

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 919  
Committee Substitute Favorable 5/4/95

Short Title: Handgun Sales Range Protection.

(Public)

Sponsors:

Referred to:

April 12, 1995

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE STATE'S GUN LAWS.  
The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

**"ARTICLE 53B.**  
**"HANDGUNS.**

**"§ 14-409.20. Legislative intent.**

(a) It is the intention of this Article to establish State laws which are consistent with the policy and terms of the federal Brady Handgun Violence Protection Act by providing a State background check law.

(b) This Article shall in all respects be construed and administered in conformity with the provisions of the federal Brady Handgun Violence Protection Act. Without limiting the generality of the foregoing, it is specifically intended that this Article shall constitute a State law requiring verification by a State official that information available does not indicate that possession of a handgun by a proposed transferee would be in violation of law, as authorized under 18 U.S.C. § 922(s)(1)(D).

**"§ 14-409.21. Definitions.**

The following definitions apply in this Article:

- 1           (1) Dealer. – Any person licensed as a dealer pursuant to 18 U.S.C. § 921,  
2 et seq., and G.S. 105-80.
- 3           (2) Department. – Department of Justice.
- 4           (3) Handgun. – A pistol, revolver, or other gun that has a short stock and is  
5 designed to be held and fired by the use of a single hand.
- 6           (4) Involuntarily committed. – Hospitalized as an inpatient in any mental  
7 health facility pursuant to Article 5 of Chapter 122C of the General  
8 Statutes or hospitalized as an inpatient in any mental health facility as a  
9 result of being adjudicated mentally incompetent to stand trial or being  
10 adjudicated not guilty by reason of insanity at the time of the crime  
11 pursuant to Article 80 of Chapter 15A of the General Statutes.

12 **"§ 14-409.22. Sale and delivery of handguns.**

13           (a) On and after January 1, 1996, no dealer licensed pursuant to 18 U.S.C. § 923 or  
14 G.S. 105-80 shall sell or deliver from his or her business inventory at his or her licensed  
15 premises any handgun to another person, other than a licensed importer, licensed  
16 manufacturer, licensed dealer, or licensed collector, until:

- 17           (1) The dealer has obtained a completed consent form from the potential  
18 buyer or transferee. The form shall have been promulgated by the  
19 Department and provided by the licensed dealer. The form shall include  
20 only the name, birth date, gender, race, and social security number or  
21 other identification number of the potential buyer or transferee;
- 22           (2) The dealer has inspected identification containing a photograph of the  
23 potential buyer or transferee;
- 24           (3) The dealer has requested, by means of a toll-free telephone call, that the  
25 Department conduct a criminal history records check;
- 26           (4) The dealer has received a unique transaction number for that inquiry  
27 from the Department verifying that the information available to the  
28 Department does not indicate that possession of a handgun by the  
29 transferee would be in violation of federal or State law; and
- 30           (5) The dealer has recorded the date of receipt of the identifying number  
31 and the number on the consent form.

32           (b) The Department jointly with the Administrative Office of the Courts and the  
33 Department of Human Resources shall report to the General Assembly no later than May  
34 1, 1996, on the feasibility and costs of including an involuntary commitment records  
35 check on records to be made electronically available to the agency. Such report shall  
36 recommend changes in this Article and in confidentiality statutes that might be necessary  
37 to implement such a check.

38 **"§ 14-409.23. Instant criminal history records check.**

39           (a) Upon receipt of a request for a criminal history records check, the Department  
40 shall immediately, during the dealer's call or by return call:

- 41           (1) Review all criminal history records electronically available to the  
42 Department to determine if the potential buyer or transferee is

1 prohibited from receipt or possession of a handgun pursuant to State or  
2 federal law; and

3 (2) Inform the dealer making the inquiry that its records demonstrate that  
4 the potential buyer or transferee is so prohibited or provide the dealer  
5 with a unique transaction number.

