



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 41

AMENDMENT NO. <u>A1</u> (to be filled in by Principal Clerk)

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Amends Title [YES] Second Edition Date _____,2023

Senator Marcus

S41-ACE-4 [v.7]

moves to amend the bill on page 1, line 5, by deleting the phrase "TO REPEAL PISTOL
PURCHASE PERMITS," and substituting the phrase "TO ELIMINATE THE PERMIT
REQUIREMENT TO PURCHASE A PISTOL FROM A FEDERALLY LICENSED FIREARM
DEALER,";

and on page 2, lines 28-36, by rewriting the lines to read:

8 "PART II. MODIFY PISTOL PURCHASE PERMIT REQUIREMENTS
 9 SECTION 2.(a) G.S. 14-402 reads as rewritten:

10 "§ 14-402. Sale of certain weapons without permit forbidden.

11 (a) It is unlawful for any person, firm, or corporation private person in this State to sell, 12 give away, or transfer, or to purchase or receive, at any place within this State from any other 13 place within or without the State any pistol from any other person other than a federally licensed 14 firearm dealer, unless: (i) a license or permit is first obtained under this Article by the purchaser 15 or receiver from the sheriff of the county in which the purchaser or receiver resides; or (ii) a valid 16 North Carolina concealed handgun permit is held under Article 54B of this Chapter by the 17 purchaser or receiver who must be a resident of the State at the time of the purchase.

18 It is unlawful for any person or persons to receive from any postmaster, postal clerk, 19 employee in the parcel post department, rural mail carrier, express agent or employee, railroad 20 agent or employee within the State of North Carolina any pistol without having in his or their 21 possession and without exhibiting at the time of the delivery of the same and to the person 22 delivering the same the permit from the sheriff as provided in G.S. 14-403.G.S. 14-403 or 23 documentation demonstrating that the person is a federally licensed firearm dealer. Any person 24 violating the provisions of this section is guilty of a Class 2 misdemeanor.

- 25 (b) This section does not apply to an antique firearm or an historic edged weapon.
- 26
- 20 27

28

29

(c)

- The following definitions apply in this Article:(1) Antique firearm. Defined in G.S. 14-409.11.
- (2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.
- (4) Historic edged weapon. Defined in G.S. 14-409.12.
- 30 (5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.
- 31(8)Private Person. A person, firm, or corporation who is not a federally licensed32firearm dealer acting in accordance with federal law.





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1 2	(9) Federally licensed firearm dealer. – A person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms."
3	SECTION 2.(b) G.S. 14-403 reads as rewritten:
4	"§ 14-403. Permit issued by sheriff; form of permit; expiration of permit.
5	The sheriffs of any and all counties of this State shall issue to any person, firm, or
6	corporation private person in any county a permit to purchase or receive any weapon mentioned
7	in this Article from any person, firm, or corporation private person offering to sell or dispose of
8	the weapon. The permit shall expire five years from the date of issuance. The permit shall be a
9	standard form created by the State Bureau of Investigation in consultation with the North
10	Carolina Sheriffs' Association, shall be of a uniform size and material, and shall be designed with
11	security features intended to minimize the ability to counterfeit or replicate the permit and shall
12	be set forth as follows:
13	North Carolina,
14	County.
15	I,, Sheriff of said County, do hereby certify that I have conducted a criminal
16	background check of the applicant, whose place of residence is in
17	(or) in Township, County, North Carolina, and have received no
18	information to indicate that it would be a violation of State or federal law for the applicant to
19	purchase, transfer, receive, or possess a handgun. The applicant has further satisfied me as to his,
20	her (or) their good moral character. Therefore, a permit is issued to to purchase one
21	pistol from any person, firm or corporation private person authorized to dispose of the same.
22	This permit expires five years from its date of issuance.
23	This day of,
24	
25	Sheriff.
26	The standard permit created by this section shall be used statewide by the sheriffs of any and
27	all counties and, when issued by a sheriff, shall also contain an embossed seal unique to the office
28	of the issuing sheriff. "
29	SECTION 2.(c) G.S. 14-405 reads as rewritten:
30	"§ 14-405. Record of permits kept by sheriff; confidentiality of permit information.
31	(a) The sheriff shall keep a record of all permits issued under this article, including the
32	name, date, place of residence, age, former place of residence, etc., of each such person, firm, or
33	corporation <u>private person</u> to whom or which a permit is issued. The record shall include the date
34	that a permit was revoked, the date that the permittee received notice of the revocation, whether
35	the permit was surrendered, and the reason for the revocation.
36	(b) The records maintained by the sheriff pursuant to this section are confidential and are
37	not a public record under G.S. 132-1; provided, however, that the sheriff shall make the records
38	available upon request to any federal, State, and local law enforcement agencies and shall also
39	make the records available to the court if the records are required to be released pursuant to a
40	court order. Any application to a court for release of the list of permit holders and permit
41	application information shall be by a petition to the chief judge of the district court for the district
42	in which the person seeking the information resides."
43	SECTION 2.(d) G.S. 14-407.1 reads as rewritten:



