

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 101
Committee Substitute Favorable 3/8/23

Short Title: The Firearms Liberty Act.

(Public)

Sponsors:

Referred to:

February 14, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE ISSUANCE OF LIFETIME CONCEALED HANDGUN
3 PERMITS, TO PROVIDE THAT A CONCEALED CARRY PERMITTEE WHO ALLOWS
4 THE PERMIT TO LAPSE DOES NOT HAVE TO TAKE ANOTHER FIREARMS
5 SAFETY AND TRAINING COURSE UPON APPLYING FOR RENEWAL UNDER
6 CERTAIN CONDITIONS, AND TO PROTECT THE PROPERTY RIGHTS OF PERSONS
7 SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER BY ALLOWING
8 THEM TO STORE THEIR FIREARMS WITH OR SELL THEIR FIREARMS THROUGH
9 A QUALIFIED LICENSED FIREARMS DEALER.

10 The General Assembly of North Carolina enacts:

11
12 **PART I. TITLE**

13 **SECTION 1.1.** This act shall be known as "The Firearms Liberty Act."
14

15 **PART II. LIFETIME CONCEALED HANDGUN PERMITS**

16 **SECTION 2.1.** G.S. 14-415.10 reads as rewritten:

17 **"§ 14-415.10. Definitions.**

18 The following definitions apply to this Article:

- 19 (1) Carry a concealed handgun. – The term includes possession of a concealed
20 handgun.
21 ~~(1a)~~(2) Deployed or deployment. – Any military duty that removes a military
22 permittee from the permittee's county of residence during which time the
23 permittee's permit expires or will expire.
24 (3) Fixed duration permit. – A concealed handgun permit issued in accordance
25 with the provisions of this Article and with a stated expiration date.
26 ~~(2)~~(4) Handgun. – A firearm that has a short stock and is designed to be held and
27 fired by the use of a single hand.
28 (5) Lifetime permit. – A concealed handgun permit issued in accordance with the
29 provisions of this Article with no expiration date.
30 ~~(2a)~~(6) Military permittee. – A person who holds a permit who is also a member of
31 the Armed Forces of the United States, the reserve components of the Armed
32 Forces of the United States, the North Carolina Army National Guard, or the
33 North Carolina Air National Guard.
34 ~~(3)~~(7) Permit. – ~~A concealed handgun permit~~ fixed duration permit or lifetime permit
35 issued in accordance with the provisions of this Article.



- 1 ~~(3a)~~(8) Proof of deployment. – A copy of the military permittee's deployment orders
2 or other written notification from the permittee's command indicating the start
3 and end date of deployment and that orders the permittee to travel outside the
4 permittee's county of residence.
- 5 ~~(4)~~(9) Qualified former sworn law enforcement officer. – An individual who retired
6 from service as a law enforcement officer with a local, State, campus police,
7 or company police agency in North Carolina, other than for reasons of mental
8 disability, who has been retired as a sworn law enforcement officer two years
9 or less from the date of the permit application, and who satisfies all of the
10 following:
11 a. Immediately before retirement, the individual was a qualified law
12 enforcement officer with a local, State, or company police agency in
13 North Carolina.
14 b. The individual has a nonforfeitable right to benefits under the
15 retirement plan of the local, State, or company police agency as a law
16 enforcement officer; or has 20 or more aggregate years of law
17 enforcement service and has retired from a company police agency
18 that does not have a retirement plan; or has 20 or more aggregate years
19 of part-time or auxiliary law enforcement service.
20 c. The individual is not prohibited by State or federal law from receiving
21 a firearm.
- 22 ~~(4a)~~(10) Qualified retired correctional officer. – An individual who retired from
23 service as a State correctional officer, other than for reasons of mental
24 disability, who has been retired as a correctional officer two years or less from
25 the date of the permit application and who meets all of the following criteria:
26 a. Immediately before retirement, the individual met firearms training
27 standards of the Division of Adult Correction and Juvenile Justice of
28 the Department of Public Safety and was authorized by the Division
29 of Adult Correction and Juvenile Justice of the Department of Public
30 Safety to carry a handgun in the course of assigned duties.
31 b. The individual retired in good standing and was never a subject of a
32 disciplinary action by the Division of Adult Correction and Juvenile
33 Justice of the Department of Public Safety that would have prevented
34 the individual from carrying a handgun.
35 c. The individual has a vested right to benefits under the Teachers' and
36 State Employees' Retirement System of North Carolina established
37 under Article 1 of Chapter 135 of the General Statutes.
38 d. The individual is not prohibited by State or federal law from receiving
39 a firearm.
- 40 ~~(4b)~~(11) Qualified retired law enforcement officer. – An individual who meets the
41 definition of "qualified retired law enforcement officer" contained in section
42 926C of Title 18 of the United States Code.
- 43 ~~(4e)~~(12) Qualified retired probation or parole certified officer. – An individual who
44 retired from service as a State probation or parole certified officer, other than
45 for reasons of mental disability, who has been retired as a probation or parole
46 certified officer two years or less from the date of the permit application and
47 who meets all of the following criteria:
48 a. Immediately before retirement, the individual met firearms training
49 standards of the Division of Adult Correction and Juvenile Justice of
50 the Department of Public Safety and was authorized by the Division

