

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 310  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH80094-LH-52 (01/31)

Short Title: Handgun Permit Modernization Act. (Public)

Sponsors: Representatives Jordan, Hastings, Brody, and Szoka (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODERNIZE AND ENSURE UNIFORMITY OF CONCEALED HANDGUN  
3 PERMIT APPLICATIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-415.12(a)(3) reads as rewritten:

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

8 ...

9 (3) The applicant does not suffer from a ~~physical or~~ mental infirmity that  
10 prevents the safe handling of a ~~handgun~~ handgun, as determined by the  
11 National Instant Criminal Background Check System.

12 ...."

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

14 "(a) A person shall apply to the sheriff of the county in which the person resides to  
15 obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the  
16 following:

17 (1) An application, completed under oath, on a form provided by the sheriff.  
18 The sheriff shall not request information, character affidavits, additional  
19 background checks, photographs, or other information unless specifically  
20 required by this Article.

21 (2) A nonrefundable permit fee.

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

23 (4) An original certificate of completion of an approved course, adopted and  
24 distributed by the North Carolina Criminal Justice Education and Training  
25 Standards Commission, signed by the certified instructor of the course  
26 attesting to the successful completion of the course by the applicant which  
27 shall verify that the applicant is competent with a handgun and  
28 knowledgeable about the laws governing the carrying of a concealed  
29 handgun and the use of deadly force.

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



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

2   "**§ 14-415.15. Issuance or denial of permit.**

3       (a) Except as permitted under subsection (b) of this section, within 45 days after receipt  
4 of the items listed in G.S. 14-415.13 from an applicant, ~~and receipt of the required records~~  
5 ~~concerning the mental health or capacity of the applicant,~~ the sheriff shall either issue or deny  
6 the permit. The sheriff may conduct any investigation necessary to determine the qualification  
7 or competency of the person applying for the permit, including record checks.

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

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

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

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

27           **SECTION 5.** This act becomes effective October 1, 2013.