6 (b) In the event that the electronic check of records available to the Department as  
7 provided in subsection (a) of this section reveals the existence of a criminal history record  
8 not immediately available to the Department so as to determine the eligibility of the  
9 potential buyer to purchase a handgun, the Department shall in the same call or return call  
10 advise the dealer of such existing, but not immediately available record. In that event, the  
11 dealer shall not complete the sale of the handgun until the Department advises the dealer  
12 that information subsequently received as a result of that request shows that the potential  
13 buyer is not prohibited from receiving or possessing a handgun under State or federal  
14 law. The Department shall advise the dealer as soon as the information is received.

15 (c) If a person has been convicted of a felony and is prohibited from purchasing  
16 the handgun under federal law, but G.S. 14-415.1 permits the person to possess the  
17 handgun on that person's premises, the Department shall not issue a unique identification  
18 number to the dealer as part of the telephone call or return telephone call under this  
19 Article. The Department shall issue the number if that person provides evidence to the  
20 Department, in accordance with procedures established by the Department, that G.S. 14-  
21 415.1 would permit the person to purchase the gun.

22 **"§ 14-409.24. Problems preventing check from completion by end of day; exception**  
23 **for calls received near end of day.**

24 (a) In the event of electronic failure, scheduled computer downtime, or similar  
25 emergency beyond the control of the Department or center which prevents or delays the  
26 checks from being made as provided in G.S. 14-409.23, the Department shall  
27 immediately notify the requesting dealer of the reason for, and estimated length of, the  
28 delay. If the delay is expected to extend beyond the close of business of the day the  
29 request is made, the firearm dealer may complete the transaction immediately without  
30 being in violation of this Article. After the notification, the Department shall  
31 immediately, and in no event later than the end of the day the request is made by the  
32 dealer, either inform the requesting dealer if its records demonstrate that the potential  
33 buyer is prohibited from receipt or possession of a handgun under State or federal law or  
34 provide the dealer a unique transaction number. Unless notified by the close of business  
35 the day the request is made that the potential buyer is so prohibited, and without regard to  
36 whether the potential buyer has received a unique transaction number, the dealer may  
37 complete the transaction and shall not be deemed in violation of this Article.  
38 Notwithstanding any other provision of this section, if the call is received in the 30  
39 minutes prior to the end of the business day, then a response no later than 30 minutes  
40 after the opening of business the next business day is timely.

41 (b) A licensed dealer is not required to comply with the requirements of this  
42 Article in the event of unavailability of telephone service at the licensed premises due to  
43 the failure of the entity which provides telephone service in the State, region, or other

1 geographical area in which the dealer is located to provide telephone service to the  
2 premises of the dealer due to the location of such premises or the interruption of  
3 telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of  
4 God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason  
5 beyond the control of the dealer.

6 (c) The Department shall not be held liable in any civil or criminal action if a  
7 dealer completes a transaction as provided in this section because the Department is  
8 unable to make the records check by the end of the business day or within 30 minutes  
9 after the opening of the next business day as provided by this section.

10 **"§ 14-409.25. Fees.**

11 (a) The Department may charge and collect a fee of five dollars (\$5.00) for each  
12 criminal history records check conducted pursuant to G.S. 14-409.23.

13 (b) The Department shall charge and collect a fee of three hundred dollars  
14 (\$300.00) each fiscal year from each dealer requesting a criminal history records check  
15 pursuant to G.S. 14-409.23. The dealer must also show evidence of the license required  
16 under 18 U.S.C. § 921, et seq., the State license under G.S. 105-80(a), and any city or  
17 county license required under G.S. 105-80(c).

18 **"§ 14-409.26. No departmental lists of handgun purchasers permitted.**

19 The Department shall not create any list, electronic, magnetic, or otherwise,  
20 containing any of the information set forth in G.S. 14-409.22(1) pertaining to a  
21 potential buyer or transferee unless the potential buyer or transferee is prohibited from  
22 receipt or possession of a handgun pursuant to State or federal law.

23 **"§ 14-409.27. Seven-day availability of record checks.**

24 The Department shall establish a toll-free telephone number which shall be  
25 operational seven days a week between the hours of 8:00 a.m. and 10:00 p.m. for  
26 purposes of responding to inquiries as described in this Article from licensed dealers.  
27 The Department shall employ and train the personnel necessary to administer  
28 expeditiously the provisions of this section.

