

FIREARM PERMIT APPLICATIONS AND BACKGROUND CHECKS

The purpose of this document is to set forth, in abbreviated form, the application and background check processes for the issue of both pistol purchase permits and concealed handgun permits.

Sheriff's Receipt of Application

Purchase permits. The applicant submits to the Sheriff of the county of residence (except that an application for a purchase permit can be made in any NC county if for the purpose of collecting) ONLY the following documents: a pistol purchase permit application developed by the SBI; a fee of \$5.00 for each permit requested; a signed and notarized mental health orders release (AOC-SP-917); a government issued ID confirming the identity of the applicant; and proof of residency. G.S. 14-404(e1).

Concealed permits. The applicant submits to the Sheriff of the county of residence ONLY the following documents: a concealed handgun permit application developed by the SBI; a fee of \$80.00 plus an additional fee not to exceed \$10.00 for fingerprinting (\$45 for retired NC sworn law enforcement officers); a set of fingerprints; original of the concealed handgun permit firearms safety course certificate (unless exempted); and a signed and notarized mental health records release (AOC-SP-914). G.S. 14-415.13(a).

Sheriff's Investigation

Purchase Permits. The sheriff will: perform a name based computerized criminal history check of SBI database; perform a name based check through NCIC/III; perform a name based check through NICS; perform a name based check through the AOC and local clerk of court's automated files; submit to the clerk of court the AOC-SP-917 form; and determine the applicant's good moral character (limited to previous 5 years).

The sheriff must deny or issue the permit within 14 days of the completed application irrespective of the receipt of all background records. G.S. 14-404(a), (f).

Concealed Permits. The sheriff will: perform a fingerprint (FP) based computerized criminal history check of SBI database; perform a FP based check through NCIC/III; perform a name based check through NICS; perform a name based check through the AOC and local clerk of court's automated files; submit to the clerk of court the AOC-SP-914 form within 10 days of application; submit the AOC-SP-914 form to any other entity (public or private) that may have relevant mental or physical information on applicant within 10 days of application; and conduct any other investigation necessary to determine eligibility.

The sheriff must issue or deny the permit within 45 days AFTER receipt of all background information. G.S. 14-415.13(b); G.S. 14-415.15(a).

Court Records Concerning Applicant's Mental Health

The applicant must execute one of the two forms published by the Administrative Office of the Courts (NCAOC) for the release of certain records about the applicant's mental health:

- Form AOC-SP-917 for purchase permits under G.S. 14-404(e1)(5); or
- Form AOC-SP-914 for concealed permits under G.S. 14-415.13(a)(5).

The applicant must sign the release before someone authorized to administer oaths in North Carolina (a notary, clerk, etc.). The clerk will not disclose records without a notarized release.

The notarized release must be delivered to the clerk before the clerk can disclose information about an involuntary commitment (IVC). The clerk will not disclose information prior to receiving the release.

The clerk will search only the Special Proceedings Confidential (SPC) records in which IVC proceedings are filed. Other records relevant to firearm permits are public and searchable by the Sheriff's personnel.

The clerk can disclose information about an IVC case only when a district court judge has ordered the disclosure. In some counties, the chief district court judge has entered an administrative order that allows the clerk to disclose records upon receipt of any properly executed AOC-SP-914 or AOC-SP-917. In counties without such an order, the release form will be treated as a motion for disclosure and set for a hearing. The clerk will not represent the parties on the motion; the Sheriff or applicant would have to appear (in person or via counsel) at the hearing.



A clerk can search the IVC records for that clerk's county, only. The sheriff should submit a copy of the release to each clerk who might have records of IVC cases involving the applicant. The release forms authorize the Sheriff to make copies after being signed and notarized; a copy is as effective as the original.

If ordered to disclose IVC records, the clerk must upon request provide the Sheriff with copies from the file (without cost). The copies available depend on the type of permit applied for:

- Purchase permits. The clerk can provide only "court orders" from the file. G.S. 14-404(e1)(5). (This includes any orders entered by judges, magistrates, and clerks.) Without a more specific disclosure order, the clerk may not provide copies of any other content from an IVC file for a purchase permit applicant.
- Concealed permits. The clerk can provide copies of anything in the file. G.S. 14-415.13(a)(5).

Other Records of Applicant's Mental Health – Concealed Handgun Permits

The sheriff will submit the AOC-SP-914 form to any other entity (public or private) that may have relevant mental or physical information about the applicant within 10 days of application and conduct any other investigation necessary to determine eligibility. No fees can be charged for these records. G.S. 14-415.15(a).

Sheriff's Ruling/Response & Notice to Applicant

Purchase Permits. The sheriff must deny or issue the permit within 14 days of the completed application irrespective of the receipt of all background records. Any denial must be in writing and state the specific basis for denial, to include the statute number or law justifying the denial. G.S. 14-404(b), (f).

Concealed Permits. The sheriff must issue or deny the permit within 45 days AFTER receipt of all background information. A denial can ONLY be based on a failure to meet the criteria specifically listed in the Article. G.S. 14-415.15(a), (c).

Appeals

When the Sheriff denies a permit, the applicant may appeal that denial to the courts.

There are no AOC forms for this appeal. Applicants who wish to appeal may wish to consult an attorney for assistance; the Sheriff and clerk's office cannot provide the applicant with legal advice about how to pursue the appeal.

An appeal from denial of a purchase permit is heard in superior court. G.S. 14-404(b). (Note that appeal from a revocation of a purchase permit still is heard in district court. G.S. 14-404(h)(4).)

An appeal from denial of a concealed permit is heard in district court. G.S. 14-415.15(c). (As is appeal from revocation or nonrenewal, G.S. 14-415.18.)

The clerk must assess civil filing fees for the appeal. See Rule of Recordkeeping 3.1, Comment B.34.

