



## Firearms Information

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This information is provided, as a public service, for general information purposes only. It is not intended to be relied upon as legal authority for the North Carolina firearms laws.

### General Information

Learning the laws regulating the use of firearms is a must for responsible ownership. Local regulations differ and laws vary from state to state. Citizens must check with the jurisdiction where the gun is to be used. Generally, laws require the following:

Permits to buy handguns in North Carolina can be obtained from the county sheriff (or, in 10 counties, the clerk of superior court). In Brunswick County it is the Sheriff's Office.

Guns must be carried in plain view. Guns **must not** be carried in a pocket, purse, under a car seat or in any other concealed manner unless you have a concealed handgun permit.

Click here to view the NC Firearms Laws: <http://www.jus.state.nc.us/NCJA/ncfirearmslaws.pdf>

### History

On February 28, 1994, the Brady Handgun Violence Prevention Act became law. The Brady Law established numerous procedures to govern purchases of firearms from federally licensed firearms dealers. On November 30, 1998, the permanent provisions of the Brady Law took effect. The permanent provisions of the Brady Law provide for the establishment of a National Instant Criminal Background Check System (NICS) that federally licensed firearms dealers must contact before transferring any firearm (handgun or long gun) to people. The NICS system is operated by the Federal Bureau of Investigation.

Effective December 1, 1995, the Bureau of Alcohol, Tobacco and Firearms (BATF) decided that the handgun permitting scheme established in North Carolina complies with the exceptions provided in the Brady Law. Therefore, North Carolina's handgun purchase permits will suffice as a suitable alternative method for the purchase of a firearm in North Carolina from a federally licensed firearms dealer under Brady.

Therefore all firearm sales from federally licensed dealers after November 30, 1998 must include a NICS inquiry or a recognized alternative such as a valid pistol purchase permit.

### Federal Requirements

Unless an alternative is recognized, if a person wants to purchase a firearm from a licensed dealer, the dealer must contact the Federal Bureau of Investigation's NICS Operations Center by telephone. The dealer will provide pertinent information about the purchaser to the NICS Center, which will in turn conduct a check of the available databases to see if the person is disqualified to receive or possess firearms.

The NICS databases will include:

- (1) Illegal/Unlawful Aliens File
- (2) Controlled Substance Abuse File
- (3) Dishonorable Discharge File
- (4) Citizenship Renunciants File



- (5) Mental Commitments File
- (6) Wanted Persons File
- (7) Domestic Violence Protection Order File

(8) Criminal History File

Prior to the sale taking place, the firearm's dealer will have the purchaser complete and sign ATF Form 4473, Firearms Transactions Record. He will then verify the identity of the purchaser by examining a Government issued photo identification (for example, a driver's license). The dealer will then contact NICS. The NICS Center will respond to the dealer with either a "proceed", "denied" or "delayed" response. If a "denied" response is received the dealer will provide the person with literature on their appellate rights. If a "delayed" response is received and there is no additional response from the system, the sale can take place after three business days have elapsed. Federal Firearms Licensees' (FFLs) must keep a copy of each ATF 4473 for which a NICS check has been initiated, regardless of whether the transfer of the firearm was completed. If the transfer is not completed, the FFL must keep the Form 4473 for five years after the date of the NICS inquiry. If the transfer is completed, the FFL must keep the Form 4473 for 20 years after the date of the sale or disposition.

The Brady law recognizes certain alternatives to the NICS checks. Since North Carolina handgun purchase permits qualify as an alternative to a NICS check, a firearms dealer may conclude a sale of a handgun or long gun without a NICS check, if the purchaser delivers a valid pistol purchase permit to the dealer.

**NOTE: North Carolina law allows for the purchase of a single handgun with a single valid purchase permit. Multiple long guns may be purchased with a single pistol purchase permit, however they must be purchased in a single transaction.**

### **Concealed Handgun Permits**

As of December 1, 1995, certain residents of North Carolina may be eligible to obtain a permit which would allow them to carry a concealed handgun under certain conditions. No other weapons can be carried concealed pursuant to such permit.

In order to acquire such a permit, an individual must apply to the Sheriff's Office in the county in which he resides. As a part of the application process, the person must submit several items. They must complete an application, under oath, on a form provided by the Sheriff's Office. They must pay a non-refundable fee of \$80.00. The Sheriff must take two full sets of fingerprints of the applicant which may cost up to \$10.00. The applicant must provide an original certificate of completion of an approved handgun safety course. The applicant must also provide a release that authorizes and requires disclosure to the Sheriff of any record concerning the mental health or capacity of the applicant.

Any person or entity who is presented by the applicant or by the sheriff with an original or photocopied release form as described in in G.S. 14-415.13(a)(5) shall promptly disclose to the sheriff any records concerning the mental health or capacity of the applicant who signed the form and authorized the release of the records.

The Sheriff has 90 days from the time all of the application materials are received to either issue or deny a permit. In order for the applicant to be approved, he must:

- (1) be a citizen of the United States;

- (2) have been a resident of the state for no less than 30 days immediately preceding the filing of the application;
- (3) be at least 21 years of age;
- (4) not suffer from any physical or mental infirmity that prevents the safe handling of a handgun; and
- (5) have successfully completed an approved firearms training course (unless specifically exempted from the course by state law).

The Sheriff must deny the permit if certain prohibitions exist. The application must be denied if the applicant:

- (1) is ineligible to possess or receive a firearm under federal or state law;
- (2) is under indictment or against whom a finding of probable cause exists for a felony, or has ever been adjudicated guilty in any court of a felony;
- (3) is a fugitive from justice;
- (4) is an unlawful user of or addicted to marijuana, alcohol, or any depressant, stimulant or narcotic drug or any other controlled substance;
- (5) is currently, or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be, lacking a mental capacity or mentally ill. Receipt of previous consultative services or outpatient treatment alone shall not disqualify an applicant;
- (6) has been discharged from the armed services under conditions other than honorable;
- (7) has been convicted of an impaired driving offense under N.C.G.S. 20-138.1, 20-138.2 or 20-138.3 within three years prior to the date when the application was submitted;
- (8) has had an entry of prayer for judgement continued for a criminal offense which would disqualify the person from obtaining a concealed handgun permit;
- (9) is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime which would disqualify him from obtaining a concealed handgun permit; or
- (10) has been adjudicated guilty or received prayer for judgement continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, including, but not limited to, a violation of an offense under Article 8 of Chapter 14 of the General Statutes; (This encompasses most assault offenses).
- (11) or a violation of a misdemeanor under the following provisions of the North Carolina General Statutes: N.C.G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1), or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13, 14-288.14, 14-318.2, or 14-415.21(b). (see appendix for a brief description of these disqualifying offenses.)