29 **"§ 14-409.28. Right to appeal denial of license; cause of action against the State for**  
30 **failure to correct.**

31 Any person who is denied the right to receive or purchase a handgun as a result of the  
32 procedures established by this Article may apply to the Department for issuance to the  
33 dealer of the unique transaction number provided by this Article which would allow the  
34 sale to be completed, and such unique transaction number shall be issued if the applicant  
35 proves to the Department that the denial was erroneous because the person is not  
36 prohibited from receipt or possession of a handgun by State or federal law. The  
37 Department shall promulgate rules setting forth procedures for the evaluation of the  
38 person's claim. The Department shall not, however, relitigate or otherwise evaluate a  
39 person's adjudication of guilt. If the Department fails to issue the transaction number  
40 within seven days, the applicant may petition the superior court of the county of that  
41 person's residence for an order directing the Department to issue the unique transaction  
42 number. The superior court shall hear the appeal on the record below. If the information  
43 provided demonstrates that the person is not prohibited from receipt or possession of a

1 handgun by State or federal law, the Department shall destroy any records it maintains  
2 which contain any information derived from the criminal history record check set forth in  
3 G.S. 14-409.22(1).

4 **"§ 14-409.29. Rule-making authority; felony violation of confidentiality.**

5 (a) The Department shall adopt rules to ensure the identity, confidentiality, and  
6 security of all records and data provided pursuant to this Article.

7 (b) Any government employee or officer who willfully or intentionally  
8 compromises the identity, confidentiality, and security of any records and data pursuant  
9 to this Article is guilty of a Class I felony, shall be fined no less than five thousand  
10 dollars (\$5,000), and shall be subject to automatic dismissal from the office or  
11 employment.

12 **"§ 14-409.30. Immunity of seller or transferor from liability.**

13 Compliance with the provisions of this Article shall be a complete defense to any  
14 claim or cause of action under the laws of this State for liability for damages arising from  
15 the sale or transfer of any handgun which has been shipped or transported in interstate or  
16 foreign commerce to any person who has been convicted in any court of a crime  
17 punishable by imprisonment for a term exceeding one year or who has been involuntarily  
18 committed.

19 **"§ 14-409.31. Exceptions to this Article.**

20 (a) The provisions of this Article shall not apply to:

21 (1) Any firearm, including any handgun with a matchlock, flintlock,  
22 percussion cap, or similar type of ignition system, manufactured in or  
23 before 1898;

24 (2) Any replica of any firearm described in subdivision (1) of this  
25 subsection if the replica is not designed or redesigned to use rimfire or  
26 conventional center-fire fixed ammunition or uses rimfire or  
27 conventional center-fire fixed ammunition which is no longer  
28 manufactured in the United States and which is not readily available in  
29 the ordinary channels of commercial trade;

30 (3) Any firearm which is a curio or relic as defined by 27 C.F.R. 178.11; or

31 (4) Law enforcement officers in good standing and with arrest powers,  
32 certified by either the North Carolina Criminal Justice and Training  
33 Standards Commission or the North Carolina Sheriffs' Education and  
34 Training Standards Commission, purchasing a handgun to be used for  
35 official purposes.

36 (b) Notwithstanding any other provisions of this Article in any case where a  
37 person has transferred a handgun as collateral for a loan or as pledged goods in a pawn  
38 transaction and the transaction has been carried out pursuant to the provisions of this  
39 Article, upon the person reclaiming or redeeming the handgun from the dealer or upon  
40 the person transferring any other handgun as collateral or pledged goods to the same  
41 dealer or reclaiming the same at any time during the calendar year as the original  
42 transaction with the dealer, the provisions of this Article shall not apply to the transfers  
43 subsequent to the original transfer during the calendar year.

1 **"§ 14-409.32. Violations of this Article; penalties.**

2 (a) Any licensed dealer, employee of such dealer, or any government employee or  
3 officer, who willfully and intentionally requests a criminal history records check from the  
4 Department for any purpose other than compliance with this Article or willfully and  
5 intentionally disseminates any criminal history records information to any person other  
6 than the subject of the information is guilty of a Class 2 misdemeanor. A dealer is not  
7 liable for acts of an employee of that dealer unless the action of the employee was at the  
8 direction of the dealer.

