

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**HOUSE BILL 835**

Short Title: Concealed Carry for Law Enforcement Officers. (Public)

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Sponsors: Representatives McGee, Moore, Brown (Primary Sponsors); Almond, Blust, Capps, Cleveland, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Glazier, Gulley, Hilton, Hollo, Holloway, Holmes, Justice, Kiser, Lewis, Owens, Parmon, Pate, Preston, Rhodes, Stam, Starnes, Steen, Stiller, Walend, Wiley, and Williams.

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Referred to: Judiciary II, if favorable, Finance.

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March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LAW ENFORCEMENT OFFICERS WITH AN EXPEDITED PROCESS AND REDUCED COSTS IN OBTAINING CONCEALED CARRY PERMITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-415.19 reads as rewritten:

"§ 14-415.19. Fees.

(a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer to be remitted or credited by the county finance officer in accordance with the provisions of this section. Except as otherwise provided by this section, the permit fees are as follows:

Application fee .....	\$80.00
Renewal fee .....	\$75.00
Duplicate permit fee .....	\$15.00

The county finance officer shall remit forty-five dollars (\$45.00) of each new application fee and forty dollars (\$40.00) of each renewal fee assessed under this subsection to the North Carolina Department of Justice for the costs of State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article. The remaining thirty-five dollars (\$35.00) of each application or renewal fee shall be used by the sheriff to pay the costs of administering this Article and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only.

(a1) The permit fees for a retired sworn law enforcement officer who provides the information required by subdivisions (1) and (2) of this subsection to the sheriff, in addition to any other information required under this Article, are as follows:

Application fee .....	\$45.00
Renewal fee .....	\$40.00

- (1) A copy of the officer's letter of retirement from either the North Carolina Teachers' and State Employees' Retirement System or the North Carolina Local Governmental Employees' Retirement System.
- (2) Written documentation from the head of the agency where the person was previously employed indicating that the person was neither involuntarily terminated nor under administrative or criminal investigation within six months of retirement.

The county finance officer shall remit the proceeds of the fees assessed under this subsection to the North Carolina Department of Justice to cover the cost of performing the State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article.

(a2) The permit fees for a sworn law enforcement officer who provides the information required by subdivisions (1) and (2) of this subsection to the sheriff, in addition to any other information required under this Article, are as follows:

<u>Application fee .....</u>	<u>\$45.00</u>
<u>Renewal fee .....</u>	<u>\$40.00</u>

- (1) A letter stating that the application for a concealed carry permit is made on the officer's own behalf and is not necessary or required as part of their employment by any local or State law enforcement agency.
- (2) Written documentation from the head of the agency where the officer is employed indicating that the officer is not under administrative or criminal investigation.

The county finance officer shall remit the proceeds of the fees assessed under this subsection to the North Carolina Department of Justice to cover the cost of performing the State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article.

(b) An additional fee, not to exceed ten dollars (\$10.00), shall be collected by the sheriff from an applicant for a permit to pay for the costs of processing the applicant's fingerprints, if fingerprints were required to be taken. This fee shall be retained by the sheriff."

**SECTION 2.** G.S. 14-415.15 reads as rewritten:

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

(a) Except as permitted under subsection (b) or (b1) of this section, within 90 days after receipt of the items listed in G.S. 14-415.13 from an applicant, the sheriff

1 shall either issue or deny the permit. The sheriff may conduct any investigation  
2 necessary to determine the qualification or competency of the person applying for the  
3 permit, including record checks.

4 (b) Upon presentment to the sheriff of the items required under  
5 G.S. 14-415.13(a)(1), (2), and (3), the sheriff may issue a temporary permit for a period  
6 not to exceed 90 days to a person who the sheriff reasonably believes is in an  
7 emergency situation that may constitute a risk of safety to the person, the person's  
8 family or property. The temporary permit may not be renewed and may be revoked by  
9 the sheriff without a hearing.

10 (b1) If a sworn law enforcement officer presents the sheriff with the items required  
11 under G.S. 14-415.13(a)(1), (2), and (3), and the items required under  
12 G.S. 14-415-19(a2), then the sheriff shall issue a temporary permit for a period not to  
13 exceed 90 days. The temporary permit may not be renewed.

14 (c) A person's application for a permit shall be denied only if the applicant fails  
15 to qualify under the criteria listed in this Article. If the sheriff denies the application for  
16 a permit, the sheriff shall, within 90 days, notify the applicant in writing, stating the  
17 grounds for denial. An applicant may appeal the denial, revocation, or nonrenewal of a  
18 permit by petitioning a district court judge of the district in which the application was  
19 filed. The determination by the court, on appeal, shall be upon the facts, the law, and the  
20 reasonableness of the sheriff's refusal. The determination by the court shall be final."

21 **SECTION 3.** This act becomes effective October 1, 2005.