

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 892
Apr 25, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10422-MLa-131

Short Title: Suicide Prevention.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW AN INDIVIDUAL TO RESTRICT HIS OR HER ABILITY TO
3 PURCHASE OR POSSESS A FIREARM BY VOLUNTARILY ADDING HIS OR HER
4 NAME TO THE NORTH CAROLINA VOLUNTARY DO NOT SELL FIREARMS LIST.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article
7 to read:

8 "Article 53D.

9 "North Carolina Voluntary Do Not Sell Firearms List.

10 "**§ 14-409.48. Establishment of North Carolina Voluntary Do Not Sell Firearms List.**

11 (a) Establishment. – The State Bureau of Investigation shall establish the North Carolina
12 Voluntary Do Not Sell Firearms List (List) to prohibit the possession, transportation, and sale of
13 firearms to any person who voluntarily registers himself or herself to be enrolled into the List.
14 The Bureau shall maintain and update the List, and the List shall be made available to federal
15 firearms dealers to advise a dealer if the Bureau's records indicate a buyer or transferee of
16 firearms is prohibited from purchasing, possessing, or transporting a firearm.

17 (b) Confidentiality. – The Bureau shall withhold from public disclosure all information
18 regarding a request to be enrolled into or removed from the List and any other personal
19 identifying information contained in or related to the List, except that such information may be
20 disclosed (i) in accordance with subsection (a) of this section, (ii) to a law enforcement officer
21 acting in the performance of his or her official duties, or (iii) to the applicant with respect to his
22 or her own information.

23 "**§ 14-409.49. Voluntary enrollment and removal.**

24 (a) Enrollment and Removal. – Any person 18 years of age or older may apply in writing
25 to the State Bureau of Investigation to request voluntary enrollment into the List and, after being
26 enrolled into such List, may apply in writing to the Bureau to request removal from such List.
27 The application for enrollment into and removal from the List shall be on forms prescribed by
28 the Bureau. In accordance with subsection (d) of this section, the forms shall state that any person
29 enrolled into the List shall not be removed from the List until 21 days after receiving an
30 application for removal. The Bureau shall make the forms available on the Bureau's website.

31 (b) Required Documentation for Enrollment or Removal. – Any person requesting
32 enrollment into or removal from such List shall submit a photocopy of one valid form of photo
33 identification issued in accordance with G.S. 20-7 or G.S. 20-37.7 or by the United States
34 Department of Defense or the United States State Department to accompany the enrollment and
35 removal form. Such request for enrollment into or removal from the List may be submitted to the
36 Bureau by mail or in person.



1 (c) Duties Upon Enrollment. – Upon enrolling a person into the List, the Bureau shall
2 forward a person's eligibility to purchase, possess, or transport a firearm to the National Instant
3 Criminal Background Check System. The Bureau shall also notify such person by mail that he
4 or she has been enrolled into the List.

5 (d) Duties Upon Removal. – The Bureau shall not remove any person from the List until
6 21 days after receipt of the person's removal request. Upon removal of a person's name from the
7 List, the Bureau shall update such person's eligibility to purchase, possess, or transport a firearm
8 to the National Instant Criminal Background Check System and shall destroy all records of the
9 person's enrollment into and request for removal from the List.

10 **"§ 14-409.50. Prohibited conduct; penalty.**

11 (a) Prohibited Conduct. – It is unlawful for a person to do any of the following:

12 (1) Inquire as to whether another person has been enrolled into the List for any
13 purpose other than to determine such person's eligibility to purchase, possess,
14 or transport a firearm.

15 (2) Knowingly give any false information or to make any false statement with the
16 intent of enrolling or removing any other person into or from the List.

17 (3) Discriminate against a person with respect to his or her health care services,
18 employment, education, housing, insurance, governmental benefits, or
19 contracting because that person is not on the List, is on the List, or has
20 previously been on the List.

21 (b) Penalty. – A violation of this section is a Class A1 misdemeanor."

22 **SECTION 2.** Article 52A of Chapter 14 of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 14-408.1A. Purchase, possession, or transportation of firearm by persons enrolled into**
25 **the Voluntary Do Not Sell Firearms List; penalty.**

26 (a) Prohibited Conduct. – It is unlawful to do either of the following:

27 (1) For a person enrolled into the North Carolina Voluntary Do Not Sell Firearms
28 List established under Article 53D of this Chapter to purchase, possess, or
29 transport a firearm.

30 (2) For a federal firearms dealer to sell, rent, trade, or transfer a firearm to a person
31 enrolled into the North Carolina Voluntary Do Not Sell Firearms List
32 established under Article 53D of this Chapter.

33 (b) Penalty. – A violation of this section is a Class 2 misdemeanor."

34 **SECTION 3.** G.S. 14-415.12(b) is amended by adding a new subdivision to read:

35 "(12) Is enrolled into the North Carolina Voluntary Do Not Sell Firearms List
36 established under Article 53D of this Chapter."

37 **SECTION 4.** There is appropriated from the General Fund to the State Bureau of
38 Investigation the sum of ten thousand dollars (\$10,000) in nonrecurring funds for the 2024-2025
39 fiscal year to assist with costs incurred by the Bureau in establishing the North Carolina
40 Voluntary Do Not Sell Firearms List required under G.S. 14-409.48, as enacted by Section 1 of
41 this act.

42 **SECTION 5.** The State Bureau of Investigation shall adopt rules, or amend its rules,
43 consistent with the provisions of this act. The Bureau may use the procedure set forth in
44 G.S. 150B-21.1 to adopt or amend any rules as required under this section.

45 **SECTION 6.** This act becomes effective July 1, 2024, and applies to offenses
46 committed on or after that date.