, and
5 the owner shall, to retain the registration for the firearm registered or required to be
6 registered, within 10 days after the date of notice given by the sheriff either:

- 7 (1) Certify to the sheriff that the owner has financial responsibility
8 effective on or prior to the date of the termination; or
- 9 (2) In the case of a lapse in financial responsibility, pay a fifty dollar
10 (\$50.00) civil penalty to the sheriff's office and certify to the sheriff
11 that the person now has financial responsibility effective on the date of
12 certification, that the person did not use the firearm in question during
13 the period of no financial responsibility with the knowledge that there
14 was no financial responsibility, and that the firearm in question was
15 not involved in a shooting accident or criminal offense during the
16 period of no financial responsibility.

17 Failure of the owner to certify that the owner has financial responsibility as required
18 by this section shall be **prima facie** evidence that no financial responsibility exists with
19 regard to the firearm concerned and, unless the owner's registration and firearm have on
20 or prior to the date of termination of insurance been surrendered to the sheriff, the
21 sheriff shall revoke the firearm's registration and seize the firearm.

22 In no case shall any firearm, the registration of which has been revoked for failure to
23 have financial responsibility, be reregistered in the name of the registered owner,
24 spouse, or any child of the owner or spouse, within less than 30 days after the date of
25 receipt of the notice from the sheriff, except that a spouse living separate and apart from
26 the registered owner may register the firearm immediately in the spouse's name.
27 Additionally, as a condition precedent to the reregistration of the firearm by the
28 registered owner, spouse, or any child of the owner or spouse, except a spouse living
29 separate and apart from the registered owner, the payment of a restoration fee of fifty
30 dollars (\$50.00) and the registration fee set in G.S. 14-415.23 for a new registration is
31 required. Any insurer failing to give notice of termination of an insurance policy as
32 required by this subsection shall be subject to a civil penalty of two hundred dollars
33 (\$200.00) to be assessed by the Commissioner of Insurance upon a finding by the
34 Commissioner of Insurance that good cause is not shown for the failure to give notice of
35 termination to the sheriff.

36 **"§ 14-415.17. Registration indexes.**

37 (a) The sheriff shall file each application received and shall keep a record of each
38 firearm registered as follows:

- 39 (1) Under a distinctive registration number assigned to the firearm;
- 40 (2) Alphabetically, under the name of the owner;
- 41 (3) Under the serial number or any other identifying number of the
42 firearm; and
- 43 (4) In any other manner the sheriff considers advisable.

1 (b) The sheriff shall maintain a separate registration file for firearms that are
2 owned or leased for use by individuals in the following categories:

3 (1) Members of federal, State, and local law enforcement agencies if the
4 firearms are used for official duties relating to transporting,
5 apprehending, or arresting persons charged with violations of the laws
6 of the United States or the State of North Carolina.

7 (2) Agents for the Internal Revenue Service.

8 (3) Public officials.

9 Individuals in the above categories shall provide satisfactory evidence to the sheriff that
10 their personal safety is at risk. This file shall be confidential for the use of the sheriff.

11 **"§ 14-415.18. Availability of records.**

12 All records of the sheriff pertaining to application and to registration, except the
13 registration file provided in G.S. 14-415.17(b), shall be open to public inspection at any
14 reasonable time during office hours and copies shall be provided upon payment of the
15 fee set in G.S. 14-415.23.

16 **"§ 14-451.19. Owner after transfer not liable for negligent operation.**

17 The owner of a firearm who has made a bona fide sale or transfer of the owner's title
18 or interest, and who has assigned the certificate of origin and delivered possession of the
19 firearm to the transferee, shall not be liable for any damages resulting from the use of
20 the firearm by another.

21 **"§ 14-415.20. Notice of change of address or name.**

22 Whenever any person, after applying for or obtaining the registration of a firearm,
23 moves from the address or changes the name named in the application or shown upon a
24 registration card, the person shall, within 30 days after the move or change of name,
25 notify in writing the sheriff of the county in which the firearm is registered of the
26 person's old and new addresses or old and new names.

27 **"§ 14-415.21. Replacement of lost or damaged registration card.**

28 In the event any registration card is lost or mutilated or becomes illegible, the owner
29 or legal representative of the owner of the firearm for which the registration card was
30 issued, as shown by the records of the sheriff, shall immediately apply for and obtain a
31 duplicate, a substitute, or a new registration under a new registration number, as
32 determined to be most advisable by the sheriff, upon the applicant's furnishing under
33 oath information satisfactory to the sheriff, and payment of the fee set in G.S. 14-
34 415.23.