9 (b) Any person who, in connection with the purchase, transfer, or attempted  
10 purchase or transfer of a handgun pursuant to G.S. 14-409.22, willfully and intentionally  
11 makes any materially false oral or written statement or willfully and intentionally  
12 furnishes or exhibits any false identification intended or likely to deceive the dealer is  
13 guilty of a Class 1 misdemeanor.

14 (c) Any licensed dealer who willfully and intentionally sells or delivers a handgun  
15 in violation of this Article is guilty of a Class 1 misdemeanor.

16 (d) Any purchaser or owner of a firearm who willfully and intentionally transfers  
17 the firearm at any time to a person whom he or she knows to be prohibited from the  
18 possession of a handgun by State or federal law is guilty of a Class I felony. This  
19 subsection shall apply to lawful transfers as provided in this Chapter.

20 **"§ 14-409.33. Report to General Assembly.**

21 The Department shall provide the Speaker of the House of Representatives and the  
22 President Pro Tempore of the Senate an annual report including the number of inquiries  
23 made pursuant to this Article for the prior calendar year. The report shall include the  
24 number of inquiries received from dealers, the number of inquiries resulting in a  
25 determination that the potential buyer or transferee was prohibited from receipt or  
26 possession of a handgun pursuant to State or federal law, the estimated costs of  
27 administering this Article, the number of instances in which a person requests approval  
28 pursuant to G.S. 14-409.28(a), the number of instances in which the superior court issued  
29 an order directing the Department to issue a unique transaction number pursuant to G.S.  
30 14-409.28(a), and the number of instances in which the Department was asked to issue a  
31 unique identification number under G.S. 14-409.23(c)."

32 Sec. 2. Article 52A of Chapter 14 of the General Statutes reads as rewritten:

33 **"ARTICLE 52A.**

34 **SALE OF WEAPONS-CROSSBOWS IN CERTAIN COUNTIES.**

35 **"§ 14-402. Sale of certain ~~weapons~~ crossbows without permit forbidden.**

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

41 It shall be unlawful for any person or persons to receive from any postmaster, postal  
42 clerk, employee in the parcel post department, rural mail carrier, express agent or  
43 employee, railroad agent or employee within the State of North Carolina any ~~pistol or~~

1 crossbow without having in his or their possession and without exhibiting at the time of  
 2 the delivery of the same and to the person delivering the same the permit from the sheriff  
 3 as provided in G.S. 14-403. Any person violating the provisions of this section shall be  
 4 guilty of a Class 2 misdemeanor.

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

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

7 ~~(1) Antique firearm. — Defined in G.S. 14-409.11.~~

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

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

17 ~~(4) Historic edged weapon. — Defined in G.S. 14-409.12.~~

18 **"§ 14-403. Permit issued by sheriff; form of permit.**

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

24 North Carolina,  
 25 ..... County.

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

31 This .....day of ....., ~~19~~.....

32 .....  
 33 Sheriff.

34 **"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;  
 35 sheriff's fee.**

36 Upon application, the sheriff shall issue such license or permit to a resident of that  
 37 county unless the purpose of the permit is for collecting, in which case a sheriff can issue  
 38 a permit to a nonresident when the sheriff shall have fully satisfied himself by affidavits,  
 39 oral evidence, or otherwise, as to the good moral character of the applicant therefor, and  
 40 that such person, firm, or corporation desires the possession of the ~~weapon~~crossbow  
 41 mentioned for (i) the protection of the home, business, person, family or property, (ii)  
 42 target shooting, (iii) collecting, or (iv) hunting. If said sheriff shall not be so fully  
 43 satisfied, he may, for good cause shown, decline to issue said license or permit and shall

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

23 **"§ 14-405. Record of permits kept by sheriff.**

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

28 **"§ 14-406. Dealer to keep record of sales.**

29 Every dealer in ~~pistols and other weapons mentioned in this Article~~ crossbows shall keep  
30 an accurate record of all sales thereof, including the name, place of residence, date of  
31 sale, etc., of each person, firm, or corporation to whom or which such sales are made,  
32 which record shall be open to the inspection of any duly constituted State, county or  
33 police officer, within this State.

