



# HOUSE BILL 398: Pistol Purchase Permit Repeal.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2021-2022 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	August 16, 2021
<b>Introduced by:</b>	Reps. Adams, Cleveland, Goodwin, Hanig	<b>Prepared by:</b>	Jennifer H. Bedford Staff Attorney
<b>Analysis of:</b>	Second Edition		

**OVERVIEW:** *HB 398 would repeal the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or transfer of a pistol.*

**CURRENT LAW:** Article 52A of Chapter 14 of the General Statutes requires an individual to obtain a purchase permit from the sheriff of the county in which the individual resides prior to purchase or receipt of a pistol, unless the individual has a concealed carry permit. Failure to obtain the permit or have a concealed carry permit prior to purchase or receipt of a pistol is a Class 2 misdemeanor.

Prior to issuance of the purchase permit, the sheriff must (i) conduct a criminal background investigation through the National Instant Criminal Background Check System (NICS) and a criminal history check through the Administrative Office of the Court, (ii) determine the applicant's good moral character, and (iii) determine that the possession of the weapon is for only certain identified purposes.

Federal law requires federal firearms licensees (FFL) to conduct a criminal background check through the NCIS before selling or delivering handguns to an individual unless a valid State permit is presented to the FFL. (18 USC 922, 27 C.F.R. §478.102)

**BILL ANALYSIS:** **House Bill 398 would** repeal the following State laws requiring a purchase permit or concealed handgun permit prior to purchase or receipt of a pistol and make related conforming changes:

- G.S. 14-402** prohibits the sale of certain weapons without a pistol purchase permit.
- G.S. 14-403** provides that the pistol purchase permit is issued by the sheriff.
- G.S. 14-404** provides for the issuance, refusal, and appeal from refusal of a pistol purchase permit.
- G.S. 14-405** requires sheriffs to keep records of pistol purchase permits.
- G.S. 14-407.1** allows sheriffs to issue pistol purchase permits to purchase or receive pistols capable of firing blank cartridges.
- G.S. 14-315(b1)(1)** provides a valid pistol purchase permit as a defense to the crime of selling, offering for sale, or giving a handgun to a minor.
- G.S. 122C-54(d2)** provides that confidential involuntary commitment records are accessible to sheriffs for the purposes of background checks related to pistol purchase permits.

**EFFECTIVE DATE:** HB 398 would become effective when it becomes law and would apply to pistols sold, given away, transferred, purchased, or received on or after that date.

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