



HOUSE BILL 50: Pistol Purchase Permit Repeal.

2023-2024 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 14, 2023
Introduced by:	Reps. Chesser, D. Hall, K. Hall, Saine	Prepared by:	Debbie Griffiths
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 50 would repeal the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or receipt of a pistol and create a new misdemeanor, misdemeanor crime of domestic violence.*

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 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 and background check by accessing computerized criminal history records as maintained by the SBI and FBI, (ii) conduct a national criminal history records check by conducting a check through the National Instant Criminal Background Check System (NICS), (iii) conduct a criminal history check through the Administrative Office of the Courts, (iv) determine the applicant's good moral character, and (v) determine that the possession of the weapon is for only certain identified purposes.

Permits cannot be issued to certain individuals, including those under indictment or convicted of a felony, fugitives, unlawful drug users, those adjudicated mentally incompetent or who have been committed to any mental institution, illegal or unlawful aliens and those who have renounced United States citizenship, those with dishonorable discharges from the Armed Forces, and those subject to domestic violence restraining orders.

Federal law requires federal firearms licensees (FFL) to conduct a criminal background check through the NICS 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)

Federal law prohibits the sale or delivery to certain individuals, including those convicted or indicted for a crime punishable by a term of imprisonment of more than a year, fugitives from justice, unlawful users of or addicted to any controlled substance, those adjudicated as a mental defective or who have been committed to a mental institution, aliens who are illegally or unlawfully in the United States, or on a nonimmigrant visa, with certain exceptions, those discharged under dishonorable conditions from the Armed Forces, those who have renounced United States citizenship, those subject to a domestic violence protective order, and those convicted of a misdemeanor crime of domestic violence.

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BILL ANALYSIS:

Section 1 would repeal the requirement to obtain a pistol purchase permit prior to purchase or receipt of a pistol and make related conforming changes.

Section 2 would create a new Class A1 misdemeanor, misdemeanor crime of domestic violence, which would require a showing that the person used physical force or threatened use of a deadly weapon against persons with whom the defendant has certain domestic relationships. Section 2 would prohibit persons convicted of this crime from qualifying for a concealed carry permit.

EFFECTIVE DATE: Section 1 would become effective when it becomes law and would apply to pistols sold, given away, transferred, purchased, or received on or after that date. Section 2 would become effective December 1, 2023, and apply to offenses committed on or after that date. The remainder of the bill would become effective when it becomes law.