

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 398

Short Title: Pistol Permit Purchase Modifications. (Public)

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

Referred to: Judiciary 4, if favorable, Rules, Calendar, and Operations of the House

March 25, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW PERSONS TO OBTAIN PISTOL PURCHASE PERMITS FROM A SHERIFF OF A COUNTY THAT IS CONTIGUOUS TO THE COUNTY THAT THE PERSON RESIDES IN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-402(a) reads as rewritten:

"(a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides; (ii) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of any county contiguous to the county in which the purchaser or receiver resides; or ~~(ii)~~ (iii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.

It is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor."

SECTION 2. G.S. 14-404 reads as rewritten:

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

(a) Upon application, and such application must be provided by the sheriff electronically, the sheriff shall issue the permit to a resident of that county, and may issue a permit to a resident of any contiguous county, unless the purpose of the permit is for collecting, in which case a sheriff ~~can~~ may issue a permit to a ~~any~~ nonresident, when the sheriff has done all of the following:

- (1) Verified, before the issuance of a permit, by a criminal history background investigation that it is not a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The sheriff shall determine the criminal and background history of any applicant by accessing computerized criminal history records as maintained by the State Bureau of Investigation and the Federal Bureau of Investigation, by conducting a national criminal history records check, by conducting a check through the National Instant Criminal Background Check System (NICS), and by



1 conducting a criminal history check through the Administrative Office of the
2 Courts.

3 (2) Fully satisfied himself or herself by affidavits, oral evidence, or otherwise, as
4 to the good moral character of the applicant. For purposes of determining an
5 applicant's good moral character to receive a permit, the sheriff shall only
6 consider an applicant's conduct and criminal history for the five-year period
7 immediately preceding the date of the application.

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

11 (b) If the sheriff is not fully satisfied, the sheriff may, for good cause shown, decline to
12 issue the permit to a resident and shall provide to the applicant within seven days of the refusal
13 a written statement of the reason(s) for the refusal. The statement shall cite the specific facts upon
14 which the sheriff concluded that the applicant was not qualified for the issuance of a permit and
15 list, by statute number, the applicable law upon which the denial is based. The sheriff may in his
16 or her sole discretion decline to issue the permit to a resident of a contiguous county for any
17 reason, other than a reason prohibited by law, and shall provide to the applicant within seven
18 days of the refusal a written statement of the reason(s) for the refusal, which may be solely
19 because the applicant is not a resident and need not be based on any other applicable law. An
20 appeal from the refusal shall lie by way of petition to the superior court in the district in which
21 the application was filed. The determination by the court, on appeal, shall be upon the facts, the
22 law, and the reasonableness of the sheriff's refusal, and shall be final.

23"

24 **SECTION 3.** This act becomes effective December 1, 2021, and applies to offenses
25 committed on or after that date and permit applications received after that date.