

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 983

Short Title: Pistol Permit Rewrite.

(Public)

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Sponsors: Representatives Michaux; and Luebke.

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Referred to: Judiciary I.

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April 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE A WAITING PERIOD FOR ISSUANCE OF A PISTOL  
2 PERMIT, TO LIMIT A PERSON TO ONE PERMIT IN ANY CALENDAR YEAR,  
3 AND TO PROVIDE THAT PISTOL PERMITS ARE ISSUED BY THE SHERIFF  
4 IN ALL COUNTIES.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. (a) Article 53 of Chapter 14 of the General Statutes is repealed.

8 (b) Section 4 of Chapter 1073, Session Laws of 1959 is repealed.

9 (c) The catch line of Article 52A of Chapter 14 of the General Statutes reads  
10 as rewritten:

11 **"SALE OF WEAPONS IN CERTAIN COUNTIES. WEAPONS."**

12 Sec. 2. G.S. 14-404 reads as rewritten:

13 **"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;  
14 sheriff's fee.**

15 Upon application, the sheriff shall issue such license or permit to a resident of that  
16 county unless the purpose of the permit is for collecting, in which case a sheriff can  
17 issue a permit to a nonresident when the sheriff shall have fully satisfied himself by  
18 affidavits, oral evidence, or otherwise, as to the good moral character of the applicant  
19 therefor, and that such person, firm, or corporation desires the possession of the weapon  
20 mentioned for (i) the protection of the home, business, person, family or property,  
21 (ii) target shooting, (iii) collecting, or (iv) hunting. No permit may be issued until seven  
22 calendar days have elapsed from the time of application for the permit. The day of  
23 application is the first day of the period. If said sheriff shall not be so fully satisfied, he  
24 may, for good cause shown, decline to issue said license or permit and shall provide to

1 said applicant within seven days of such refusal a written statement of the reason(s) for  
2 such refusal. An appeal from such refusal shall lie by way of petition to the chief judge  
3 of the district court for the district in which the application was filed. The determination  
4 by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the  
5 sheriff's refusal, and shall be final. A permit may not be issued to the following persons:  
6 (i) one who is under an indictment or information for or has been convicted in any state,  
7 or in any court of the United States, of a felony (other than an offense pertaining to  
8 antitrust violations, unfair trade practices, or restraints of trade), except that if a person  
9 has been convicted and later pardoned or is not prohibited from purchasing a firearm  
10 under the Felony Firearms Act (Article 54A of this Chapter), he may obtain a permit;  
11 (ii) one who is a fugitive from justice; (iii) one who is an unlawful user of or addicted to  
12 marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section  
13 802); (iiia) one who has already been issued a permit under this section in the same  
14 calendar year; and one who has been adjudicated incompetent on the ground of mental  
15 illness or has been committed to any mental institution. Provided, that nothing in this  
16 Article shall apply to officers authorized by law to carry firearms if such officers  
17 identify themselves to the vendor or donor as being officers authorized by law to carry  
18 firearms and state that the purpose for the purchase of the firearms is directly related to  
19 the law officers' official duties. The sheriff shall charge for his services upon issuing  
20 such license or permit a fee of five dollars (\$5.00). Each applicant for any such license  
21 or permit shall be informed by said sheriff within 30 days of the date of such application  
22 whether such license or permit will be granted or denied and, if granted, such license or  
23 permit shall be immediately issued to said applicant."

24           Sec. 3. In case of conflict between this act and any local act, this act prevails  
25 to the extent of the conflict.

26           Sec. 4. This act becomes effective December 1, 1993, except G.S. 14-  
27 404(iiia) as added by this act is effective upon ratification.