

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1450

Short Title: Report Denial of Some Pistol Permits. (Public)

Sponsors: Representatives Harrison, Jeffus (Primary Sponsors); Hall, Insko, Sutton, and Wray.

Referred to: Judiciary I, if favorable, Appropriations.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION BY ENTRY INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 52A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-404.1. Report denial of license or permit to SBI by entry into State-computerized database.

(a) If a sheriff declines to issue a permit as provided by G.S. 14-404(b), the sheriff shall notify the State Bureau of Investigation and provide all of the following information to the State Bureau of Investigation by entry into a State-computerized database designated by the State Bureau of Investigation:

- (1) A statement that the license or permit was denied in accordance with G.S. 14-404(b).
- (2) The date of the denial.
- (3) The reasons for the denial.
- (4) The county in which the license or permit was denied.
- (5) Sufficient information to identify the applicant.

Information entered into the database in compliance with this subsection shall be entered in such a manner that a notation of the denial will appear in any subsequent record check conducted in accordance with this Article.

(b) Any information entered into the database in accordance with subsection (a) of this section shall be automatically deleted from the database eight years from the date it was entered. If the sheriff who declined to issue a permit and entered the information required under subsection (a) of this section into the database subsequently issues a permit to the same applicant, the sheriff shall notify the State Bureau of Investigation and request that the notation of the denial be removed from the database. The State Bureau of Investigation shall remove the notation within five business days of its receipt of the request from the sheriff.

(c) If a person successfully appeals the denial of a permit as provided by G.S. 14-404(b), then the person may provide the sheriff with an official copy of the court's determination and request in writing that the sheriff remove the notation regarding the denial of the person's application for a permit from the appropriate State-computerized database. The sheriff shall notify the State Bureau of Investigation of any request made in compliance with this subsection within five business days of the receipt of the request. The State Bureau of



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1 Investigation shall remove the notation within five business days of its receipt of the request
2 from the sheriff.

3 (d) Any information entered into the database in accordance with subsection (a) of this
4 section shall only be accessible for the purpose of record checks conducted in accordance with
5 this Article, except for the purpose of conducting periodic analysis by the Department of
6 Justice regarding the issuing process of permits under G.S. 14-404(b)."

7 **SECTION 2.** By September 1, 2009, the State Bureau of Investigation shall have
8 identified an appropriate State-computerized database that is easily accessible and available to
9 sheriffs statewide.

10 **SECTION 3.** With funds appropriated to the Department of Justice in the
11 2009-2010 fiscal year, the State Bureau of Investigation shall begin to implement the
12 provisions of this act, including identifying a State-computerized database, developing
13 necessary software, providing training on use of the database, and taking any other action
14 necessary to ensure that the database is fully operational.

15 **SECTION 4.** Section 1 of this act becomes effective September 1, 2009. The
16 remainder of this act is effective when it becomes law.