of Adult Correction and Juvenile Justice of the Department of Public Safety to carry a handgun in the course of duty.

- b. The individual retired in good standing and was never a subject of a disciplinary action by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety that would have prevented the individual from carrying a handgun.
- c. The individual has a vested right to benefits under the Teachers' and State Employees' Retirement System of North Carolina established under Article 1 of Chapter 135 of the General Statutes.
- d. The individual is not prohibited by State or federal law from receiving a firearm.

(5)(13) Qualified sworn law enforcement officer. – A law enforcement officer employed by a local, State, campus police, or company police agency in North Carolina who satisfies all of the following:

- a. The individual is authorized by the agency to carry a handgun in the course of duty.
- b. The individual is not the subject of a disciplinary action by the agency that prevents the carrying of a handgun.
- c. The individual meets the requirements established by the agency regarding handguns."

SECTION 2.2. G.S. 14-415.11 reads as rewritten:

"§ 14-415.11. Permit to carry concealed handgun; scope of permit.

(a) Any person who has a ~~concealed handgun~~ permit to carry a concealed handgun may carry a concealed handgun unless otherwise specifically prohibited by law. The person shall carry the permit together with valid identification whenever the person is carrying a concealed handgun, shall disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun when approached or addressed by the officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer. In addition to these requirements, a military permittee with a fixed duration permit whose permit has expired during deployment may carry a concealed handgun during the 90 days following the end of deployment and before the permit is renewed provided the permittee also displays proof of deployment to any law enforcement officer.

(b) The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under G.S. 14-415.12. ~~The~~ A fixed duration permit shall be valid throughout the State for a period of five years from the date of issuance. A lifetime permit shall be valid throughout the State until revoked or surrendered.

...

(d) A person who is issued a permit shall notify the sheriff ~~who issued the permit of the county where the person resides~~ of any change in the person's permanent address within 30 days after the change of address. If a permit is lost or destroyed, the person to whom the permit was issued shall notify the sheriff who issued the permit of the loss or destruction of the permit. A person may obtain a duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed and paying the required duplicate permit fee."

SECTION 2.3. G.S. 14-415.14(a) reads as rewritten:

"(a) The sheriff shall make permit applications readily available at the office of the sheriff or at other public offices in the sheriff's jurisdiction. The permit application shall be in triplicate, in a form to be prescribed by the State Bureau of Investigation, and shall include the following information with regard to the applicant: name, address, physical description, signature, date of birth, social security number, military status, law enforcement status, and the drivers license number or State identification card number of the applicant if used for identification in applying

1 for the permit. The application shall also indicate if the application is for a fixed duration permit
2 or a lifetime permit."

3 **SECTION 2.4.** G.S. 14-415.16, as amended by Section 3.1 of this act, reads as
4 rewritten:

5 "**§ 14-415.16. Renewal of fixed duration permit.**

6 (a) At least 45 days prior to the expiration date of a fixed duration permit, the sheriff of
7 the county where the permit was issued shall send a written notice to the permittee explaining
8 that the permit is about to expire and including information about the requirements for renewal
9 of the permit. The notice shall be sent by first class mail to the last known address of the
10 permittee. Failure to receive a renewal notice shall not relieve a permittee of requirements
11 imposed in this section for renewal of the permit.

