

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 89
Judiciary I Committee Substitute Adopted 3/10/15

Short Title: Disqualification Notice/Pistol Sale Permit.

(Public)

Sponsors:

Referred to:

February 19, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW DIRECTING THE CLERK OF COURT TO TRANSMIT CERTAIN DATA RELEVANT TO THE FACTORS THAT DISQUALIFY A PERSON FROM OBTAINING A PERMIT TO PURCHASE OR TRANSFER A HANDGUN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-404(c1) reads as rewritten:

"(c1) ~~Excluding Saturdays, Sundays, and holidays, after receiving notice of any of the judicial findings, court orders, or other factual matters, relevant to any of the disqualifying conditions specified in subsection (c) of this section, the clerk of superior court shall determine which information can practicably be transmitted to the National Instant Criminal Background Check System (NICS) and shall transmit that information to NICS within 48 hours of that determination. The information shall include a reference to the relevant statutory provision of G.S. 14-404 that precludes the issuance of a permit.~~ Excluding Saturdays, Sundays, and holidays, the clerk of superior court shall transmit to the National Instant Criminal Background Check System (NICS) those judicial findings and determinations entered and maintained by the clerks in the Administrative Office of the Courts record management systems that can be used to confirm a disqualifying factor as outlined in G.S. 14-404(c) within 48 hours of such entry, provided that NICS requests that such data be transmitted and that the data can be transmitted in a format acceptable by NICS."

SECTION 2. The Administrative Office of the Courts (AOC), in consultation with the State Bureau of Investigation (SBI), shall work with the National Instant Criminal Background Check System (NICS) to determine the feasibility of reporting additional information to NICS from the State's court and law enforcement records relevant to the disqualifiers for purchase or possession in G.S. 14-404(c)(1), (c)(2), (c)(3), and (c)(8). On or before March 1, 2016, the AOC and SBI shall report to the Joint Legislative Oversight Committee on Justice and Public Safety. The report shall include the following:

- (1) Any progress in providing to NICS additional information relevant to the disqualifiers referenced in this section.
- (2) Any specific barriers or roadblocks to transmitting to NICS that additional information.
- (3) Any legislative changes necessary to facilitate enhanced reporting to NICS relevant to the disqualifiers.
- (4) An estimate of the funding, technology, or resource needs required to facilitate the additional reporting relevant to the disqualifiers.

SECTION 3. This act is effective when it becomes law.

