

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 438

Short Title: Concealed Handgun Standardization Act. (Public)

Sponsors: Representatives Adams, Brody, Cleveland, and Williams (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

March 23, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO STANDARDIZE AND ENSURE UNIFORMITY OF CONCEALED
3 HANDGUN PERMIT APPLICATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-415.12(a) reads as rewritten:

6 "(a) The sheriff shall issue a permit to an applicant if the applicant qualifies under the
7 following criteria:

- 8 (1) The applicant is a citizen of the United States or has been lawfully admitted
9 for permanent residence as defined in 8 U.S.C. § 1101(a)(20), and has been a
10 resident of the State 30 days or longer immediately preceding the filing of
11 the application.
12 (2) The applicant is 21 years of age or older.
13 (3) The applicant does not suffer from a ~~physical or mental infirmity that~~
14 ~~prevents the safe handling of a handgun.~~ currently diagnosed and ongoing
15 mental disorder, as defined by the most recent edition of the Diagnostic and
16 Statistical Manual of Mental Disorders (DSM), that would reasonably
17 prevent the safe handling of a handgun. Previous treatment for transient
18 disorders shall not be disqualifying.

19 "...."

20 **SECTION 2.** G.S. 14-415.13(a)(1) reads as rewritten:

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

- 24 (1) An application, completed under oath, on a form provided by the sheriff, and
25 such application form must be provided by the sheriff electronically. The
26 sheriff shall not request employment information, character affidavits,
27 additional background checks, photographs, or other information unless
28 specifically permitted by this Article. A sheriff may schedule appointments
29 for concealed handgun applications provided the appointments are scheduled
30 for 10 business days or less from the date on which the applicant informs the
31 sheriff that the applicant possesses all documentation necessary for the
32 application."

33 **SECTION 3.** G.S. 14-415.15 reads as rewritten:

34 "§ 14-415.15. Issuance or denial of permit.



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1 (a) Except as permitted under subsection (b) of this section, within 45 days after receipt
2 of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required records
3 concerning the mental health or capacity of the applicant, the sheriff shall either issue or deny
4 the permit. The sheriff may conduct any investigation necessary to determine the qualification
5 or competency of the person applying for the permit, including record checks. The sheriff shall
6 make the request for any records concerning the mental health or capacity of the applicant
7 within 10 days of receipt of the items listed in G.S. 14-415.13. No person, company, mental
8 health provider, or governmental entity may charge additional fees to the applicant for
9 background checks conducted under this subsection. The sheriff shall issue or deny the permit
10 within 90 calendar days from the date on which the application was submitted regardless of the
11 receipt of required records concerning the mental health or capacity of the applicant. A permit
12 shall not be denied unless the applicant is determined to be ineligible pursuant to
13 G.S. 14-415.12.

14 (b) Upon presentment to the sheriff of the items required under G.S. 14-415.13(a)(1),
15 (2), and (3), the sheriff may issue a temporary permit for a period not to exceed 45 days to a
16 person who the sheriff reasonably believes is in an emergency situation that may constitute a
17 risk of safety to the person, the person's family or property. The applicant may submit proof of
18 a protective order issued under G.S. 50B-3 for the protection of the applicant as evidence of an
19 emergency situation. The temporary permit may not be renewed and may be revoked by the
20 sheriff without a hearing.

21 (c) A person's application for a permit shall be denied only if the applicant fails to
22 qualify under the criteria listed in this Article. If the sheriff denies the application for a permit,
23 the sheriff shall, within 45 days, notify the applicant in writing, stating the grounds for denial.
24 An applicant may appeal the denial, revocation, or nonrenewal of a permit by petitioning a
25 ~~district superior~~ court judge of the district in which the application was filed. The determination
26 by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's
27 refusal. ~~The determination by the court shall be final."~~

28 **SECTION 4.** This act becomes effective October 1, 2017, and applies to permit
29 applications submitted on or after that date.