

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 134
Second Edition Engrossed 3/23/17

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

Sponsors: Representative McNeill.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

February 20, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE REQUIREMENT THAT A SIGNED RELEASE FORM FOR
3 MENTAL HEALTH RECORDS BE PROVIDED WITH AN APPLICATION FOR A
4 PISTOL PERMIT AND TO PROVIDE THAT A SHERIFF MAY REQUEST
5 DISCLOSURE OF ANY COURT ORDERS CONCERNING THE MENTAL HEALTH
6 OF AN APPLICANT FOR A PISTOL PERMIT AND THAT THE HOLDER OF ANY OF
7 THOSE COURT ORDERS SHALL RELEASE THOSE RECORDS TO THE SHERIFF
8 UPON THE SHERIFF'S REQUEST.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-404 reads as rewritten:

11 "**§ 14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal;**
12 **sheriff's fee.**

13 ...

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

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

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

31 (e2) The sheriff may, in the sheriff's discretion, request disclosure to the sheriff of any
32 court orders concerning the mental health or mental capacity of the applicant to be used for the
33 sole purpose of determining whether the applicant is disqualified to receive a permit pursuant to
34 this section. Nothing in this subsection shall be construed to increase the documentation an



1 applicant is required to provide under subsection (e1) of this section or to increase the time
2 period set out in subsection (f) of this section.

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

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

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 2.** 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
24 concern the mental health or mental capacity of an applicant for a pistol purchase permit shall,
25 upon request, release to the sheriff of the county any and all mental health orders concerning
26 the pistol purchase permit applicant.

27"

28 **SECTION 3.** This act becomes effective August 1, 2017, and applies to
29 applications for pistol purchases pending or submitted on or after that date.