

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 580  
Committee Substitute Favorable 4/28/97

Short Title: Nonresident Handgun Permit.

(Public)

Sponsors:

Referred to:

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO IS NOT A RESIDENT MAY  
OBTAIN A CONCEALED HANDGUN PERMIT AND TO PROVIDE THE  
CRITERIA UNDER WHICH THE PERMIT MAY BE ISSUED.

The General Assembly of North Carolina enacts:

Section 1. Article 54B of Chapter 14 of the General Statutes, G.S. 14-415.10  
through G.S. 14-415.23 is recodified as Part 1 of Article 54B of the General Statutes,  
G.S. 14-415.10 through G.S. 14-415.23.

Section 2. Article 54B of Chapter 14 of the General Statutes, as amended by  
Section 1 of this act, is amended by adding a new Part to read:

"Part 2. Concealed Handgun Permits for Nonresidents.

**"§ 14-415.30. Issuance of permit to nonresident; reciprocity.**

(a) Notwithstanding Part 1 of this Article, a permit may be issued under this  
Article to a person who is not a resident of North Carolina if the person qualifies under  
this Part.

(b) A permit issued under this Part shall be issued by the Attorney General rather  
than the sheriff of a county. Unless provided otherwise by this Part, the provisions of  
Part 1 of this Article shall also apply to any permit issued to a nonresident under this Part.

1 (c) Reciprocity in this State with regard to the issuance of concealed handgun  
2 permits to nonresidents shall be extended only if all of the following criteria are met:

3 (1) In the judgment of the Attorney General of North Carolina, the  
4 requirements of the other state or district under which the permit or  
5 license was issued do not conflict with the provisions of this Article and  
6 are not lower than those specified under this Article and the guidelines  
7 prepared by the North Carolina Criminal Justice Education and Training  
8 Standards Commission in accordance with this Article.

9 (2) The state or district under whose authority the concealed handgun  
10 permit or license was issued extends a like comity to citizens of North  
11 Carolina with regard to concealed handgun permits issued under this  
12 Article.

13 (d) A permit issued under this Part shall be valid throughout the State for a period  
14 of four years from the date of issuance of the permit or license issued by the state or  
15 district under whose reciprocity provisions the applicant is applying.

16 **"§ 14-415.31. Criteria for a nonresident to qualify for the issuance of permit.**

17 The Attorney General may issue a permit under this Part if the applicant qualifies  
18 under all of the following criteria:

19 (1) The applicant is a United States citizen.

20 (2) The applicant is a resident of another state or district to which North  
21 Carolina extends reciprocity as provided in G.S. 14-415.30 and has been  
22 a resident of that state or district for 30 days or longer immediately  
23 preceding the filing of the application.

24 (3) The applicant holds a valid and unrevoked concealed handgun permit or  
25 license from the state or district in which the applicant resides.

26 (4) The applicant is 21 years of age or older.

27 (5) The applicant passes a test administered by the Office of the Attorney  
28 General which demonstrates that the applicant is knowledgeable of the  
29 laws of this State regarding concealed handguns.

30 **"§ 14-415.32. Application for a permit; fingerprints.**

31 (a) A person shall apply to the Attorney General to obtain a concealed handgun  
32 permit. The applicant shall submit to the Attorney General all of the following:

33 (1) An application, completed under oath, on a form provided by the  
34 Attorney General.

35 (2) A nonrefundable permit fee.

36 (3) A full set of fingerprints of the applicant administered by the Attorney  
37 General.

38 (4) A certified copy of the applicant's permit or license to carry a concealed  
39 handgun.

40 (5) A release, in a form to be prescribed by the Attorney General, that  
41 authorizes and requires disclosure to the Attorney General of any  
42 records concerning the mental health or capacity of the applicant.

1 (b) The Attorney General shall submit the fingerprints to the State Bureau of  
2 Investigation for a records check of State and national databases. The State Bureau of  
3 Investigation shall submit the fingerprints to the Federal Bureau of Investigation as  
4 necessary. The cost of processing the set of fingerprints shall be charged to an applicant.

5 **"§ 14-415.33. Application form to be provided by Attorney General; information to**  
6 **be included in application form.**

7 (a) The Attorney General shall make permit applications readily available at the  
8 Office of the Attorney General and at other public offices deemed appropriate by the  
9 Attorney General.

