

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 483
Committee Substitute Favorable 4/20/21
PROPOSED COMMITTEE SUBSTITUTE H483-PCS10427-CE-19

Short Title: Pistol Permit/Mental Health Record to Sheriff.

(Public)

Sponsors:

Referred to:

April 5, 2021

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAW ON PROVIDING MENTAL HEALTH OR MENTAL
CAPACITY RECORDS WHEN APPLYING FOR A PISTOL PURCHASE PERMIT AND
TO CREATE A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 14-404 reads as rewritten:

**"§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; sheriff's
fee.**

...

(e1) The application for a permit shall be on a form created by the State Bureau of
Investigation in consultation with the North Carolina Sheriffs' Association. This application shall
be used by all sheriffs and must be provided by the sheriff both electronically and in paper form.
~~Only the following shall be required to be submitted by an applicant for a permit:~~No additional
documentation or evidence shall be required to be submitted by an applicant for a permit except
the following:

- (1) The permit application developed pursuant to this subsection.
- (2) Five dollars for each permit requested pursuant to subsection (e) of this section.
- (3) A government issued identification confirming the identity of the applicant.
- (4) Proof of residency.
- (5) ~~A signed release, in a form to be prescribed by the Administrative Office of the Court, that authorizes and requires disclosure to the sheriff of any court orders concerning the mental health or capacity of the applicant to be used for the sole purpose of determining whether the applicant is disqualified to receive a permit pursuant to this section.~~

~~No additional document or evidence shall be required from any applicant.~~

(e2) The sheriff shall request disclosure to the sheriff of any court orders concerning the
mental health or mental capacity of the applicant to be used for the sole purpose of determining
whether the applicant is disqualified to receive a permit pursuant to this section. Nothing in this
subsection shall be construed to increase the documentation an applicant is required to provide
under subsection (e1) of this section or to increase the time period set out in subsection (f) of this
section.

(e3) The permit application shall also contain a conspicuous warning substantially as
follows:



* H 4 8 3 - P C S 1 0 4 2 7 - C E - 1 9 *

1 "By filing this permit application, I understand that I am giving the sheriff the authority
2 to obtain all criminal and mental health court orders required by State and federal law
3 to determine permit eligibility."

4 (e4) When a sheriff notifies the potential holder of a mental health order in writing that a
5 particular individual has completed an application for a permit, the holder of any court orders
6 that concern the mental health or mental capacity of an applicant for a permit shall, upon request,
7 release to the sheriff any and all mental health orders concerning the applicant.

8 ...

9 ~~(i) A person or entity shall promptly disclose to the sheriff, upon presentation by the~~
10 ~~applicant or sheriff of an original or photocopied release form described in subdivision (5) of~~
11 ~~subsection (e1) of this section, any court orders concerning the mental health or capacity of the~~
12 ~~applicant who signed the release form."~~

13 **SECTION 1.(b)** G.S. 122C-54 reads as rewritten:

14 **"§ 122C-54. Exceptions; abuse reports and court proceedings.**

15 ...

16 ~~(d2) The record of involuntary commitment for inpatient or outpatient mental health~~
17 ~~treatment or for substance abuse treatment required to be reported to the National Instant~~
18 ~~Criminal Background Check System (NICS) by G.S. 14-409.43 shall be accessible only by the~~
19 ~~sheriff or the sheriff's designee for the purposes of conducting background checks under G.S.~~
20 ~~14-404 and shall remain otherwise confidential as provided by this Article.~~

21 (d3) Notwithstanding G.S. 122C-207 and subsection (d) of this section, when a sheriff
22 notifies the potential holder of a mental health order in writing that a particular individual has
23 completed an application for a pistol purchase permit, the holder of any court orders that concern
24 the mental health or mental capacity of an applicant for a pistol purchase permit shall, upon
25 request, release to the sheriff of the county any and all mental health orders concerning the pistol
26 purchase permit applicant.

27"

28 **SECTION 2.** Article 8 of Chapter 14 of the General Statutes is amended by adding
29 a new section to read:

30 **"§ 14-32.5. Misdemeanor crime of domestic violence.**

31 A person is guilty of a Class A1 misdemeanor if that person uses or attempts to use physical
32 force, or threatens the use of a deadly weapon, against another person and the person who
33 commits the offense is:

34 (1) A current or former spouse, parent, or guardian of the victim.

35 (2) A person with whom the victim shares a child in common.

36 (3) A person who is cohabitating with or has cohabitated with the victim as a
37 spouse, parent, or guardian.

38 (4) A person similarly situated to a spouse, parent, or guardian of the victim."

39 **SECTION 3.** If House Bill 398, 2021 Regular Session, becomes law, then Section 1
40 of this act is repealed.

41 **SECTION 4.** Section 1 of this act becomes effective August 1, 2021, and applies to
42 applications for pistol purchase permits pending or submitted on or after that date. Section 2 of
43 this act becomes effective December 1, 2021, and applies to offenses committed on or after that
44 date. The remainder of this act is effective when it becomes law.