
Handgun Permits

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a process for the application, issuance, denial, refusal and revocation of a handgun purchase permit, and the application, issuance, denial, revocation and renewal of a concealed handgun permit, pursuant to North Carolina law.

1002.1.1 DEFINITIONS

Definitions related to this policy include:

Handgun - A pistol, revolver or other firearm that has a short stock and is designed to be held and fired by the use of a single hand.

Antique firearm – The term **antique firearm** means any of the following:

- (1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured on or before 1898.
 - (2) Any replica of any firearm described in subdivision (1), listed below, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.
 - (3) Any muzzle loading rifle, muzzle loading shotgun or muzzle loading pistol, which is designed to use black powder substitute, and which cannot use fixed ammunition.
- (b) For purposes of this section, the term **antique firearm** shall not include any weapon which:
- (1) Incorporates a firearm frame or receiver.
 - (2) Is converted into a muzzle loading weapon.
 - (3) Is a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination thereof.

1002.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to fairly and impartially consider all applications to purchase or receive handguns or to carry concealed handguns in accordance with applicable law and this policy.

1002.3 HANDGUN PURCHASE PERMITS

This office will process a permit to purchase or receive a handgun for residents of Montgomery County in accordance with North Carolina law.

Each applicant for a purchase permit shall be informed within 14 days of the date of the application whether the permit will be granted or denied. To be granted a permit, an applicant must:

- (a) Be authorized to purchase, transfer, receive or possess a handgun after a background investigation.
- (b) Be of good moral character.
- (c) Satisfy this office that he/she desires the weapon for protection, target shooting, collecting or hunting.

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A fee is required for each permit requested and is payable at the time of the application.

The applicant for the pistol purchase permit must apply at the Sheriff's Office. There is no limit as to the number or frequency of permit applications and no other costs or fees shall be charged for the permit. If approved a permit shall be issued to the applicant. A permit can be issued to a nonresident if the purpose of the permit is for collecting.

1002.3.1 REFUSAL OF HANDGUN PURCHASE PERMIT

This office shall not issue a purchase permit to any person that has not fully satisfied the legal requirements, this office may, for good cause, decline to issue the purchase permit and shall provide to the applicant a written statement of the reasons for the refusal within 14 days. The written statement shall include the specific facts that led to the conclusion that the applicant was not qualified, and should list the applicable law, by statute number, upon which the denial was based.

An applicant may appeal a refusal by petitioning the chief district court judge who has jurisdiction. The determination by the court, on appeal, shall be upon the facts, the law and the reasonableness of the refusal. The decision shall be final.

1002.3.2 HANDGUN PURCHASE PERMIT REVOCATION

A handgun purchase permit shall be revoked for any condition that would have resulted in a denial of the application. Written notice shall be provided to the permit holder and should include information on the process to appeal the revocation. When revocation notices are served by other than law enforcement officers, the permittee must surrender the permit within 48 hours.

Deputies are authorized to take immediate possession of the revoked permit. A permit holder may appeal the revocation of a permit by petitioning a district court judge of the district in which the holder resides.

1002.3.3 HANDGUN PURCHASE PERMIT RECORDS

This office shall keep records of all permits that have been:

- (a) Issued, including the name, date, place of residence, age, former place of residence, of each such person, firm or corporation issued a permit. Lists of issued purchase permits are not a public record.
- (b) Denied, with the reasons for the denials noted. The records shall not include any information that would identify an applicant whose application has been denied, and shall be organized and released pursuant to Public Records Law. Lists of denied purchase permits are a public record and must be updated quarterly.
- (c) Revoked, including the date the permit was revoked, the date the permit holder received the notice of revocation, whether the permit was surrendered, and the reason for the revocation. Lists of revoked permits are not a public record.

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1002.3.4 LAW ENFORCEMENT OFFICER HANDGUN PURCHASE PERMITS

Law enforcement officers are exempt from obtaining a handgun purchase permit if any of the following are provided:

- (a) A letter signed by the law enforcement officer's supervisor or a superior law enforcement officer stating that the law enforcement officer is authorized to carry a firearm
- (b) A current photo identification card issued by the law enforcement officer's employer
- (c) A current photo identification card issued by a State agency that identifies the individual as a law enforcement officer certified by North Carolina
- (d) A current identification card issued by the law enforcement officer's employer and another form of current photo identification

1002.4 CONCEALED HANDGUN PERMIT

This office shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under State law. The permit shall be valid throughout the State for a period of five years from the date of issuance.