34 ~~§14n During the period of listing taxes in each year the owner or person in~~  
35 ~~possession or having the custody or care of any weapon mentioned in this~~  
36 ~~article is required to list the same specifically, as is now required for~~  
37 ~~listing personal property for taxes. Any person listing any such weapon for~~  
38 ~~taxes shall be required to designate his place of residence, including local~~  
39 ~~street address.~~

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



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

~~North Carolina  
..... County~~

~~I, ....., Clerk of the Superior Court of said county, do hereby certify that ....., whose place of residence is.....Street in ..... (or) in ..... Township in ..... County, North Carolina, having this day satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only for lawful purposes, a permit is therefore given said ..... to purchase said pistol from any person, firm or corporation authorized to dispose of the same, this.....day of ....., 19 .....~~

~~.....  
..... Clerk of Superior Court~~

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

~~"§ 14-408. Violation of "§ 14i Any person, firm, or corporation violating any of the provisions of G.S. 14-406 or 14-407 shall be guilty of a Class 2 misdemeanor.~~

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

(a) As used in this section, 'machine gun' or 'submachine gun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons as defined by subsection (a) of this section: Provided, however, that this subsection shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep

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

3 (c) Any person violating any of the provisions of this section shall be guilty of a  
4 Class I felony."

5 Sec. 3. Article 53 of Chapter 14 of the General Statutes reads as rewritten:

6 **"ARTICLE 53.**

7 **"SALE OF WEAPONS-CROSSBOWS IN CERTAIN OTHER COUNTIES.**

8 **"§ 14-409.1. Sale of certain ~~weapons~~-crossbows without permit forbidden.**

9 (a) It shall be unlawful for any person, firm, or corporation in this State to sell,  
10 give away, or transfer, or to purchase or receive, at any place within this State from any  
11 other place within or without the State any ~~pistol~~ or crossbow unless a license or permit  
12 therefor has first been obtained by the purchaser or receiver from the clerk of the superior  
13 court of the county in which that purchaser or receiver resides.

14 It shall be unlawful for any person or persons to receive from any postmaster, postal  
15 clerk, employee in the parcel post department, rural mail carrier, express agent or  
16 employee, railroad agent or employee within the State of North Carolina any ~~pistol~~  
17 crossbow without having in his or their possession and without exhibiting at the time of  
18 the delivery of the same and to the person delivering the same, the permit from the clerk  
19 of superior court as provided in G.S. 14-409.2. Any person violating the provisions of  
20 this section shall be guilty of a Class 2 misdemeanor.

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

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

23 (1) ~~Antique firearm. — Defined in G.S. 14-409.11.~~

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

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

33 (4) ~~Historic edged weapon. — Defined in G.S. 14-409.12.~~

34 **"§ 14-409.2. Permit issued by clerk of court; form of permit.**

35 The clerks of the superior courts of any and all counties of this State are hereby  
36 authorized and directed to issue to any person, firm, or corporation in any such county a  
37 license or permit to purchase or receive any ~~weapon~~-crossbow mentioned in this Article  
38 from any person, firm, or corporation offering to sell or dispose of the same, which said  
39 license or permit shall be in the following form, to wit:

40 North Carolina,

41 ..... County.

42 I, ....., Clerk of the Superior Court of said County, do hereby certify that .....,  
43 whose place of residence is ..... in ..... (or) in ..... Township,

1 .....County, North Carolina, having this day satisfied me as to his, her (or) their good  
2 moral character, a license or permit is therefore hereby given said ..... to purchase one  
3 ~~pistol~~ crossbow from any person, firm or corporation authorized to dispose of the same.

4 This .....day of ....., ~~19~~.....

5 .....  
6 Clerk of the Superior Court

7 **"§ 14-409.3. Issuance or refusal of permit; appeal from refusal; grounds for refusal;**  
8 **clerk's fee.**

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

40 **"§ 14-409.4. Record of permits kept by clerk.**

41 The clerk of the superior court shall keep a book, to be provided by the board of  
42 commissioners of each county, in which he shall keep a record of all licenses or permits  
43 issued under this article, including the name, date, place of residence, age, former place

1 of residence, etc., of each such person, firm, or corporation to whom or which a license or  
2 permit is issued.

