

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1415
Committee Substitute Favorable 5/19/05
Third Edition Engrossed 8/23/05

Short Title: Report Denial of Some Pistol Permits.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL OR SURRENDER OF A FIREARM OR PERMIT UNDER G.S. 50B-3.1 SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION TO BE ENTERED INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 52A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-404.1. Report gun and permit surrenders and denials to SBI.

(a) If a sheriff declines to issue a permit as provided by G.S. 14-404(b), the sheriff shall notify the State Bureau of Investigation and provide all of the following information to the State Bureau of Investigation for entry into a State computerized database designated by the State Bureau of Investigation:

- (1) A statement that the license or permit was denied in accordance with G.S. 14-404(b).
- (2) The date of the denial.
- (3) The county in which the license or permit was denied.
- (4) Sufficient information to identify the applicant.

(a1) Whenever the sheriff obtains firearms, machine guns, ammunition, permits to purchase firearms, or permits to carry concealed firearms pursuant to a surrender under G.S. 50B-3.1, the sheriff shall notify the State Bureau of Investigation and shall provide all of the following information to the State Bureau of Investigation for entry into a State computerized database designated by the State Bureau of Investigation:

- (1) A statement summarizing the basis for the surrender.
- (2) The date of surrender.
- (3) The county in which the surrender was ordered.

1 (4) Sufficient information to identify the person subject to the surrender.

2 (b) The State Bureau of Investigation shall enter any information provided to it in
3 compliance with subsections (a) and (a1) of this section into the appropriate State
4 computer database within 24 hours of its receipt and in such a manner that a notation of
5 the denial or surrender will appear in any subsequent record check conducted in
6 accordance with this Article. Any information entered into the database in accordance
7 with subsection (a) of this section shall be automatically deleted from the database eight
8 years from the date it was entered.

9 (c) If a person successfully appeals the denial of a permit as provided by
10 G.S. 14-404(b), then the person may provide the sheriff with an official copy of the
11 court's determination and request in writing that the sheriff remove the notation
12 regarding the denial of the person's application for a permit from the appropriate State
13 computerized database. The sheriff shall notify the State Bureau of Investigation of any
14 request made in compliance with this subsection within 72 hours of the receipt of the
15 request. The State Bureau of Investigation shall remove the notation within 72 hours of
16 its receipt of the request from the sheriff."

17 **SECTION 2.** By September 1, 2006, the State Bureau of Investigation shall
18 have identified an appropriate State computerized database that is easily accessible and
19 available to sheriffs statewide, developed any necessary software, provided training on
20 use of the database, and taken any other action necessary to ensure that the database is
21 fully operational.

22 **SECTION 3.** With funds appropriated to the Department of Justice in the
23 2005-2006 fiscal year, the State Bureau of Investigation shall begin to implement the
24 provisions of this act, including identifying a State computerized database, developing
25 necessary software, and providing training on use of the database.

26 **SECTION 4.** Section 1 of this act becomes effective September 1, 2005.
27 The remainder of this act is effective when it becomes law.