12 (b) The holder of a fixed duration permit shall apply to renew the permit within the
13 90-day period prior to its expiration date by filing with the sheriff of the county in which the
14 person resides a renewal form provided by the sheriff's office, an affidavit stating that the
15 permittee remains qualified under the criteria provided in this Article, a newly administered full
16 set of the permittee's fingerprints, and a renewal fee. The renewal form shall indicate whether the
17 holder of the permit would like the renewal to be issued as a fixed duration permit or a lifetime
18 permit.

19 ...
20 (e) If the permittee does not apply to renew the fixed duration permit prior to its
21 expiration date, but does apply to renew the permit less than 180 days after the permit expires,
22 the sheriff shall waive the requirement of taking another firearms safety and training course. If
23 the permittee applies to renew the permit between 180 days and one year after the permit expires,
24 the sheriff may waive the requirement of taking another firearms and safety training course. This
25 subsection does not extend the expiration date of the fixed duration permit."

26 **SECTION 2.5.** G.S. 14-415.16A reads as rewritten:

27 "**§ 14-415.16A. Permit extensions and renewals of fixed duration permits for deployed**
28 **military permittees.**

29 (a) A deployed military permittee whose fixed duration permit will expire during the
30 permittee's deployment, or the permittee's agent, may apply to the sheriff for an extension of the
31 military permittee's permit by providing the sheriff with a copy of the permittee's proof of
32 deployment. Upon receipt of the proof, the sheriff shall extend the fixed duration permit for a
33 period to end 90 days after the permittee's deployment is scheduled to end. A fixed duration
34 permit that has been extended under this section shall be valid throughout the State during the
35 period of its extension.

36 (b) A military permittee's fixed duration permit that is not extended under subsection (a)
37 of this section and that expires during deployment shall remain valid during the deployment and
38 for 90 days after the end of the deployment as if the permit had not expired. The military permittee
39 may carry a concealed handgun during this period provided the permittee meets all the
40 requirements of G.S. 14-415.11(a).

41 (c) A military permittee under subsection (a) or subsection (b) of this section shall have
42 90 days after the end of the permittee's deployment to renew the fixed duration permit. In addition
43 to the requirements of G.S. 14-415.16, the permittee shall provide to the sheriff proof of
44 deployment. The sheriff shall renew the permit upon receipt of this documentation provided the
45 permittee otherwise remains qualified to hold a concealed handgun permit."

46 **SECTION 2.6.** Article 54B of Chapter 14 of the General Statutes is amended by
47 adding a new section to read:

48 "**§ 14-415.16B. Reissuance of a lifetime permit as a fixed duration permit.**

49 The holder of a lifetime permit may apply at any time to have the lifetime permit reissued as
50 a fixed duration permit. An application for reissuance shall be submitted by the permittee and

1 considered by the sheriff in the same manner as an application for renewal of a fixed duration
2 permit pursuant to the applicable provisions of G.S. 14-415.16."

3 SECTION 2.7. G.S. 14-415.17 reads as rewritten:

4 "§ 14-415.17. Permit; sheriff to retain a list of permittees; confidentiality of list and permit
5 application information; availability to law enforcement agencies.

6 (a) The permit shall be in a certificate form, as prescribed by the State Bureau of
7 Investigation, that is approximately the size of a North Carolina drivers license. It shall bear the
8 signature, name, address, date of birth, and the drivers license identification number used in
9 applying for the permit. A lifetime permit shall bear a clear indication of its lifetime duration on
10 its face. A fixed duration permit shall bear the expiration date of the permit on its face.

11 (b) The sheriff shall maintain a listing, including the identifying information, of those
12 persons who are issued a ~~permit~~-permit and whether the permit issued is a fixed duration permit
13 or a lifetime permit. Within five days of the date a permit is issued, the sheriff shall send a copy
14 of the permit to the State Bureau of Investigation.

15 (c) Except as provided otherwise by this subsection, the list of permit holders and the
16 information collected by the sheriff to process an application for a permit are confidential and
17 are not a public record under G.S. 132-1. The sheriff shall make the list of permit holders and the
18 permit information available upon request to all State and local law enforcement agencies. The
19 State Bureau of Investigation shall make the list of permit holders and the information collected
20 by the sheriff to process an application for a permit available to law enforcement officers and
21 clerks of court on a statewide system.

22 (d) A sheriff shall provide any change of permanent address received pursuant to
23 G.S. 14-415.11(d) to the State Bureau of Investigation for inclusion in the statewide system
24 required by subsection (c) of this section."

