



# HOUSE BILL 101: The Firearms Liberty Act.

2023-2024 General Assembly

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<b>Committee:</b>	House Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 8, 2023
<b>Introduced by:</b>	Reps. Adams, Hastings, Kidwell, Carson Smith	<b>Prepared by:</b>	Debbie Griffiths Staff Attorney
<b>Analysis of:</b>	Second Edition		

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## **OVERVIEW: HB 101 would make the following changes:**

- *Adding an option for a lifetime concealed carry handgun permit and related technical and conforming changes.*
- *Provide that a concealed carry permittee who allowed the permit to lapse does not have to take another firearms safety and training course upon applying for renewal under certain conditions.*
- *Allow persons subject to a domestic violence protective order and an order to surrender firearms, to transfer storage of the firearms from the sheriff to a qualified licensed firearms dealer.*

## **LIFETIME CONCEALED HANDGUN PERMITS (PART II)**

**CURRENT LAW:** Article 45B of Chapter 14 of the General Statutes establishes a process for obtaining a concealed handgun permit which authorizes an individual to carry a concealed handgun, subject to certain restrictions. Under G.S. 14-415.11, concealed handgun permits must be renewed every five years. When renewing permits, a person must file an affidavit that the person remains qualified to hold the permit, as well as provide a new set of fingerprints and pay a renewal fee.

**BILL ANALYSIS:** Part II of the act would amend Article 45B of Chapter 14 of the General Statutes by establishing two types of concealed carry permits, fixed duration permits and lifetime permits, as follows:

- Fixed duration permits would be valid for five years.
- Lifetime permits would be valid statewide until surrendered or revoked.

Individuals could request either type of concealed carry permit. Those issued fixed duration permits would be required to renew by providing a renewal form, new set of fingerprints, and a renewal fee. A lifetime permit would not require renewal, but an individual could request reissuance of that permit as a fixed duration permit using the same renewal process, and pay a reissuance fee.

Either permit could be revoked on the grounds the individual was no longer a resident of the State. When changing addresses, a permit holder would be required to notify the sheriff of the county in which the person resides, and that sheriff would be required to report that information to the statewide system of permit holders maintained by the State Bureau of Investigation.

Additional conforming and technical changes would be made to other statutes.

**EFFECTIVE DATE:** Part II would become effective December 1, 2023, and would apply to all permits issued or renewed after that date.

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## REVISE LAW ON LAPSE OF CONCEALED CARRY PERMIT (PART III)

**CURRENT LAW:** Concealed handgun permits can be renewed in the 90 days prior to the expiration of the permit by completion of a renewal form and payment of a fee. If a permittee applies for renewal within those 90 days, the permit will remain valid past the expiration date until the permit is renewed or the renewal is denied. G.S. 14-415.16(e) currently provides that if a person does not apply for renewal prior to the expiration of the permit, but does apply within 60 days after expiration, the sheriff may waive the requirement of taking another firearms safety and training course. Applications for renewal made after the expiration of a permit do not extend the validity of the permit.

**BILL ANALYSIS:** Part III of the act would amend G.S. 14-415.16(e) as follows:

- If the permittee applies for renewal less than 180 days from the expiration of the permit, the sheriff would be required to waive the requirement to take another firearm safety and training course.
- If the permittee applies for renewal between 180 days and one year after expiration, the sheriff may waive the requirement to take another firearm safety and training course.

**EFFECTIVE DATE:** Part III of this act would become effective October 1, 2023, and would apply to renewal applications submitted on or after that date.

## PROPERTY PROTECTION/DVPO (PART IV)

**CURRENT LAW:** G.S. 50B-3.1 authorizes a court to require a defendant to surrender all firearms when issuing an emergency or ex parte domestic violence protective order if certain factors are found. The firearms are currently stored by the sheriff, who may charge a reasonable fee for the storage.

**BILL ANALYSIS:** Part IV of the act would amend the procedures for the surrender and retrieval of firearms, when ordered by the court pursuant to an emergency or ex parte domestic violence protective order to make the following changes:

- Allow defendants to transfer the storage of firearms and ammunition to a federally licensed firearm dealer (FFL).
  - The FFL must operate a commercial establishment that is open to the public.
  - The transfer is not authorized until the firearms have been in the sheriff's custody for 15 days.
  - An FFL that accepts firearms and ammunition would be prohibited from transferring the firearms to the defendant unless the motion for a protective order is dismissed or the order of surrender has expired, or transferring the firearms to any person the FFL knows or reasonably should know will allow the defendant access to the firearms. Violation would be a Class 2 misdemeanor.
  - If the firearms are transferred to an FFL, the sheriff may not charge a fee for the first 15 days of storage.
- Modify the procedure required for a defendant to retrieve the firearms upon expiration of the order or final disposition of any criminal charges.
  - Reduce the time allowed to request return of surrendered firearms to 30 days.
  - Allow the defendant to submit a written request to the sheriff or FFL holding the firearms, rather than requiring a court order in all cases.

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- The sheriff or FFL would be required to conduct a check of the defendant through the National Instant Criminal Background Check System (NICS).
- If the NICS check indicates grounds that would prevent the defendant from receiving the firearms, the sheriff or FFL would file a motion with the court.
- Upon receipt of the motion, the court would schedule a hearing, which would be conducted in the same manner as current law provides.
- Authorize the court to allow an FFL to dispose of by sale any surrendered firearms that are not claimed.

**EFFECTIVE DATE:** Part IV of the act would become effective December 1, 2023, and would apply to orders issued on or after that date.

*\*Susan Sitze and Robert Ryan, Staff Attorneys with Legal Analysis Division, substantially contributed to this summary.*