



HOUSE BILL 483: Pistol Permit/Mental Health Record to Sheriff.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 4, 2021
Introduced by:	Reps. Greene, McNeill, C. Smith, Miller	Prepared by:	Robert Ryan
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 483 would change the applicant authorization for disclosure to the sheriff of court orders concerning mental health on the pistol permit application from a separate signed disclosure to a conspicuous statement of acknowledgement, and would require the holder of any court orders concerning the mental health or mental capacity of an applicant for a pistol purchase permit to release the orders to the sheriff upon written request. The bill would also create a new crime called "Misdemeanor Crime of Domestic Violence" punishable as a Class A1 misdemeanor.*

BILL ANALYSIS:

Changes to Pistol Permit Application. **Section 1(a)** would amend G.S. 14-404 to no longer require a signed release authorizing disclosure to the sheriff of any court orders concerning the mental health or capacity of the applicant to be used in determining whether the applicant is disqualified to receive a permit. It would add a new requirement that sets forth a statement of acknowledgment in the permit application providing the applicant grants the sheriff authority to obtain all criminal and mental health orders required by state and federal law to determine permit eligibility. The sheriff would be required to request disclosure of any court orders concerning the mental health or mental capacity of the applicant to be used in determining whether the applicant is disqualified to receive a permit. The new provision would not increase the applicant's required documentation or increase the 14 day period within which the applicant must be notified of permit granting or denial.

Exceptions to Confidentiality. Records of involuntary commitment are generally confidential, with statutory exceptions for release in certain situations.

Section 1(b) would eliminate the current confidentiality exception allowing sheriffs to check the National Instant Criminal Background Check System for records of involuntary commitment to determining permit eligibility. It would create a new confidentiality exception requiring the holder of any court orders concerning the mental health or mental capacity of an applicant for a pistol purchase permit to release the orders to the sheriff upon written request.

Section 2 would create a new crime in G.S. 14-32.5 called "Misdemeanor Crime of Domestic Violence" punishable as a Class A1 misdemeanor, if a person uses or attempts to use physical force or threatens the use of a deadly weapon against a victim and has a certain intimate or family relationship with that victim.

Section 3 provides that if House Bill 398, 2021 Regular Session, becomes law, then Section 1 of this act is repealed.

EFFECTIVE DATE: Section 1 of this act becomes effective August 1, 2021, and applies to applications for pistol purchase permits pending or submitted on or after that date. Section 2 of this act becomes

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Legislative Analysis
Division
919-733-2578

House Bill 483

Page 2

effective December 1, 2021, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

Jessica Boney, Staff Attorney, substantially contributed to this summary.