25 SECTION 2.8. G.S. 14-415.18(a) reads as rewritten:

26 "(a) The sheriff of the county where the permit was issued or the sheriff of the county
27 where the person resides may revoke a permit subsequent to a hearing for any of the following
28 reasons:

- 29 (1) Fraud or intentional and material misrepresentation in the obtaining of a
30 permit.
- 31 (2) Misuse of a permit, including lending or giving a permit or a duplicate permit
32 to another person, materially altering a permit, or using a permit with the intent
33 to unlawfully cause harm to a person or property. It shall not be considered
34 misuse of a permit to provide a duplicate of the permit to a ~~vender~~-vendor for
35 record-keeping purposes.
- 36 (3) The doing of an act or existence of a condition which would have been
37 grounds for the denial of the permit by the sheriff.
- 38 (4) The violation of any of the terms of this Article.
- 39 (5) Repealed by Session Laws 2013-369, s. 20, effective October 1, 2013.
- 40 (6) The person is no longer a resident of the State.

41 A permittee may appeal the ~~revocation, or nonrenewal~~-revocation of a permit by petitioning
42 a district court judge of the district in which the applicant resides. The determination by the court,
43 on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal."

44 SECTION 2.9. G.S. 14-415.19 reads as rewritten:

45 "§ 14-415.19. Fees.

46 (a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall
47 transmit the proceeds of these fees to the county finance officer to be remitted or credited by the
48 county finance officer in accordance with the provisions of this section. Except as otherwise
49 provided by this section, the permit fees are as follows:

50
51 Application fee \$80.00

1	Renewal <u>or reissuance</u> fee	\$75.00
2	Duplicate permit fee	\$15.00

3
4 The county finance officer shall remit forty-five dollars (\$45.00) of each new application fee
5 and forty dollars (\$40.00) of each renewal or reissuance fee assessed under this subsection to the
6 North Carolina Department of Public Safety for the costs of State and federal criminal record
7 checks performed in connection with processing applications and for the implementation of the
8 provisions of this Article. The remaining thirty-five dollars (\$35.00) of each ~~application or~~
9 ~~renewal~~ application, renewal, or reissuance fee shall be used by the sheriff to pay the costs of
10 administering this Article and for other law enforcement purposes. The county shall expend the
11 restricted funds for these purposes only.

12 (a1) The permit fees for a retired sworn law enforcement officer who provides the
13 information required by subdivisions (1) and (2) of this subsection to the sheriff, in addition to
14 any other information required under this Article, are as follows:

15		
16	Application fee	\$45.00
17	Renewal <u>or reissuance</u> fee	\$40.00

- 18
- 19 (1) A copy of the officer's letter of retirement from either the North Carolina
20 Teachers' and State Employees' Retirement System or the North Carolina
21 Local Governmental Employees' Retirement System.
 - 22 (2) Written documentation from the head of the agency where the person was
23 previously employed indicating that the person was neither involuntarily
24 terminated nor under administrative or criminal investigation within six
25 months of retirement.

26 The county finance officer shall remit the proceeds of the fees assessed under this subsection
27 to the North Carolina Department of Public Safety to cover the cost of performing the State and
28 federal criminal record checks performed in connection with processing applications and for the
29 implementation of the provisions of this Article.

30 (b) An additional fee, not to exceed ten dollars (\$10.00), shall be collected by the sheriff
31 from an applicant for a permit to pay for the costs of processing the applicant's fingerprints, if
32 fingerprints were required to be taken. This fee shall be retained by the sheriff."

33 **SECTION 2.10.** G.S. 17C-6(a) reads as rewritten:

34 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the
35 Commission shall have the following powers, which shall be enforceable through its rules and
36 regulations, certification procedures, or the provisions of G.S. 17C-10:

- 37 ...
- 38 (16) Establish standards and guidelines for the annual firearms certification of
39 qualified retired law enforcement officers, as defined in ~~G.S. 14-415.10(4b)~~,
40 G.S. 14-415.10(11), to efficiently implement the provisions of
41 G.S. 14-415.25. The standards shall provide for the courses, qualifications,
42 and the issuance of the annual firearms qualification certification. The
43 Commission may adopt any rules necessary to effect the provisions of this
44 section, and may charge a reasonable fee to applicants for the costs incurred
45 in compliance with this subdivision.