35 **"§ 14-415.22. Registration evidence of ownership; ownership evidence of**
36 **defendant's responsibility for conduct of operation.**

37 (a) In all actions to recover damages for injury to person or to property or for the
38 death of a person, arising out of an accident involving a firearm, proof of ownership of
39 the firearm at the time of the accident shall be **prima facie** evidence that the firearm
40 was used with the authority, consent, and knowledge of the owner in the transaction out
41 of which the injury or cause of action arose.

42 (b) Proof of the registration of a firearm in the name of any person, firm, or
43 corporation shall for the purpose of an action, be **prima facie** evidence of ownership
44 and that the firearm was then being used by or under the supervision of a person for

1 whose conduct the owner was legally responsible, for the owner's benefit, and within
2 the course and scope of the person's employment.

3 **"§ 14-415.23. Fee schedule; administration; criminal penalties.**

4 (a) The sheriff may charge the following fees:

5 Application fee \$10.00

6 Registration fee \$25.00

7 Restoration fee \$50.00

8 Duplicate registration card \$5.00

9 Record copying cost \$3.00.

10 (b) The monies collected under this Article shall be retained by the sheriff.

11 (c) The sheriff shall administer and enforce the provisions of this Part and may
12 adopt rules necessary for its administration and shall provide for hearings upon request
13 of persons aggrieved by orders or acts of the sheriff under the provisions of this Part.

14 (d) A person who commits any of the following offenses is guilty of a Class I
15 felony:

16 (1) Possesses an unregistered firearm.

17 (2) With fraudulent intent alters an application to register a firearm or a
18 registration card.

19 (3) Forges or counterfeits an application to register a firearm or a
20 registration card purported to have been issued by the sheriff under this
21 Part.

22 (4) Holds or uses an application to register a firearm or a registration card
23 knowing that it has been altered, forged, or falsified.

24 (5) Reproduces or possesses a blank certificate of origin.

25 **"PART 2.**

26 **"HANDGUN TRANSFERS REGULATED.**

27 **"§ 14-415.24. Handgun transfers by dealers regulated.**

28 (a) A dealer shall not transfer a handgun to anyone who is not licensed under
29 G.S. 105-80 except as provided by this Part.

30 (b) Before transferring a handgun to an individual who is not licensed under G.S.
31 105-80, a dealer shall do all of the following for each requested transfer:

32 (1) Verify that the individual has a handgun license in accordance with
33 G.S. 14-415.25.

34 (2) Obtain from the individual a written statement as provided in G.S. 14-
35 415.26.

36 (3) Verify the identity of the individual by examining an appropriate
37 photographic identification card or document that lists the name,
38 address, date of birth, and physical description of the transferee.

39 (4) Notify the sheriff of the county in which the individual resides of the
40 individual's intent to obtain a handgun and the contents of the
41 individual's written statement, and forward to the sheriff a copy of the
42 written statement as provided in G.S. 14-415.26.

43 (5) Observe the waiting period required by G.S. 14-415.27.

- 1 (6) Obtain from the individual a written statement issued by the sheriff of
2 the county in which the individual resides during the 10-day period
3 ending on the date of the most recent proposal of a transfer to the
4 individual, stating that the individual requires access to a handgun
5 because of a threat to the life of the individual or any member of the
6 household of the individual.

7 **"§ 14-415.25. Dealer may sell handgun only to individual who has a handgun**
8 **license.**

9 (a) A dealer may transfer a handgun only to an individual who has a handgun
10 license issued in accordance with Article 52A of this Chapter. The dealer shall verify
11 that the individual has a handgun license by requesting to see the license and examining
12 it to determine its validity.

13 (b) A handgun license is valid only if:

- 14 (1) It was issued no more than five years before the date of the purchase of
15 the handgun;
16 (2) It was issued in this State by the sheriff of the county in which the
17 purchaser resides; and
18 (3) The information on the license identifying the license holder
19 accurately compares with the photographic identification card or
20 document of the proposed transferee.

