

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 103

Short Title: Concealed Handgun/Law Officer.

(Public)

Sponsors: Senators East; Cochrane, Foxx, McDaniel, Page, Rand, and Webster.

Referred to: Judiciary.

February 13, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT QUALIFIED LAW ENFORCEMENT OFFICERS AND
2 QUALIFIED FORMER LAW ENFORCEMENT OFFICERS ARE EXEMPT FROM
3 THE FIREARMS SAFETY AND TRAINING INSTRUCTION AND FROM THE
4 BACKGROUND CHECKS REQUIRED TO OBTAIN A CONCEALED
5 HANDGUN PERMIT.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Article 54B of Chapter 14 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 14-415.12A. Exemptions for qualified law enforcement officers and qualified**
11 **former law enforcement officers; firearms safety and training course**
12 **requirement; background checks.**

13 (a) A qualified law enforcement officer or a qualified former law enforcement
14 officer is deemed to have satisfied the requirement under G.S. 14-415.12(a)(4) that an
15 applicant successfully complete an approved firearms safety and training course.

16 (b) A qualified law enforcement officer or a qualified former law enforcement
17 officer applying for a permit under this Article shall submit fingerprints with the
18 application as required by G.S. 14-415.13(a), but the officer is deemed to have satisfied
19 the requirements under this Article regarding background checks."

20 Section 2. G.S. 14-415.10 is amended by adding the following subdivisions:

- 1 "(4) Qualified former law enforcement officer. – An individual who retired
2 from service with a local, State, or federal agency as a law enforcement
3 officer, other than for reasons of mental disability and who satisfies all
4 of the following:
- 5 a. Immediately before retirement, the individual was a qualified
6 law enforcement officer.
- 7 b. The individual has a nonforfeitable right to benefits under the
8 retirement plan of the agency as a law enforcement officer.
- 9 c. The individual is not prohibited by State or federal law from
10 receiving a firearm.
- 11 (5) Qualified law enforcement officer. – A law enforcement officer
12 employed by a local, State, or federal agency who satisfies all of the
13 following:
- 14 a. The individual is authorized by the agency to carry a handgun in
15 the course of duty.
- 16 b. The individual is not the subject of a disciplinary action by the
17 agency that prevents the carrying of a handgun.
- 18 c. The individual meets the requirements established by the agency
19 regarding handguns."

20 Section 3. G.S. 14-415.13 reads as rewritten:

21 **"§ 14-415.13. Application for a permit; fingerprints.**

22 (a) A person shall apply to the sheriff of the county in which the person resides to
23 obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the
24 following:

- 25 (1) An application, completed under oath, on a form provided by the
26 sheriff.
- 27 (2) A nonrefundable permit fee.
- 28 (3) A full set of fingerprints of the applicant administered by the sheriff.
- 29 (4) An original certificate of completion of an approved course, adopted
30 and distributed by the North Carolina Criminal Justice Education and
31 Training Standards Commission, signed by the certified instructor of the
32 course attesting to the successful completion of the course by the
33 applicant which shall verify that the applicant is competent with a
34 handgun and knowledgeable about the laws governing the carrying of a
35 concealed handgun and the use of deadly force. However, this
36 subdivision does not apply to a person who is a qualified law
37 enforcement officer or a qualified former law enforcement officer.
- 38 (5) A release, in a form to be prescribed by the Administrative Office of the
39 Courts, that authorizes and requires disclosure to the sheriff of any
40 records concerning the mental health or capacity of the applicant.

41 (b) The sheriff shall submit the fingerprints to the State Bureau of Investigation for
42 a records check of State and national ~~databases.~~ databases unless the person requesting the
43 permit is a qualified law enforcement officer or a qualified former law enforcement

1 officer. The State Bureau of Investigation shall submit the fingerprints to the Federal
2 Bureau of Investigation as necessary. The cost of processing the set of fingerprints shall
3 be charged to an applicant as provided by G.S. 14-415.19."

4 Section 4. G.S. 14-415.14(a) reads as rewritten:

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

12 Section 5. This act becomes effective December 1, 1997.