

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 983  
Committee Substitute Favorable 5/7/93

Short Title: Pistol Permit Rewrite.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A WAITING PERIOD FOR ISSUANCE OF A PISTOL PERMIT AND TO PROVIDE THAT PISTOL PERMITS ARE ISSUED BY THE SHERIFF IN ALL COUNTIES.

The General Assembly of North Carolina enacts:

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 (a) Article 53 of Chapter 14 of the General Statutes is repealed.

(b) Section 4 of Chapter 1073, Session Laws of 1959, is repealed.

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

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

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

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

Upon application, the sheriff shall issue such license or permit to a resident of that county unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a nonresident when the sheriff shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for (i) the protection of the home, business, person, family or property, (ii) target shooting, (iii) collecting, or (iv) hunting. No permit may be issued until seven calendar days have elapsed from the time of application for the permit, except that if a person has already been issued a permit, no further permit may be issued to that person

1 in that same calendar year until 14 days have elapsed from the time of application for  
2 the additional permit. No person may make application for a permit while that person  
3 has a pending application for another permit. The day of application is the first day of  
4 the period. If said sheriff shall not be so fully satisfied, he may, for good cause shown,  
5 decline to issue said license or permit and shall provide to said applicant within seven  
6 days of such refusal a written statement of the reason(s) for such refusal. An appeal  
7 from such refusal shall lie by way of petition to the chief judge of the district court for  
8 the district in which the application was filed. The determination by the court, on  
9 appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal,  
10 and shall be final. A permit may not be issued to the following persons: (i) one who is  
11 under an indictment or information for or has been convicted in any state, or in any  
12 court of the United States, of a felony (other than an offense pertaining to antitrust  
13 violations, unfair trade practices, or restraints of trade), except that if a person has been  
14 convicted and later pardoned or is not prohibited from purchasing a firearm under the  
15 Felony Firearms Act (Article 54A of this Chapter), he may obtain a permit; (ii) one who  
16 is a fugitive from justice; (iii) one who is an unlawful user of or addicted to marijuana  
17 or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section 802); and  
18 one who has been adjudicated incompetent on the ground of mental illness or has been  
19 committed to any mental institution. The sheriff shall, at a minimum, conduct a  
20 background check of the applicant sufficient to determine if the permit should not be  
21 issued pursuant to the provisions of the preceding sentence. Provided, that nothing in  
22 this Article shall apply to officers authorized by law to carry firearms if such officers  
23 identify themselves to the vendor or donor as being officers authorized by law to carry  
24 firearms and state that the purpose for the purchase of the firearms is directly related to  
25 the law officers' official duties. The sheriff shall charge for his services upon issuing  
26 such license or permit a fee of five dollars (\$5.00). Each applicant for any such license  
27 or permit shall be informed by said sheriff within 30 days of the date of such application  
28 whether such license or permit will be granted or denied and, if granted, such license or  
29 permit shall be immediately issued to said applicant."

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

32           Sec. 4. This act becomes effective December 1, 1993.