21 **"§ 14-415.26. Information to be obtained by dealer before transferring handgun;**
22 **notification of sheriff.**

23 (a) Before transferring a handgun to an individual, a dealer shall obtain from the
24 transferee a written statement that provides notice that the transferee intends to obtain a
25 handgun from the dealer, indicates the date that the statement is made, and contains the
26 following information:

- 27 (1) The name, address, date of birth, and physical description of the
28 transferee.
29 (2) A description of the photographic identification card or document used
30 to verify the identity of the transferee.
31 (3) A statement that the transferee:
32 a. Has not been convicted or indicted in any court for a crime
33 punishable by imprisonment for a term exceeding one year.
34 b. Is not a fugitive from justice.
35 c. Is not addicted to or an unlawful user of any controlled
36 substance as defined in G.S. 90-87.
37 d. Has not been adjudicated as incompetent on the grounds of
38 mental illness or been committed to a mental institution.
39 e. Is not an alien who is illegally or unlawfully in the United
40 States.
41 f. Has not been discharged from the armed forces under
42 dishonorable conditions.
43 g. Is not a person who, having been a citizen of the United States,
44 has renounced this citizenship.

1 (b) Within one day after receiving the written statement described in subsection
2 (a) of this section, the dealer shall notify the sheriff of the county in which the
3 individual resides of the contents of the statement and forward a copy of the statement
4 to the sheriff.

5 **"§ 14-415.27. Required waiting period before handgun transfer.**

6 There is a waiting period of at least seven business days after the date on which
7 notice is provided to the sheriff as required by G.S. 14-415.26 before a handgun may be
8 transferred. A handgun shall not be transferred unless during that waiting period the
9 dealer has either (i) received no information from the sheriff that the proposed handgun
10 transfer violates federal, State, or local law or (ii) received notice from the sheriff that
11 the sheriff has no information indicating that the proposed handgun transfer would
12 violate federal, State, or local law.

13 **"§ 14-415.28. Dealer must notify sheriff if dealer receives notice of criminal**
14 **violation after transfer.**

15 If a dealer receives a report from a sheriff or any other law enforcement officer after
16 the transfer of a handgun that the receipt or possession of a firearm by the individual to
17 whom the transfer was made violates federal, State, or local law, then the dealer shall
18 notify both the sheriff of the county in which the dealer is located and the sheriff of the
19 county in which the individual resides within one business day after receipt of the
20 information.

21 **"§ 14-415.29. Handgun transfers between individuals.**

22 An individual shall transfer a handgun only to another individual who has a valid
23 handgun license issued in accordance with Article 52A of this Chapter. Before an
24 individual transfers a handgun to another, the individual shall report the proposed
25 transfer to the sheriff of the county in which the transfer is to occur and provide the
26 appropriate handgun registration information to the sheriff as required by Part 1 of this
27 Article.

28 **"PART 3.**

29 **"FIREARM POSSESSION REGULATED.**

30 **"§ 14-415.30. Age limit for possession of firearm.**

31 (a) It is unlawful for any person who is under the age of 18 to possess a firearm.
32 (b) A violation of this subsection is a Class 3 misdemeanor. Any firearm illegally
33 possessed under this section shall be confiscated by the sheriff and destroyed."

34 Sec. 2. G.S. 105-80 reads as rewritten:

35 **"§ 105-80. Firearms dealers and dealers in other weapons.**

36 (a) Firearms. — Every person, firm, or corporation who is engaged in the business
37 of selling or offering for sale firearms, other than antique firearms or firearms that are
38 weapons of mass death and destruction, shall obtain a license from the Secretary of
39 Revenue for the privilege of engaging in business and shall pay a tax of ~~fifty dollars~~
40 ~~(\$50.00)~~ five hundred dollars (\$500.00) for the license. As used in this subsection, the
41 terms 'antique firearm' and 'weapons of mass death and destruction' have the same
42 meanings as in G.S. 14-409.11 and G.S. 14-288.8, respectively. As used in this
43 subsection, the term 'engaged in the business of' shall mean devoting time, attention,
44 and labor to selling or offering for sale firearms as a regular course of trade or business

1 with the principal objective of profit through the repetitive purchase and sale, or the
2 manufacture for sale, of firearms. Such term shall not include the making of occasional
3 sales, exchanges, or purchases of firearms for the enhancement of a personal collection,
4 or the sale of all or part of a personal collection of firearms.

5 A license issued under this subsection authorizes the licensee to engage in business
6 at the location for which the license is issued and at a gun show held in the State. A
7 'gun show' is an event sponsored either by an organization devoted to the collection,
8 competitive use, or other sporting use of firearms or by an organization that sponsors
9 events devoted to the collection, competitive use, or other sporting use of firearms in the
10 community.