46"

47 **SECTION 2.11.** G.S. 14-269(a1) reads as rewritten:

48 "(a1) It shall be unlawful for any person ~~willfully and intentionally~~ to willfully and
49 intentionally carry any pistol or gun concealed about his or her person ~~any pistol or gun~~ except
50 in the following circumstances:

- 51 (1) The person is on the person's own premises.

1 (2) The deadly weapon is a handgun, the person has a concealed handgun permit
2 issued in accordance with Article 54B of this Chapter or considered valid
3 under G.S. 14-415.24, and the person is carrying the concealed handgun in
4 accordance with the scope of the concealed handgun permit as set out in
5 G.S. 14-415.11(c).

6 (3) The deadly weapon is a handgun and the person is a military permittee as
7 defined under ~~G.S. 14-415.10(2a)~~ G.S. 14-415.10(6) who provides to the law
8 enforcement officer proof of deployment as required under
9 G.S. 14-415.11(a)."

10 **SECTION 2.12.** This Part becomes effective December 1, 2023, and applies to all
11 permits issued or renewed on or after that date.

12 **PART III. REVISE LAW ON LAPSE OF CONCEALED CARRY PERMIT**

13 **SECTION 3.1.** G.S. 14-415.16(e) reads as rewritten:

14 "(e) If the permittee does not apply to renew the permit prior to its expiration date, but
15 does apply to renew the permit ~~within 60~~ less than 180 days after the permit expires, the sheriff
16 ~~may~~ shall waive the requirement of taking another firearms safety and training course. If the
17 permittee applies to renew the permit between 180 days and one year after the permit expires,
18 the sheriff may waive the requirement of taking another firearms and safety training course. This
19 subsection does not extend the expiration date of the permit."

20 **SECTION 3.2.** This Part becomes effective October 1, 2023, and applies to renewal
21 applications submitted on or after that date.

22 **PART IV. PROPERTY PROTECTION ACT/DVPO**

23 **SECTION 4.1.** G.S. 50B-3.1 reads as rewritten:

24 **"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.**

25 (a) Required Surrender of Firearms. – Upon issuance of an emergency or ex parte order
26 pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms,
27 machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms
28 that are in the care, custody, possession, ownership, or control of the defendant if the court finds
29 any of the following factors:

- 30 (1) The use or threatened use of a deadly weapon by the defendant or a pattern of
31 prior conduct involving the use or threatened use of violence with a firearm
32 against persons.
33 (2) Threats to seriously injure or kill the aggrieved party or minor child by the
34 defendant.
35 (3) Threats to commit suicide by the defendant.
36 (4) Serious injuries inflicted upon the aggrieved party or minor child by the
37 defendant.
38

39 ...

40 (d) Surrender. – Upon service of the order, the defendant shall immediately surrender to
41 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,
42 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or
43 control of the defendant. In the event that weapons cannot be surrendered at the time the order is
44 served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within
45 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms
46 or contract with a licensed firearms dealer to provide storage.

- 47 (1) If the court orders the defendant to surrender firearms, ammunition, and
48 permits, the court shall inform the plaintiff and the defendant of the terms of
49 the protective order and include these terms on the face of the order, including
50 that the defendant is prohibited from possessing, purchasing, or receiving or
51

1 attempting to possess, purchase, or receive a firearm for so long as the
2 protective order or any successive protective order is in effect. The terms of
3 the order shall include instructions as to how the defendant may request
4 retrieval of any firearms, ammunition, and permits surrendered to the sheriff
5 when the protective order is no longer in effect. The terms shall also include
6 notice of the penalty for violation of G.S. 14-269.8.

- 7 (2) The sheriff may charge the defendant a reasonable fee for the storage of any
8 firearms and ammunition taken pursuant to a protective order. The fees are
9 payable to the sheriff. The sheriff shall transmit the proceeds of these fees to
10 the county finance officer. The fees shall be used by the sheriff to pay the costs
11 of administering this section and for other law enforcement purposes. The
12 county shall expend the restricted funds for these purposes only. The sheriff
13 shall not release firearms, ammunition, or permits without a court order
14 granting the release. The defendant must remit all fees owed prior to the
15 authorized return of any firearms, ammunition, or permits. The sheriff shall
16 not incur any civil or criminal liability for alleged damage or deterioration due
17 to storage or transportation of any firearms or ammunition held pursuant to
18 this section.