10 (b) The permit application shall be in triplicate, in a form to be prescribed by the  
11 Attorney General, and shall include the following information with regard to the  
12 applicant: name, address, physical description, signature, date of birth, social security  
13 number, military status, and the drivers license number or State identification card  
14 number of the applicant if used for identification in applying for the permit.

15 (c) The permit application shall also contain a warning substantially as follows:

16 'CAUTION: Federal law and State law on the possession of handguns and firearms  
17 differ. If you are prohibited by federal law from possessing a handgun or a firearm, you  
18 may be prosecuted in federal court. A State permit is not a defense to a federal  
19 prosecution.'

20 **"§ 14-415.34. Renewal of permit.**

21 The holder of a permit shall apply to renew the permit at least 30 days prior to its  
22 expiration date by filing with the Attorney General a renewal form provided by the Office  
23 of the Attorney General, a notarized affidavit stating that the permittee remains qualified  
24 under the criteria provided in this Part, a newly administered full set of the permittee's  
25 fingerprints, and a renewal fee. Upon receipt of the completed renewal application,  
26 including the permittee's fingerprints, and the appropriate payment of fees, the Attorney  
27 General shall determine if the permittee remains qualified to hold a permit in accordance  
28 with the provisions of this Part. The permittee's criminal history shall be updated. If the  
29 permittee applied for a renewal of the permit within 30 days of its expiration date and if  
30 the permittee remains qualified to have a permit under this Part, the Attorney General  
31 shall renew the permit.

32 **"§ 14-415.35. Attorney General to retain and make available to law enforcement**  
33 **agencies a list of permittees.**

34 The Attorney General shall maintain a listing of those persons who are issued a permit  
35 and any pertinent information regarding the issued permit. The permit information shall  
36 be available upon request to all State and local law enforcement agencies.

37 Within five days of the date a permit is issued, the Attorney General shall send a copy  
38 of the permit to the State Bureau of Investigation. The State Bureau of Investigation shall  
39 make this information available to law enforcement officers and clerks of court on a  
40 statewide system.

41 **"§ 14-415.36. Revocation or suspension of permit.**

42 (a) The Attorney General may revoke a permit subsequent to a hearing for any of  
43 the following reasons:

- 1           (1) Fraud or intentional or material misrepresentation in the obtaining of a
- 2           permit.
- 3           (2) Misuse of a permit, including lending or giving a permit to another
- 4           person, duplicating a permit, or using a permit with the intent to
- 5           unlawfully cause harm to a person or property.
- 6           (3) The doing of an act or existence of a condition which would have been
- 7           grounds for the denial of the permit by the sheriff.
- 8           (4) The violation of any of the terms of this Article.
- 9           (5) The applicant is adjudicated guilty of or receives a prayer for judgment
- 10           continued for a crime which would have disqualified the applicant from
- 11           initially receiving a permit.

12           A permittee may appeal the revocation or nonrenewal of a permit by petitioning a  
 13           district court judge in Wake County. The determination by the court, on appeal, shall be  
 14           upon the facts, the law, and the reasonableness of the Attorney General's refusal.

15           (b) The court may suspend a permit as part of and for the duration of any orders  
 16           permitted under Chapter 50B of the General Statutes.

17           **"§ 14-415.37. Fees.**

18           (a) The permit fees assessed under this Part are payable to the Department of  
 19           Justice. The permit fees are as follows:

20 <u>Application fee .....</u>	<u>\$80.00</u>
21 <u>Renewal fee .....</u>	<u>\$80.00</u>
22 <u>Duplicate permit fee .....</u>	<u>\$15.00</u>

23           Fees collected under this section shall be used to cover the costs of State and federal  
 24           criminal record checks performed in connection with processing applications, for the  
 25           implementation and administration of the provisions of this Part, and for other law  
 26           enforcement purposes.

27           (b) An additional fee, not to exceed ten dollars (\$10.00), shall be collected by the  
 28           Attorney General from an applicant for a permit to pay for the costs of processing the  
 29           applicant's fingerprints. This fee shall also be retained by the Department of Justice."

30           Section 3. This act becomes effective December 1, 1997.