11 (b) Other Weapons. —Every person, firm, or corporation who is engaged in the
12 business of selling or offering for sale bowie knives, dirks, daggers, leaded canes, iron
13 or metallic knuckles, or similar weapons shall obtain a statewide license from the
14 Secretary of Revenue for the privilege of engaging in business and shall pay a tax of
15 two hundred dollars (\$200.00) for the license.

16 (c) Local Licenses. —Counties and cities may levy a license tax on a business
17 taxed under this section at an amount that does not exceed the State tax."

18 Sec. 3. Article 52A of Chapter 14 of the General Statutes, as amended by
19 Section 284 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

20 **"ARTICLE 52A.**

21 **"LICENSE REQUIRED FOR SALE OF HANDGUNS OR CROSSBOWS.**

22 **SALE OF WEAPONS IN CERTAIN COUNTIES.**

23 **"§ 14-402. (Effective January 1, 1995) Sale of certain weapons without permit**
24 **license forbidden.**

25 (a) It ~~shall be~~ is unlawful for ~~any a~~ a person, firm, or corporation in this State to
26 sell, give away, ~~or transfer, or to purchase~~ purchase, or receive, at any place within this
27 State from any other place within or without the State ~~any pistol a~~ handgun or crossbow
28 unless a license ~~or permit therefor has first been obtained~~ for the handgun or crossbow is
29 first obtained by the purchaser or receiver from the sheriff of the county in which ~~that~~
30 the purchaser or receiver resides.

31 It ~~shall be~~ is unlawful for ~~any a~~ a person ~~or persons~~ to receive from any postmaster,
32 postal clerk, employee in the parcel post department, rural mail carrier, express agent or
33 employee, railroad agent or employee within the State of North Carolina ~~any pistol a~~ a
34 handgun or crossbow without ~~having in his or their possession and without possessing a~~
35 license for the handgun or crossbow issued in accordance with G.S. 14-403 and
36 exhibiting the license to the delivery person at the time of the ~~delivery of the same and to~~
37 ~~the person delivering the same the permit from the sheriff as provided in G.S. 14-403.~~
38 delivery. Any person violating the provisions of this section shall be guilty of a Class 2
39 misdemeanor.

40 (b) This section does not apply to an antique firearm or an historic edged
41 weapon.

42 (c) The following definitions apply in this section:

43 (1) Antique firearm. – Defined in G.S. 14-409.11.

(2) Bolt. – A projectile made to be discharged from a crossbow. The bolt differs from an arrow in that the bolt is heavier and shorter than an arrow.

(3) Crossbow. – A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This device [device] is mechanically held at full or partial draw and released by a trigger or similar mechanism which is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.

(3a) Handgun. – Defined in G.S. 14-415.10.

(4) Historic edged weapon. – Defined in G.S. 14-409.12.

"§ 14-403. ~~Permit~~ License issued by sheriff; form of ~~permit~~ license.

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

North Carolina,
..... County.

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

This day of, 19

.....
_____ Sheriff.

North Carolina,
..... County,

I,, Sheriff of this County, certify that I am satisfied of the good moral character of who resides in Township or County, North Carolina. A license is issued to to purchase one handgun or crossbow from any person, firm, or corporation authorized to transfer the firearm or crossbow.

This..... day of..... 19.....

.....
_____ Sheriff.

"§ 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~~

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

29 **Application for license; issuance or refusal of license; appeal from refusal; ground**
30 **for refusal; fees.**

31 (a) Application. – A person shall apply to the sheriff of the county in which the
32 person resides for a handgun license. The person shall submit to the sheriff all of the
33 following:

- 34 (1) A completed application on a form provided by the sheriff's office.
- 35 (2) A nonrefundable application fee of ten dollars (\$10.00).
- 36 (3) Proof that the person is competent with firearms or has satisfactorily
37 completed a firearms training course as described in subsection (b) of
38 this section.
- 39 (4) Proof that the person has appropriate liability insurance as provided by
40 G.S. 14-415.16.

41 (b) Competence With Firearms or Completion of Firearms Training Course. – A
42 person may prove competence with firearms or successful completion of a firearms
43 training course by any one of the following:

1 (1) Completion of any hunter education or hunter safety course approved
2 by the Wildlife Resources Commission or a similar agency of another
3 state.