3 **"§ 14-409.5. Dealer to keep record of sales.**

4 Every dealer in ~~pistols and other weapons mentioned in this Article~~ crossbows shall keep  
5 an accurate record of all sales thereof, including the name, place of residence, date of  
6 sale, etc., of each person, firm, or corporation to whom or which such sales are made,  
7 which record shall be open to the inspection of any duly constituted State, county or  
8 police officer, within this State.

9 ~~"§ 14t During the period of listing taxes in each year the owner or person in~~  
10 ~~possession or having the custody or care of any weapon mentioned in this~~  
11 ~~article is required to list the same specifically, as is now required for~~  
12 ~~listing personal property for taxes. Any person listing any such weapons~~  
13 ~~for taxes shall be required to designate his place of residence, including~~  
14 ~~local street address.~~

15 ~~"§ 14s The provisions of G. S. 14-409.1 and 14-409.4 to 14-409.6 shall apply to the~~  
16 ~~sale of pistols suitable for firing blank cartridges. The clerks of the~~  
17 ~~superior courts of all the counties of this State are authorized and may in~~  
18 ~~their discretion issue to any person, firm or corporation, in any such~~  
19 ~~county, a license or permit to purchase or receive any pistol suitable for~~  
20 ~~firing blank cartridges from any person, firm or corporation offering to~~  
21 ~~sell or dispose of the same, which said permit shall be in substantially the~~  
22 ~~following form:~~

23 North Carolina,

24 ..... County.

25 I, ....., Clerk of the Superior Court of said county, do hereby certify that  
26 ....., whose place of residence is ..... Street in ..... (or) in .....  
27 Township in ..... County, North Carolina, having this day satisfied me that the  
28 possession of a pistol suitable for firing blank cartridges will be used only for lawful  
29 purposes, a permit is therefore given said ... to purchase said pistol from any  
30 person, firm or corporation authorized to dispose of the same, this ..... day of  
31 ....., 19 .....

32 .....

33 ..... Clerk of Superior Court

34 The clerk shall charge for his services, upon issuing such permit, a fee of fifty cents  
35 (~~50¢~~).

36 **"§ 14-409.8. Violation of § 14-409.5 ~~or 14~~. Any person, firm, or corporation violating**  
37 **any of the provisions of G.S. 14-409.5 or 14-409.6 shall be guilty of a Class**  
38 **2 misdemeanor.**

39 **"§ 14-409.9. Machine guns and other like weapons.**

40 (a) As used in this section, 'machine gun' or 'submachine gun' means any weapon  
41 which shoots, is designed to shoot, or can be readily restored to shoot, automatically  
42 more than one shot, without manual reloading, by a single function of the trigger. The  
43 term shall also include the frame or receiver of any such weapon, any combination of

1 parts designed and intended for use in converting a weapon into a machine gun, and any  
2 combination of parts from which a machine gun can be assembled if such parts are in the  
3 possession or under the control of a person.

4 (b) It shall be unlawful for any person, firm or corporation to manufacture, sell,  
5 give away, dispose of, use or possess machine guns, submachine guns, or other like  
6 weapons as defined by subsection (a) of this section: Provided, however, that this  
7 subsection shall not apply to the following:

8 Banks, merchants, and recognized business establishments for use in their respective  
9 places of business, who shall first apply to and receive from the clerk of the superior  
10 court of the county in which said business is located, a permit to possess the said  
11 weapons for the purpose of defending the said business; officers and soldiers of the  
12 United States Army, when in discharge of their official duties, officers and soldiers of the  
13 militia and the State guard when called into actual service, officers of the State, or of any  
14 county, city or town, charged with the execution of the laws of the State, when acting in  
15 the discharge of their official duties; the manufacture, use or possession of such weapons  
16 for scientific or experimental purposes when such manufacture, use or possession is  
17 lawful under federal laws and the weapon is registered with a federal agency, and when a  
18 permit to manufacture, use or possess the weapon is issued by the sheriff of the county in  
19 which the weapon is located. Provided, further, that any bona fide resident of this State  
20 who now owns a machine gun used in former wars as a relic or souvenir, may retain and  
21 keep same as his or her property without violating the provisions of this section upon his  
22 reporting said ownership to the clerk of the superior court of the county in which said  
23 person lives.

