

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 891

Short Title: Handgun Permit Standardization. (Public)

Sponsors: Representatives Adams, Cleveland, Szoka, and Pendleton (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I.

April 15, 2015

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 reads as rewritten:

6 "§ 14-415.12. Criteria to qualify for the issuance of a permit.

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

9 (1) The applicant is a citizen of the United States or a permanent resident alien
10 as defined by the United States Department of Homeland Security and has
11 been a resident of the State 30 days or longer immediately preceding the
12 filing of the application.

13 (2) The applicant is 21 years of age or older.

14 (3) The applicant does not suffer from a ~~physical or mental infirmity that~~
15 ~~prevents the safe handling of a handgun.~~ currently diagnosed and ongoing
16 mental disorder as defined by the most recent edition of the Diagnostic and
17 Statistical Manual of Mental Disorders (DSM) which a reasonable person
18 would expect to present a danger to the applicant or others. Previous
19 treatment for transient disorders shall not be disqualifying.

20 (4) The applicant has successfully completed an approved firearms safety and
21 training course which involves the actual firing of handguns and instruction
22 in the laws of this State governing the carrying of a concealed handgun and
23 the use of deadly force. The North Carolina Criminal Justice Education and
24 Training Standards Commission shall prepare and publish general guidelines
25 for courses and qualifications of instructors which would satisfy the
26 requirements of this subdivision. An approved course shall be any course
27 which satisfies the requirements of this subdivision and is certified or
28 sponsored by:

29 a. The North Carolina Criminal Justice Education and Training
30 Standards Commission,

31 b. The National Rifle Association, or

32 c. A law enforcement agency, college, private or public institution or
33 organization, or firearms training school, taught by instructors
34 certified by the North Carolina Criminal Justice Education and
35 Training Standards Commission or the National Rifle Association.



1 Every instructor of an approved course shall file a copy of the firearms
2 course description, outline, and proof of certification annually, or upon
3 modification of the course if more frequently, with the North Carolina
4 Criminal Justice Education and Training Standards Commission.

5 (5) The applicant is not disqualified under subsection (b) of this section.

6 (b) The sheriff shall deny a permit to an applicant who:

7 (1) Is ineligible to own, possess, or receive a firearm under the provisions of
8 State or federal law.

9 (2) Is under indictment or against whom a finding of probable cause exists for a
10 felony.

11 (3) Has been adjudicated guilty in any court of a felony, ~~unless: (i) the felony is~~
12 ~~an offense that pertains to antitrust violations, unfair trade practices, or~~
13 ~~restraints of trade, or (ii) violent felony unless~~ the person's firearms rights
14 have been restored pursuant to G.S. 14-415.4. For the purposes of this
15 section, a violent felony shall be defined as any felony not listed as a
16 nonviolent felony in G.S. 14-415.4(a)(2).

17 (4) Is a fugitive from justice.

18 (5) Is currently an unlawful user of, or addicted to marijuana, alcohol, or any
19 depressant, stimulant, or narcotic drug, or any other controlled substance as
20 defined in 21 U.S.C. § 802.

21"

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

23 **"§ 14-415.13. Application for a permit; fingerprints.**

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

27 (1) An application, completed under oath, on a form provided by the sheriff.
28 The sheriff shall not request employment information, character affidavits,
29 additional background checks, photographs, or other information unless
30 specifically permitted by this Article.

31 (2) A nonrefundable permit fee.

32 (3) A full set of fingerprints of the applicant administered by the sheriff.

33 (4) An original certificate of completion of an approved course, adopted and
34 distributed by the North Carolina Criminal Justice Education and Training
35 Standards Commission, signed by the certified instructor of the course
36 attesting to the successful completion of the course by the applicant which
37 shall verify that the applicant is competent with a handgun and
38 knowledgeable about the laws governing the carrying of a concealed
39 handgun and the use of deadly force.

40 (5) A release, in a form to be prescribed by the Administrative Office of the
41 Courts, that authorizes and requires disclosure to the sheriff of any records
42 concerning the mental health or capacity of the applicant to be used for the
43 sole purpose of determining whether the applicant is disqualified for a
44 permit under the provisions of G.S. 14-415.12. This provision does not
45 prohibit submitting information related to involuntary commitment to the
46 National Instant Criminal Background Check System (NICS)."

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

48 **"§ 14-415.15. Issuance or denial of permit.**

49 (a) Except as permitted under subsection (b) of this section, within 45 days after receipt
50 of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required records
51 concerning the mental health or capacity of the applicant, the sheriff shall either issue or deny

1 the permit. The sheriff shall issue or deny the permit within 90 calendar days from the date on
2 which the application was submitted regardless of the receipt of required records concerning
3 the mental health or capacity of the applicant. Such denial shall not be issued unless the
4 applicant is determined to be ineligible under G.S. 14-415.12.

5 The sheriff may conduct any investigation necessary to determine the qualification or
6 competency of the person applying for the permit, including record checks. However, the
7 sheriff's investigation of the applicant's mental health history may only include the period of
8 time beginning 120 months prior to the date of the application.

9 (a1) No person, company, mental health provider, or governmental entity may charge
10 additional fees to the applicant for providing required records concerning the mental health or
11 capacity of the applicant if those records are requested for the purpose of conducting an
12 investigation pursuant to subsection (a) of this section.

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

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

27 **SECTION 4.** G.S. 14-415.19 is amended by adding a new subsection to read:

28 "(c) No fees other than those authorized under this section shall be charged any person
29 for the application, renewal, or duplication of a permit issued under this Article, or for the cost
30 of processing fingerprints, even if additional costs are incurred by the sheriff in processing the
31 permit."

32 **SECTION 5.** This act becomes effective October 1, 2015, and applies to
33 applications submitted on or after that date.