



# HOUSE BILL 398: Pistol Purchase Permit Repeal.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	February 28, 2022
<b>Introduced by:</b>	Reps. Adams, Cleveland, Goodwin, Hanig	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	Ratified		Staff Attorney

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**OVERVIEW:** *House Bill 398 would have repealed the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or transfer of a pistol.*

*House Bill 398 was ratified by the General Assembly August, 19, 2021, and vetoed by the Governor on August 30, 2021.*

**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**BILL ANALYSIS:** **House Bill 398** would have repealed the following State laws requiring a purchase permit or concealed handgun permit prior to purchase or receipt of a pistol and make related conforming changes: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** prohibiting the sale of certain weapons without a pistol purchase permit.

**G.S. 14-403** providing that the pistol purchase permit is issued by the sheriff.

**G.S. 14-404** providing for the issuance, refusal, and appeal from refusal of a pistol purchase permit.

**G.S. 14-405** requiring sheriffs to keep records of pistol purchase permits.

**G.S. 14-407.1** allowing sheriffs to issue pistol purchase permits to purchase or receive pistols capable of firing blank cartridges.

**G.S. 14-315(b1)(1)** providing 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)** providing that confidential involuntary commitment records are accessible to sheriffs for the purposes of background checks related to pistol purchase permits.

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# House Bill 398

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**EFFECTIVE DATE:** House Bill 398 was ratified by the General Assembly August, 19, 2021, and vetoed by the Governor on August 30, 2021. The bill would have become effective when it became law and applied to pistols sold, given away, transferred, purchased, or received on or after that date.