

To: All Sheriffs

The law regarding the issuance of pistol purchase permits by sheriffs in North Carolina has been repealed. This is effective immediately.

EFFECTIVE IMMEDIATELY, any person seeking to purchase or transfer a handgun in North Carolina is no longer required to apply to the sheriff for a pistol purchase permit. All pistol purchase permitting laws in North Carolina have been eliminated by the enactment of Senate Bill 41, Guarantee 2nd Amend Freedom and Protections.

Senate Bill 41 was approved by the General Assembly and sent to Governor Roy Cooper for his signature on March 16, 2023. The Governor had 10 days to veto the bill to avoid the bill becoming law and the bill was vetoed by the Governor on March 24, 2023. The bill was then sent back to the General Assembly to see whether or not there was sufficient support to override the Governor's veto in each chamber of the General Assembly.

Yesterday, the Senate successfully voted to override the Governor's veto by a three-fifths vote of Senate members present and voting. The bill was then sent to the House for a vote to override the Governor's veto. This morning the House successfully voted to override the Governor's veto by a three-fifths vote of House members present and voting. Senate Bill 41 became law immediately once the Governor's veto was overridden in the House.

Does the Sheriff Refund the \$5.00 Fee for Pistol Purchase Permits Being Processed When the Law Was Repealed?

Answer: No.

Under North Carolina law, the sheriff does not have the statutory authority to refund the \$5.00 application fee. G.S. 14-404(e) requires the submission of a \$5.00 fee at the time of application and the law does not allow this fee to be refunded once the application has been submitted for processing.

Does the Sheriff Issue Pistol Purchase Permits For Any Applications That Were Pending When The Law Was Repealed?

Answer: No.

Senate Bill 41 eliminates the pistol purchase permitting laws effective immediately regardless of any pending applications at the time of repeal. The bill did not provide for any period in which pending applications would either be approved or denied. Therefore, sheriffs are required under the new law to cease processing all pistol purchase permits, effectively immediately.

Any person seeking to purchase a handgun through a firearms dealer will undergo the National Instant Criminal Background Check System (NICS) criminal background check required under current law and either be sold the handgun or denied sale if a criminal history search indicates the person is disqualified from possessing a firearm. For private transfers of handguns, while no National Instant Criminal Background Check System (NICS) criminal background check is required under current law prior to making a private transfer, criminal penalties still apply to any person that knowingly transfers a handgun to a person who may not lawfully possess the firearm.

Does the Enactment of Senate Bill 41 Have Any Impact on Concealed Handgun Permitting Laws?

Answer: No

The repeal of the State's pistol purchase permitting laws does not have any impact on our State laws governing the application for and issuance of concealed handgun permits by the sheriff. Sheriffs will continue to process concealed handgun permit applications in the same manner as before the enactment of Senate Bill 41.

If you have any questions or need any additional information, please contact Matthew Boyatt, NCSA Deputy General Counsel, at mboyatt@ncsheriffs.net or (919) 459-6467.



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North Carolina Sheriffs' Association

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