24 (c) Any person violating any of the provisions of this section shall be guilty of a  
25 Class I felony."

26 Sec. 4. Chapter 113 of the General Statutes is amended by adding a new  
27 Article to read:

28 **"ARTICLE 21C.**

29 **"SPORT SHOOTING RANGES.**

30 **"§ 113-290.25. Sport shooting ranges; definitions; immunity.**

31 (a) The following definitions apply in this section:

32 (1) Person. – An individual, proprietorship, partnership, corporation, club,  
33 governmental entity, or other legal entity.

34 (2) Sport shooting range or range. – An area delegated and operated for the  
35 use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or  
36 any other similar sport shooting.

37 (b) Notwithstanding any other provision of law, a person who owns or operates or  
38 uses a sport shooting range is not subject to civil liability or criminal prosecution in any  
39 matter relating to noise or noise pollution resulting from the operation or use of the range  
40 if the range is in compliance with any noise control laws or ordinances that applied to the  
41 range and its operations at the time of construction or initial operation of the range.

42 A person who owns, operates, or uses a sport shooting range is not subject to an  
43 action for nuisance, and a court of the State shall not enjoin or restrain the use or

1 operation of a range on the basis of noise or noise pollution, if the range is in compliance  
2 with any noise control laws or ordinance that applied to the range and its operation at the  
3 time of construction or initial operation of the range.

4 Rules or regulations adopted by any State department or agency for limiting levels of  
5 noise in terms of decibel level which may occur in the outdoor atmosphere do not apply  
6 to a sport shooting range exempted from liability under this Article.

7 (c) A sport shooting range that is operated and is not in violation of existing law at  
8 the time of the enactment of an ordinance shall be permitted to continue in operation even  
9 if the operation of the sport shooting range at a later date does not conform to the new  
10 ordinance or an amendment to an existing ordinance.

11 A sport shooting range that is in existence as of the effective date of this section, even  
12 if not in compliance with an ordinance of a local unit of government, shall be permitted  
13 to do all the following within its preexisting geographic boundaries if in compliance with  
14 generally accepted operation practices:

15 (1) Repair, remodel, or reinforce any conforming or nonconforming building  
16 or structure as may be necessary in the interest of public safety or to  
17 secure the continued use of the building or structure.

18 (2) Reconstruct, repair, restore, or resume the use of a nonconforming  
19 building damaged by fire, collapse, explosion, act of God, or act of war  
20 occurring after the effective date of the damage or settlement of any  
21 property damage claim. If reconstruction, repair, or restoration is not  
22 completed within one year, continuation of the nonconforming use may  
23 be terminated in the discretion of the local unit of government.

24 (3) Do the following:

25 a. Expand or increase its membership or opportunities for public  
26 participation.

27 b. Expand or increase events and activities.

28 (d) A person who acquires title to or who owns real property adversely affected by  
29 the use of property with a permanently located and improved sport shooting range shall  
30 not maintain a nuisance action against the person who owns the range to restrain, enjoin,  
31 or impede the use of the range where there has not been a substantial change in the nature  
32 of the use of the range. This subsection does not prohibit actions for negligence or  
33 recklessness in the operation of the range or by a person using the range.

34 (e) Except as otherwise provided in this Article, this Article does not prohibit a  
35 local government from regulating the location and construction of a sport shooting range  
36 after the effective date of this Article."

37 Sec. 5. There is appropriated from the General Fund to the Department of  
38 Justice for fiscal year 1995-96 the sum of nine hundred seven thousand one hundred  
39 thirty-three dollars (\$907,133) and for fiscal year 1996-97 the sum of eight hundred four  
40 thousand two hundred sixty-seven dollars (\$804,267) as the gross cost of implementing  
41 Section 1 of this act. Net receipts, estimated at six hundred eighty-six thousand fifty-five  
42 dollars (\$686,055) for fiscal year 1995-96 and one million sixty-two thousand one

1 hundred ten dollars (\$1,062,110) for fiscal year 1996-97 shall be deposited in the General  
2 Fund.

3           Sec. 6. This act becomes effective January 1, 1996.