

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 580

Short Title: Nonresident Handgun Permit.

(Public)

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Sponsors: Representatives Thompson, Nichols; and Buchanan.

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Referred to: Judiciary I, if favorable, Finance.

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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.

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

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

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

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

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

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

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

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

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

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

25           (5) The applicant registers with the Office of the Attorney General and files  
26 a sworn affidavit that the person is knowledgeable of the laws of this  
27 State regarding concealed handguns and will obey those laws.

28 **"§ 14-415.32. Application for a permit; fingerprints.**

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

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

33           (2) A nonrefundable permit fee.

34           (3) A full set of fingerprints of the applicant administered by the Attorney  
35 General.

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

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

41           (b) The Attorney General shall submit the fingerprints to the State Bureau of  
42 Investigation for a records check of State and national databases. The State Bureau of

1 Investigation shall submit the fingerprints to the Federal Bureau of Investigation as  
2 necessary. The cost of processing the set of fingerprints shall be charged to an applicant.

3 **"§ 14-415.33. Application form to be provided by Attorney General; information to**  
4 **be included in application form.**

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

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

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

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

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

28 **"§ 14-415.34. Renewal of permit.**

29 The holder of a permit shall apply to renew the permit at least 30 days prior to its  
30 expiration date by filing with the Attorney General a renewal form provided by the Office  
31 of the Attorney General, a notarized affidavit stating that the permittee remains qualified  
32 under the criteria provided in this Part, a newly administered full set of the permittee's  
33 fingerprints, and a renewal fee. Upon receipt of the completed renewal application,  
34 including the permittee's fingerprints, and the appropriate payment of fees, the Attorney  
35 General shall determine if the permittee remains qualified to hold a permit in accordance  
36 with the provisions of this Part. The permittee's criminal history shall be updated.

37 **"§ 14-415.35. Attorney General to retain and make available to law enforcement**  
38 **agencies a list of permittees.**

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

42 Within five days of the date a permit is issued, the Attorney General shall send a copy  
43 of the permit to the State Bureau of Investigation. The State Bureau of Investigation shall

1 make this information available to law enforcement officers and clerks of court on a  
2 statewide system.

3 **"§ 14-415.36. Revocation or suspension of permit.**

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

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

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

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

22 **"§ 14-415.37. Fees.**

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

25	<u>Application fee .....</u>	<u>\$80.00</u>
26	<u>Renewal fee .....</u>	<u>\$80.00</u>
27	<u>Duplicate permit fee .....</u>	<u>\$15.00</u>

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

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

35 Section 3. This act becomes effective December 1, 1997, and applies to  
36 offenses committed on or after that date.