The applicant must qualify under NC General Statutes. He/she must:

- (a) Be a citizen of the United States and a resident of North Carolina for at least 30 days immediately preceding the filing of the application.
- (b) Be at least 21 years of age.
- (c) Not suffer from a physical or mental infirmity that prevents the safe handling of a handgun.
- (d) Successfully complete an approved firearms safety and training course.

Within 45 days after receipt of a completed application and all required records, this office shall either issue or deny the concealed handgun permit.

A temporary concealed handgun permit, for a limited period of not more than 45 days, may be issued to a person who is reasonably believed to be in an emergency situation that may constitute a threat to the safety of the person, the person's family or property.

1002.4.1 CONCEALED HANDGUN PERMIT APPLICATION PROCESS

Permit applications shall be made readily available at this office. The permit application include the required information and warnings.

An applicant must be a resident of Montgomery County for this office to process the application. Requirements include:

- (a) A Concealed Handgun application.
- (b) A non-refundable permit fee.
- (c) A full set of fingerprints, administered by this office

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- (d) An original certificate of completion of an approved handgun safety course.
- (e) A release, authorizing disclosure to this office of any records concerning the mental health or capacity of the applicant.

Applicant fingerprints shall be submitted to the North Carolina State Bureau of Investigation for a records check of State and national databases. This office shall also determine the criminal and background history of an applicant by conducting a check through the National Instant Criminal Background Check System (NICS).

1002.4.2 CONCEALED HANDGUN PERMIT DENIAL

An applicant shall be denied a concealed handgun permit if he/she:

- (a) Is ineligible to own, possess or receive a firearm under the provisions of State or federal law.
- (b) Is under indictment or against whom a finding of probable cause for a felony exists.
- (c) Has been found guilty of a felony in any court, unless:
 - 1. The felony is an offense that pertains to antitrust violations, unfair trade practices or restraints of trade.
 - 2. The person's firearms rights have been restored.
- (d) Is a fugitive from justice.
- (e) Is an unlawful user of, or addicted to, marijuana, alcohol or any depressant, stimulant or narcotic drug or any other controlled substance.
- (f) Is currently, or has been previously, found to be lacking mental capacity or mentally ill. Receipt of previous consultative services or outpatient treatment alone shall not disqualify an applicant. The finding of a lack of mental capacity or mental illness must have been made by a court or administratively determined by a governmental agency whose decisions are subject to judicial review.
- (g) Is or has been discharged from the Armed Forces of the United States under conditions other than honorable.
- (h) Is or has been found guilty of, or received a prayer for judgment continued or received a suspended sentence for one or more of the following crimes of violence.
 - 1. A misdemeanor crime of violence
 - 2. Any crime in Art. 8 of Chapter 14 of the N.C.G.S.
 - 3. The following crimes and former crimes:

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Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed N.C.G.S. § 14-269.3	Conveying messages and weapons or trading with convicts and other prisoners N.C.G.S. § 14-258.1	Providing babysitting service by sex offender or in the home of a sex offender N.C.G.S. § 14-415.21(b)
Harassment and unauthorized communication with jurors N.C.G.S. § 14-225.2	Impersonation of a law enforcement or other public officer N.C.G.S. § 14-277	Possession and sale of spring-loaded projectile knives prohibited N.C.G.S. § 14-269.6
Weapons on certain state property and in courthouses N.C.G.S. § 14-269.4	Weapons on campus or other educational property N.C.G.S. § 14-269.2	Weapons at parades, etc. N.C.G.S. § 14-277.2
Misdemeanor child abuse N.C.G.S. § 14-318.2	Impersonation of firemen or emergency medical services personnel N.C.G.S. § 14-276.1	Unlawful to pollute any bottles used for beverages N.C.G.S. §14-288.2
Throwing, dropping objects at sporting events N.C.G.S. § 14-281.1	Disorderly conduct N.C.G.S. § 14-288.4(a) (1) or (2)	Looting or trespass during emergency N.C.G.S. § 14-288.6
Violation of court orders N.C.G.S. § 14-226.1	Exploding dynamite cartridges and bombs N.C.G.S. § 14-283	Assault on emergency personnel N.C.G.S. § 14-288.9
Former N.C.G.S. § 14-288.13	Communicating threats N.C.G.S. § 14-277.1	Stalking N.C.G.S. § 14-277.3A
Former N.C.G.S. § 14-277.3	Failure to support child N.C.G.S. § 14-415.26(d)	Former N.C.G.S. § 14-288.14
Former N.C.G.S. § 14-288.12		

- (i) Has had entry of a prayer for judgment continued for a criminal offense that would disqualify the person from obtaining a concealed handgun permit.
- (j) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime that would disqualify him/her from obtaining a concealed handgun permit.
- (k) Has been convicted of an impaired driving offense under N.C.G.S. § 20-138.1, N.C.G.S. § 20-138.2 or N.C.G.S. § 20-138.3 within three years prior to the application date.