19 (d1) Transfer to Licensed Firearms Dealer. – After the defendant surrenders possession of
20 all firearms, machine guns, ammunition, and permits to the sheriff pursuant to subsection (d) of
21 this section, the defendant may enter into an agreement with a qualified licensed firearms dealer
22 to take possession of the surrendered items from the custody of the sheriff if (i) the defendant is
23 the owner of the items and (ii) the items have been in the custody of the sheriff at least 15 days.
24 The defendant shall authorize the qualified licensed firearms dealer to submit the form provided
25 for in this subsection requesting the transfer of the firearms, machine guns, and ammunition to
26 the sheriff currently storing the items. The qualified licensed firearms dealer must present the
27 completed form and a copy of the dealer's valid federal firearms license to the sheriff, who shall
28 have 24 hours to facilitate the transfer of the firearms, machine guns, and ammunition to the
29 dealer. Any funds received from the sale of a firearm, machine gun, or ammunition by a
30 defendant pursuant to this subsection are the property of the defendant. The defendant's permits
31 to purchase firearms and permits to carry concealed firearms shall remain in the care and custody
32 of the sheriff as provided in subsection (d) of this section.

33 At the time a qualified licensed firearms dealer takes possession of the firearms, machine
34 guns, and ammunition, the dealer shall provide a copy of the record required to be maintained
35 under federal law upon the receipt or disposition of the firearm, machine gun, or ammunition to
36 both the sheriff and the owner of the firearms, machine guns, and ammunition.

37 A qualified licensed firearms dealer that accepts firearms, machine guns, and ammunition
38 pursuant to this subsection shall not (i) release the firearms, machine guns, or ammunition to the
39 defendant unless the motion for a protective order is dismissed or any order of surrender has
40 expired or (ii) transfer possession of the firearms, machine guns, or ammunition to any person
41 the dealer knows or reasonably should know will allow the defendant to exercise care, custody,
42 possession, ownership, or control of the firearms, machine guns, or ammunition, and any
43 violation of this prohibition is a Class 2 misdemeanor.

44 The Administrative Office of the Courts shall create a form for use in transferring firearms,
45 machine guns, and ammunition from the custody of the sheriff to a qualified licensed firearms
46 dealer pursuant to this subsection. The form shall require the notarized signatures of both the
47 defendant and the qualified licensed firearms dealer and shall allow for either the storage or sale
48 of the firearms, machine guns, and ammunition by the qualified licensed firearms dealer. The
49 form shall also include information concerning the defendant's rights to recover the surrendered
50 firearms, machine guns, or ammunition.

1 The sheriff shall not charge a fee for the first 15 days of storage for any items transferred to
2 a qualified licensed firearms dealer pursuant to this subsection.

3 (e) Retrieval. – If the court does not enter a protective order when the ex parte or
4 emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff or
5 the qualified licensed firearms dealer unless the court finds that the defendant is precluded from
6 owning or possessing a firearm pursuant to State or federal law or final disposition of any pending
7 criminal charges committed against the person that is the subject of the current protective order.

8 (f) ~~Motion Request~~ for Return. – The defendant may request the return of any firearms,
9 ammunition, or permits surrendered by ~~filing a motion with the court~~ submitting a written request
10 with the sheriff or the qualified licensed firearms dealer who has control of the firearms,
11 ammunition, or permits at the expiration of the current order or final disposition of any pending
12 criminal charges committed against the person that is the subject of the current protective order
13 and not later than ~~90 days~~ 30 days after the expiration of the current order or final disposition of
14 any pending criminal charges committed against the person that is the subject of the current
15 protective order. Upon receipt of the ~~motion, request,~~ the sheriff or the qualified licensed firearms
16 dealer shall conduct a check through the National Instant Criminal Background Check System
17 (NICS). If the results of the NICS check provide grounds that preclude the defendant from
18 owning or possessing a firearm under State or federal law, the sheriff or the qualified licensed
19 firearms dealer shall file a motion with the court on a form created by the Administrative Office
20 of the Courts and shall not return the firearms, ammunition, or permits until the court has ruled
21 on the motion. Upon receipt of the motion, the court shall schedule a hearing and provide written
22 notice to the plaintiff who shall have the right to appear and be heard and to the sheriff or the
23 qualified licensed firearms dealer who has control of the firearms, ammunition, or permits. The
24 court shall determine whether the defendant is subject to any State or federal law or court order
25 that precludes the defendant from owning or possessing a firearm. The inquiry shall include:

- 26 (1) Whether the protective order has been renewed.
- 27 (2) Whether the defendant is subject to any other protective orders.
- 28 (3) Whether the defendant is disqualified from owning or possessing a firearm
29 pursuant to 18 U.S.C. § 922 or any State law.
- 30 (4) Whether the defendant has any pending criminal charges, in either State or
31 federal court, committed against the person that is the subject of the current
32 protective order.