4 (2) Completion of any firearm safety or training course approved by a
5 local law enforcement agency.

6 (3) Experience with a firearm through participation in organized shooting
7 competition or military service.

8 (c) Processing of Application. – Upon receipt of the application and information
9 listed in subsection (a) of this section, the sheriff shall conduct a background check of
10 the applicant using any reasonable means deemed necessary by the sheriff to determine
11 the applicant's moral character, criminal record, if any, competence with a firearm,
12 financial responsibility as required by G.S. 14-415.16, and purpose for wanting to
13 possess a handgun or crossbow. The sheriff may also request and consider any other
14 information that the sheriff deems necessary to determine whether a license should be
15 issued to the applicant. The sheriff shall at a minimum conduct a background check of
16 the applicant sufficient to determine if the license should be refused for any of the
17 reasons listed in subsection (e) of this section.

18 (d) Purposes for Which License May Be Issued. – A license may be issued under
19 this Article only for the following purposes:

20 (1) The protection of the applicant's home, business, person, family, or
21 property.

22 (2) Target shooting.

23 (3) Collecting.

24 (4) Hunting.

25 (e) Persons to Whom License Shall Not Be Issued. – A license shall not be
26 issued under this Article to any of the following persons:

27 (1) A person who is under an indictment or information for or has been
28 convicted in any state, or in any court of the United States, of a felony
29 (other than an offense pertaining to antitrust violation, unfair trade
30 practices, or restraints of trade), except that if a person has been
31 convicted and later pardoned or is not prohibited from purchasing a
32 firearm under the Felony Firearms Act, the person may obtain a
33 license.

34 (2) A person who is a fugitive from justice.

35 (3) A person who is an unlawful user or addicted to marijuana or any
36 depressant, stimulant, or narcotic drug, as defined in G.S. 90-87.

37 (4) A person who has been adjudicated incompetent on the grounds of
38 mental illness or has been committed to any mental institution.

39 (f) Waiting Period.– No license shall be issued under this section until seven
40 calendar days have elapsed from the time of application for the license. However, if a
41 person has already been issued a license, no further license shall be issued to the person
42 in that same calendar year until 14 days have elapsed from the time of application for
43 the additional license. No person may apply for a license while the person has a

1 pending application for another license. The day of application is the first day of the
2 period.

3 (g) Issuance or Refusal of License. – The sheriff shall notify the applicant within
4 30 days of the date of the application whether the license will be granted or refused. If
5 the sheriff is satisfied that the applicant qualifies for a license, the sheriff shall notify the
6 applicant as provided by this section and shall issue the license immediately upon
7 receipt of a license fee of twenty-five dollars (\$25.00). If the sheriff is not satisfied that
8 the applicant qualifies for a license, the sheriff may, for good cause shown, refuse to
9 issue the license. The sheriff shall notify the applicant in writing within seven days of
10 the refusal that the application for the license is refused and shall state the reasons for
11 the refusal.

12 (h) Appeal From Refusal of License. – If a person is refused a license under this
13 section, the person may petition the chief judge of the district court for the district in
14 which the application was filed. The determination by the court on appeal shall be upon
15 the facts, the law, and the reasonableness of the sheriff's refusal, and shall be final.

16 **"§ 14-405. Record of ~~permits~~ licenses kept by sheriff.**

17 The sheriff shall keep a book, to be provided by the board of commissioners of each
18 county, in which ~~he~~ the sheriff shall keep a record of all licenses ~~or permits~~ issued under
19 this article, including the name, date, place of residence, age, former place of residence,
20 etc., of each ~~such~~ person, firm, or corporation to whom or which a license ~~or permit~~ is
21 issued.

22 **"§ 14-406. Dealer to keep record of sales. ~~sales~~; register sales with sheriff.**

23 (a) Every dealer in ~~pistols~~ handguns and other weapons mentioned in this Article
24 shall keep an accurate record of all sales ~~thereof, of weapons,~~ including the name, place
25 of residence, date of sale, etc., of each person, firm, or corporation to whom or which
26 ~~such~~ the sales are made, ~~which~~ made. The record shall be open to the inspection of any
27 duly constituted State, county or police officer, within this State.

28 (b) Every dealer in handguns shall register with the sheriff all transfers of
29 handguns made by the dealer. A dealer shall register the transfer of any handgun as
30 required by this section within five days of the transfer.

31 (c) Failure to register a handgun transfer as required by this section is a Class 1
32 misdemeanor.

