



HOUSE BILL 398: Pistol Purchase Permit Repeal.

2021-2022 General Assembly

Committee:	House Judiciary 4. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 20, 2021
Introduced by:	Reps. Adams, Cleveland, Goodwin, Hanig	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition H398-CSTC-17		Staff Attorney

OVERVIEW: *The PCS for HB 398 would remove the contents of the 1st Edition and repeal the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or transfer of a pistol.*

CURRENT LAW: Article 52A of Chapter 14 of the General Statutes requires an individual to obtain a purchase permit from the sheriff of the county in which the individual resides prior to purchase or receipt of a pistol, unless the individual has a concealed carry permit. Failure to obtain the permit prior to purchase or receipt of a pistol is a Class 2 misdemeanor.

Prior to issuance of the purchase permit, the sheriff must (i) conduct a criminal background investigation through the National Instant Criminal Background Check System (NICS) and a criminal history check through the Administrative Office of the Court, (ii) determine the applicant's good moral character, and (iii) determine that the possession of the weapon is for only certain identified purposes.

Permits cannot be issued to certain individuals, including those under indictment or convicted of a felony, unlawful drug users, those adjudicated mentally incompetent or who has been committed to any mental institution, illegal or unlawful aliens and those who have renounced United States citizenship, those with dishonorable discharges from the Armed Forces, and those subject to domestic violence restraining orders.

Federal law requires federal firearms licensees (FFL) to conduct a criminal background check through the NCIS before selling or delivering handguns to an individual, unless a valid State permit is presented to the FFL. (18 USC 922, 27 C.F.R. §478.102)

Federal law prohibits the sell or delivery to certain individuals, including those convicted or indicted for a crime punishable by a term of imprisonment of more than a year, fugitives from justice, unlawful users of or addicted to any controlled substance, those adjudicated as a mental defective or who have been committed to a mental institution, aliens who are illegally or unlawfully in the United States, or on a nonimmigrant visa, with certain exceptions, those discharged under dishonorable conditions from the Armed Forces, those who have renounced United States citizenship, those subject to a domestic violence protective order, and those convicted of a misdemeanor crime of domestic violence.

BILL ANALYSIS: The PCS for HB 398 would repeal the State law requirement to obtain either a purchase permit or concealed handgun permit prior to purchase or receipt of a pistol, and make related conforming changes.

EFFECTIVE DATE: HB 398 would become effective when it becomes law and would apply to pistols sold, given away, transferred, purchased, or received on or after that date.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578