33 The court shall deny the return of firearms, ammunition, or permits if the court finds that the
34 defendant is precluded from owning or possessing a firearm pursuant to State or federal law or
35 if the defendant has any pending criminal charges, in either State or federal court, committed
36 against the person that is the subject of the current protective order until the final disposition of
37 those charges.

38 (g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,
39 ammunition, or permits who is otherwise eligible to possess such items may file a motion
40 requesting the return to said third party of any such items in the possession of the sheriff or the
41 qualified licensed firearms dealer seized as a result of the entry of a domestic violence protective
42 order. The motion must be filed not later than 30 days after the seizure of the items by the sheriff.
43 Upon receipt of the third party's motion, the court shall schedule a hearing and provide written
44 notice to all parties and the ~~sheriff,~~ sheriff or the qualified licensed firearms dealer. The court
45 shall order return of the items to the third party unless the court determines that the third party is
46 disqualified from owning or possessing said items pursuant to State or federal law. If the court
47 denies the return of said items to the third party, the items shall be disposed of by the sheriff or
48 the qualified licensed firearms dealer as provided in subsection (h) of this section.

49 (h) Disposal of Firearms. – If the defendant does not ~~file a motion requesting~~ submit a
50 written request for the return of any firearms, ammunition, or permits surrendered within the time
51 period prescribed by this section, if the court determines that the defendant is precluded from

1 regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or
2 third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within
3 30 days of the request for the return of firearms, ammunition, or permits or entry of ~~the an~~ order
4 granting the return of the firearms, ammunition, or permits, the sheriff or the qualified licensed
5 firearms dealer who has control of the firearms, ammunition, or permits shall give notice to the
6 defendant, and the sheriff or the qualified licensed firearms dealer shall apply to the court for an
7 order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may
8 order the disposition of the firearms, ammunition, or permits in one or more of the ways
9 authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. Additionally, for
10 firearms and ammunition surrendered to a qualified licensed firearms dealer under subsection
11 (d1) of this section, the judge may order the firearms and ammunition disposed of by sale by the
12 qualified licensed firearms dealer. If a sale by the sheriff or a qualified licensed firearms dealer
13 does occur, occur pursuant to this subsection, any proceeds from the sale after deducting any
14 costs associated with the sale, sale and any storage fees owed to the sheriff or the qualified
15 licensed firearms dealer, and in accordance with all applicable State and federal law, shall be
16 provided to the defendant, if requested by the defendant by motion made before the hearing or at
17 the hearing and if ordered by the judge. defendant.

18 (i) Failure to Surrender or Disclose. – It is unlawful for any person subject to a protective
19 order prohibiting the possession or purchase of firearms ~~to do any of the following:~~

- 20 (1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and
21 permits to carry concealed firearms to the sheriff as ordered by the ~~court;~~ court.
- 22 (2) Fail to disclose all information pertaining to the possession of firearms,
23 ammunition, and permits to purchase and permits to carry concealed firearms
24 as requested by the ~~court;~~ court.
- 25 (3) Provide false information to the court pertaining to any of these items.

26 ...
27 (l) Construction. – Nothing in this section is intended to limit the discretion of the court
28 in granting additional relief as provided in other sections of this Chapter.

29 (m) Qualified Licensed Firearms Dealer. – For purposes of this section, the term
30 "qualified licensed firearms dealer" shall mean a federally licensed firearms dealer that meets all
31 of the following requirements:

- 32 (1) Operates a business in a commercial building located in the State.
- 33 (2) Is open to the public.
- 34 (3) Regularly engages in the purchase and sale of firearms with members of the
35 public."

36 **SECTION 4.2.** This Part becomes effective December 1, 2023, and applies to orders
37 issued on or after that date.

38 **PART V. MISCELLANEOUS**

39 **SECTION 5.1.** Prosecutions for offenses committed before the effective date of this
40 act are not abated or affected by this act, and the statutes that would be applicable but for this act
41 remain applicable to those prosecutions.

42 **SECTION 5.2.** Except as otherwise provided, this act is effective when it becomes
43 law.
44