33 **"§ 14-407. Weapons to be listed for taxes.**

34 During the period of listing taxes in each year the owner or person in possession or
35 having the custody or care of any weapon mentioned in this article is required to list the
36 ~~same~~ weapon specifically, as is now required for listing personal property for taxes. Any
37 person listing any ~~such~~ weapon for taxes shall be required to designate ~~his~~ the person's
38 place of residence, including local street address.

39 **"§ 14-407.1. Sale of blank cartridge pistols.**

40 The provisions of G.S. 14-402 and 14-405 to 14-407 shall apply to the sale of pistols
41 suitable for firing blank cartridges. The clerks of the superior courts of all the counties
42 of this State ~~are authorized and~~ may in their discretion issue to any person, firm or
43 corporation, in any such county, a license or permit to purchase or receive any pistol

1 suitable for firing blank cartridges from any person, firm or corporation offering to sell
2 or dispose of the same, which said permit shall be in substantially the following form:

3 North Carolina

4 County

5 I,, Clerk of the Superior Court of said county, do hereby certify that
6, whose place of residence is.....Street in (or) in

7 Township in County, North Carolina, having this day satisfied me that the

8 possession of a pistol suitable for firing blank cartridges will be used only for lawful

9 purposes, a permit is therefore given said to purchase said pistol from any

10 person, firm or corporation authorized to dispose of the same, this.....day of,

11 19

12

13 Clerk of Superior Court

14 The clerk shall charge for his services, upon issuing such permit, a fee of fifty cents
15 (50¢).

16 **"§ 14-408. (Effective January 1, 1995) Violation of § 14-406 or 14-407 a**
17 **misdemeanor.**

18 Any person, firm, or corporation violating any of the provisions of G.S. 14-406 or

19 14-407 ~~shall be~~ is guilty of a Class 2 misdemeanor.

20 **"§ 14-409. Machine guns and other like weapons.**

21 (a) As used in this section, 'machine gun' or 'submachine gun' means any weapon
22 which shoots, is designed to shoot, or can be readily restored to shoot, automatically

23 more than one shot, without manual reloading, by a single function of the trigger. The

24 term shall also include the frame or receiver of any such weapon, any combination of

25 parts designed and intended for use in converting a weapon into a machine gun, and any

26 combination of parts from which a machine gun can be assembled if such parts are in

27 the possession or under the control of a person.

28 (b) It shall be unlawful for any person, firm or corporation to manufacture, sell,
29 give away, dispose of, use or possess machine guns, submachine guns, or other like

30 weapons as defined by subsection (a) of this section: Provided, however, that this

31 subsection shall not apply to the following:

32 Banks, merchants, and recognized business establishments for use in their respective
33 places of business, who shall first apply to and receive from the sheriff of the county in

34 which said business is located, a permit to possess the said weapons for the purpose of

35 defending the said business; officers and soldiers of the United States Army, when in

36 discharge of their official duties, officers and soldiers of the militia and the State guard

37 when called into actual service, officers of the State, or of any county, city or town,

38 charged with the execution of the laws of the State, when acting in the discharge of their

39 official duties; the manufacture, use or possession of such weapons for scientific or

40 experimental purposes when such manufacture, use or possession is lawful under

41 federal laws and the weapon is registered with a federal agency, and when a permit to

42 manufacture, use or possess the weapon is issued by the sheriff of the county in which

43 the weapon is located. Provided, further, that any bona fide resident of this State who

44 now owns a machine gun used in former wars, as a relic or souvenir, may retain and

1 keep same as his or her property without violating the provisions of this section upon
2 his reporting said ownership to the sheriff of the county in which said person lives.

3 (c) **(Effective January 1, 1995)** Any person violating any of the provisions of
4 this section shall be guilty of a Class I felony."

5 Sec. 4. (a) Article 53 of Chapter 14 of the General Statutes is repealed.

6 (b) Section 4 of Chapter 1073 of the 1959 Session Laws is repealed.

7 Sec. 5. Section 2 of this act becomes effective July 1, 1994; the remainder of
8 this act becomes effective January 1, 1995, and applies to offenses committed on or
9 after that date. Notwithstanding the requirements of Part 1 of Article 54B of Chapter 14
10 as added by this act, a person who acquired a firearm before January 1, 1995, is not
11 required to register that firearm under Part 1 of Article 54B of Chapter 14 of the General
12 Statutes until February 1, 1995.