

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS45030-LH-81 (02/10)

Short Title: Disqualification Notice/Pistol Sale Permit. (Public)

Sponsors: Senator Randleman (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW DIRECTING THE CLERK OF COURT TO TRANSMIT  
3 CERTAIN DATA RELEVANT TO THE FACTORS THAT DISQUALIFY A PERSON  
4 FROM OBTAINING A PERMIT TO PURCHASE OR TRANSFER A HANDGUN.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-404(c1) reads as rewritten:

7 "(c1) ~~Excluding Saturdays, Sundays, and holidays, after receiving notice of any of the~~  
8 ~~judicial findings, court orders, or other factual matters, relevant to any of the disqualifying~~  
9 ~~conditions specified in subsection (c) of this section, the clerk of superior court shall determine~~  
10 ~~which information can practicably be transmitted to the National Instant Criminal Background~~  
11 ~~Check System (NICS) and shall transmit that information to NICS within 48 hours of that~~  
12 ~~determination. The information shall include a reference to the relevant statutory provision of~~  
13 ~~G.S. 14-404 that precludes the issuance of a permit.~~Excluding Saturdays, Sundays, and  
14 holidays, the clerk of superior court shall transmit to the National Instant Criminal Background  
15 Check System (NICS) that data entered and maintained by the clerks in the Administrative  
16 Office of the Courts record management systems that impacts a disqualifying factor as outlined  
17 in G.S. 14-404(c) within 48 hours of such entry, provided that NICS requests that such data be  
18 transmitted and that the data can be transmitted in a format acceptable by NICS. The data shall  
19 include a reference to the relevant statutory provision of G.S. 14-404 that precludes the  
20 issuance of a permit."

21 **SECTION 2.** By October 1, 2015, the Administrative Office of the Courts shall  
22 report to the Joint Legislative Oversight Committee on Justice and Public Safety, its findings  
23 and recommendations regarding the information required under G.S. 14-404(c1) that can  
24 practicably be transmitted to the National Instant Criminal Background Check System (NICS).  
25 Consistent with this report, the Rules of Recordkeeping shall be amended to require the Clerk  
26 of Superior Court to transmit within 48 hours, excluding Saturdays, Sundays, and holidays, the  
27 information that is entered into the Administrative Office of the Courts record management  
28 systems, which after consultation with NICS, is requested by NICS to be provided.

29 **SECTION 3.** Section 1 of this act becomes effective January 1, 2016. The  
30 remainder of this act is effective when it becomes law.

