

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

1

SENATE BILL 865

Short Title: Comply With Brady Bill.

(Public)

Sponsors: Senators Cochrane and Carpenter.

Referred to: Judiciary I/Constitution

April 26, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE LAWS REGARDING THE PURCHASE OF A HANDGUN TO CONFORM TO THE REQUIREMENTS OF THE "BRADY HANDGUN VIOLENCE PREVENTION ACT".

The General Assembly of North Carolina enacts:

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

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

The sheriffs of any and all counties 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 weapon.~~ The license or permit shall expire five years from the date of issuance. The license or permit shall be in the following form, to-wit: form:

North Carolina,
..... County.

I,, Sheriff of said County, do hereby certify that I have conducted a criminal background check of the applicant, whose place of residence isin(or in....Township, County, North Carolina, and have received no information to indicate that it would be a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The applicant has further

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

4 This license or permit expires five years from its date of issuance.

5 Thisday of, 19

6
 7 Sheriff."

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

9 **"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;**
 10 **sheriff's fee.**

11 (a) Upon application, the sheriff shall issue ~~such the~~ license or permit to a resident
 12 of that county unless the purpose of the permit is for collecting, in which case a sheriff
 13 can issue a permit to a nonresident when the sheriff has done all of the following:

14 (1) Verified by a criminal history background investigation that it is not a
 15 violation of State or federal law for the applicant to purchase, transfer,
 16 receive, or possess a handgun.

17 (2) ~~shall have fully~~ Fully satisfied himself or herself by affidavits, oral
 18 evidence, or otherwise, as to the good moral character of the ~~applicant~~
 19 ~~therefor, and that such person, firm, or corporation~~ applicant.

20 (3) Fully satisfied himself or herself that the applicant desires the
 21 possession of the weapon mentioned for (i) the protection of the home,
 22 business, person, family or property, (ii) target shooting, (iii) collecting,
 23 or (iv) hunting.

24 (c) If ~~said the sheriff shall~~ is not be so fully satisfied, ~~he the sheriff~~ may, for good
 25 cause shown, decline to issue ~~said the~~ license or permit and shall provide to ~~said the~~
 26 applicant within seven days of ~~such the~~ refusal a written statement of the reason(s) for
 27 ~~such the~~ refusal. An appeal from ~~such the~~ refusal shall lie by way of petition to the chief
 28 judge of the district court for the district in which the application was filed. The
 29 determination by the court, on appeal, shall be upon the facts, the law, and the
 30 reasonableness of the sheriff's refusal, and shall be final.

31 (d) A permit may not be issued to the following persons:

32 (1) ~~(i) one~~ One who is under an indictment or information for or has been
 33 convicted in any state, or in any court of the United States, of a felony
 34 (other than an offense pertaining to antitrust violations, unfair trade
 35 practices, or restraints of trade), except that if a person has been
 36 convicted and later pardoned or is not prohibited from purchasing a
 37 firearm under the Felony Firearms Act (Article 54A of this Chapter), ~~he~~
 38 the person may obtain a permit.

39 (2) ~~(ii) one~~ One who is a fugitive from ~~justice;~~ justice.

40 (3) ~~(iii) one~~ One who is an unlawful user of or addicted to marijuana or any
 41 depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section
 42 ~~802);~~ 802).

1 (4) ~~(iv) one~~ One who has been adjudicated incompetent on the ground of
2 mental illness or has been committed to any mental institution.

3 (e) ~~Provided, that nothing~~ Nothing in this Article shall apply to officers authorized
4 by law to carry firearms if ~~such the~~ officers identify themselves to the vendor or donor as
5 being officers authorized by law to carry firearms and state that the purpose for the
6 purchase of the firearms is directly related to the law officers' official duties.

7 (f) The sheriff shall charge for ~~his the sheriff's~~ services upon issuing ~~such the~~
8 license or permit a fee of five dollars (\$5.00).

9 (g) Each applicant for ~~any such a~~ license or permit shall be informed by ~~said the~~
10 sheriff within 30 days of the date of ~~such the~~ application whether ~~such the~~ license or
11 permit will be granted or denied and, if granted, ~~such the~~ license or permit shall be
12 immediately issued to ~~said the~~ applicant."

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

14 Sec. 4. This act is effective upon ratification and applies to permits or licenses
15 applied for on or after that date.