Within 45 days after receipt of all application materials, this office shall notify the applicant in writing, stating the grounds for denial.

An applicant may appeal a denial or non-renewal of a permit by petitioning the district court. The determination by the court shall be upon the facts, the law and the reasonableness of the refusal.

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1002.4.3 CONCEALED HANDGUN PERMIT REVOCATION OR SUSPENSION

Any concealed handgun permit issued pursuant to this policy may be revoked subsequent to a hearing for any of the following reasons:

- Fraud or intentional and material misrepresentation in obtaining the permit
- Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, materially altering a permit or using a permit with the intent to unlawfully cause harm to a person or property. It shall not be considered misuse of a permit to provide a duplicate of the permit to a vender for record-keeping purposes.
- Any condition that would have been grounds for the denial of the permit
- The violation of any of the terms required by law

A revocation based on any item above can be appealed to a district court judge.

This office shall revoke, without a prior hearing, a concealed handgun permit issued by this office or that has been issued to a person residing in the county when the permit holder is convicted of, or receives a prayer for judgment continued for a crime that would have disqualified him/her from initially receiving a permit. Written notice shall be provided to the permit holder. The notice shall include information on the process to appeal the revocation.

The court may suspend a concealed handgun permit for a domestic violence order permitted under Chapter 50B.

An applicant may appeal the revocation of a permit based on the conviction or prayer for judgment continued for a crime by petitioning a district court judge of the district in which the applicant resides. The determination by the court, on appeal, shall be limited to whether the permit holder was found guilty of a crime that would have disqualified him/her from initially receiving a permit.

The consumption of alcohol while carrying a concealed handgun is prohibited by law. This office will take action to revoke a concealed handgun permit for a violation of this restriction.

1002.4.4 CONCEALED HANDGUN PERMIT RENEWAL OR EXTENSIONS

At least 45 days prior to the expiration date of a permit, this office shall send a written notice to the permit holder explaining that the permit is about to expire. The notice shall include information about the requirements for renewal. The notice shall be sent by first class mail to the last known address of the permit holder.

Upon receipt of the completed renewal application and the appropriate payment of fees, this office shall determine whether the permit holder is still qualified to hold a permit in accordance with State law. However, the Sheriff or the authorized designee may waive the requirement that the permit holder take another firearms safety and training course. The permit holder's criminal history shall be updated, including another inquiry of NICS.

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If the permit holder applies for renewal within the 90-day period prior to the expiration date, and if the permit holder is still qualified to have a permit, this office shall renew the permit if the applicant:

- (a) Files a renewal application on a form provided by this office.
- (b) Submits an affidavit stating that he/she remains qualified under State law.
- (c) Provides a newly administered full set of fingerprints, unless the applicant's fingerprints were submitted to the Bureau of Investigation after June 30, 2001, on the Automated Fingerprint Information System (AFIS), as prescribed by the Bureau of Investigation.
- (d) Pays a renewal fee.

The permit of a permit holder who complies with all requirements shall remain valid beyond the expiration date until he/she either receives a renewal permit or is denied one.

If the permit holder does not apply to renew the permit prior to its expiration date but applies to renew the permit within 60 days after the permit expires, the Sheriff may waive the requirement that the permit holder take another firearms safety and training course. The expiration date of the permit will not be extended.

A deployed military person whose permit will expire during deployment, or that person's agent, may be granted a permit extension for the period specified by law.

1002.4.5 REPLACEMENT OR DUPLICATE CONCEALED HANDGUN PERMIT

If a permit issued by this office is lost or destroyed, the person to whom the permit was issued may obtain a duplicate permit by submitting a notarized statement that the permit was lost or destroyed, and paying the required duplicate permit fee.

1002.4.6 CONCEALED HANDGUN PERMIT RECORDS AND REPORTING

This office shall keep a record of all applications for a concealed handgun permit in accordance with the established records retention schedule.

This office shall maintain a list of persons who have been issued a permit. The list will include identifying information. The concealed handgun permit information shall be available upon request to all State and local law enforcement agencies. Concealed handgun permit information is not a public record.

Concealed handgun permits issued by this office shall use the certificate form developed to comply with the requirements of the State Bureau of Investigation.

Within five days of the date a permit is issued, this office shall send a copy of the permit to the Bureau of Investigation.

1002.4.7 CONFIDENTIAL RECORDS

All information collected from an applicant is confidential unless otherwise allowed by law.