



HOUSE BILL 22: Concealed Gun Permit/Clarify Discharge.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	September 12, 2023
Introduced by:	Rep. Crutchfield	Prepared by:	Alex Ramirez
Analysis of:	PCS to First Edition H22-CSCL-35		Susan Sitze Staff Attorneys

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 22 would clarify the types of military discharge that require a denial of a concealed handgun permit.*

CURRENT LAW: G.S. 14-269 prohibits the carrying of concealed weapons, including handguns, with certain exceptions. Article 54B of Chapter 14 of the General Statutes establishes a process, including an application to the sheriff for a permit, for obtaining a concealed handgun permit which authorizes an individual to carry a concealed handgun, subject to certain restrictions.

The sheriff must evaluate applications for a permit, and must deny a permit whenever the sheriff learns that an applicant was discharged from the Armed Forces of the United States under conditions other than honorable pursuant to G.S. 14-404(c)(6).

BILL ANALYSIS: The PCS to House Bill 22 would clarify the statutory basis for a denial of a concealed handgun permit based on military discharge status by expanding the general phrase "under conditions other than honorable" to a list of those conditions.

EFFECTIVE DATE: This act would become effective December 1, 2023 and apply to applications submitted on or after that date.

BACKGROUND: Pursuant to 10 U.S. Code 1168, the Department of Defense may not discharge or release a member of the Armed Forces of the United States without a discharge certificate. There is a particular Department of Defense categorization of a discharge called an "Under other than honorable conditions" discharge, which is separate than other unfavorable discharges: "Bad Conduct" or "Dishonorable." Department of Defense Instruction 13361.01. Concealed handgun permits are currently denied for bad conduct or dishonorable charges.

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