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1	"§ 14-407	7.1. Sal	le of blank cartridge pistols.			
2	The p	The provisions of G.S. 14-402, 14-405, and 14-406 shall apply to the sale of pistols suitable				
3	for firing	for firing blank cartridges. The sheriffs of all the counties of this State are authorized and may in				
4	their disc	retion i	issue to any person, firm or corporation, private person, in any such county, a			
5			t to purchase or receive any pistol suitable for firing blank cartridges from any			
6			corporation <u>private person</u> offering to sell or dispose of the same, which said			
7	-		n substantially the following form:			
8	North Ca					
9			_ County			
10	I,		, Clerk of the Superior Court of said county, do hereby certify that			
11	, whose place of residence is Street in (or) in Township in County, North Carolina, having this day					
12	in		Township in County, North Carolina, having this day			
13	satisfied a	me that	the possession of a pistol suitable for firing blank cartridges will be used only			
14			bses, a permit is therefore given said to purchase said pistol			
15			n, firm or corporation private person authorized to dispose of the same, this			
16			f			
17						
18			Sheriff			
19	The sl	heriff sl	hall charge for the sheriff's services, upon issuing such permit, a fee of fifty cents			
20	(50¢)."					
21		SEC	TION 2.(e) G.S. 14-408.1 reads as rewritten:			
22	"§ 14-40	8.1. Se	olicit unlawful purchase of firearm; unlawful to provide materially false			
23		infor	mation regarding legality of firearm or ammunition transfer.			
24	(a)	The f	following definitions apply in this section:			
25		(1)	Ammunition. – Any cartridge, shell, or projectile designed for use in a firearm.			
26		(2)	Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of			
27			an explosion.			
28		(3)	Handgun. – A pistol, revolver, or other gun that has a short stock and is			
29			designed to be held and fired by the use of a single hand.			
30		(4)	Licensed dealer. Federally licensed firearm dealer. – A person who is licensed			
31			pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.			
32		(5)	Materially false information. – Information that portrays an illegal transaction			
33			as legal or a legal transaction as illegal.			
34		(6)	Private seller. – A person who sells or offers for sale any firearm, as defined			
35			in G.S. 14-409.39, or ammunition.			
36	(b)	Any	person who knowingly solicits, persuades, encourages, or entices a licensed			
37	. ,		icensed firearm dealer or private seller of firearms or ammunition to transfer a			
38	firearm or ammunition under circumstances that the person knows would violate the laws of this					
39	State or the United States is guilty of a Class F felony.					
40	(c)		person who provides to a licensed dealerfederally licensed firearm dealer or			
41	private seller of firearms or ammunition information that the person knows to be materially false					
42		information with the intent to deceive the dealer or seller about the legality of a transfer of a				
43		irearm or ammunition is guilty of a Class F felony.				



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1	(d)	Any person who willfully procures another to engage in conduct prohibited by this				
2	section shall be held accountable as a principal.					
3	(e)	This section does not apply to a law enforcement officer acting in his or her official				
4	capacity of	r to a person acting at the direction of the law enforcement officer."				
5		SECTION 2.(f) This section is effective when it becomes law and applies to pistols				
6	sold, giver	away, transferred, purchased, or received on or after that date.".				
	SIGNED					
		Amendment Sponsor				
	SIGNED					
		Committee Chair if Senate Committee Amendment				

ADOPTED _____ FAILED _____ TABLED _____