

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 549
HOUSE BILL 468

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES RELATING
TO THE POSSESSION OF EXPLOSIVES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-283, to be designated as G. S. 14-283.1, and to read as follows:

"§ 14-283.1 (a) As used in this Section the word 'explosives' means gun powder, powder for blasting, high explosives, blasting materials, detonators and other detonating agents, and any chemical compound or any mechanical mixture containing any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include fixed ammunition or smokeless powder for small arms, matches, sparklers, or explosives or caps designed to be fired in toy cap pistols, or black powder provided not more than two pounds of black powder is in the possession of any person at any one time.

"(b) No person, firm, or corporation shall possess explosives in this State unless a permit therefor shall have been first obtained pursuant to the provisions of this Section, and whenever any person is transporting, using or handling explosives in any way, he shall have such permit on his person.

"(c) Application for a permit to possess explosives shall be made to the sheriff or deputy sheriff of the county where the applicant resides. The application shall contain the following information:

1. The name and address of the applicant.
2. The reason for desiring the permit to possess explosives.
3. The citizenship of the applicant.
4. Evidence that applicant bears a good reputation.
5. A statement indicating whether or not the applicant has ever been convicted of a crime involving moral turpitude and details thereof.

"(d) If the sheriff or deputy sheriff shall satisfy himself, by affidavit, oral evidence or otherwise, that the statements made in the application are true, that the applicant is of good moral character, and that the possession of the explosives is for a lawful purpose, he shall issue a permit to possess the explosives, but if he shall not be so satisfied, he shall refuse to issue such permit. No charge shall be made to the applicant for issuing the permit. Any person denied a permit by the sheriff, or deputy sheriff, may have the

matter considered by the Clerk of the Superior Court of that county, who shall have the right to issue a permit if he is satisfied that the conditions set out above have been met, and the clerk shall give the sheriff notice of any action taken.

"(e) The permit shall be in the following form; to wit:

NORTH CAROLINA

..... COUNTY

I,....., Sheriff (or Deputy Sheriff) of said county do hereby certify that whose place of residence is Township, in said county, having this day satisfied me as to good moral character, that the statements made in the application are true, and that the possession of the explosives is for a lawful purpose, a permit is hereby issued to possess explosives to be used for a lawful purpose, to wit:

.....
This.....day of, 19.....

.....
Sheriff (Deputy Sheriff)

"(f) If any person shall violate the provisions of this Section, he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

"(g) The board of county commissioners of any county may, in its discretion, direct that application for such permits be made to the Clerk of the Superior Court of the county or to the assistant or deputy clerk and that issuance of the permits shall be by the clerk or assistant or deputy clerk, instead of by the sheriff as herein provided.

"(h) The provisions of this Act shall not apply to any licensed contractor using explosives in his business, nor to any retail or wholesale dealer or merchant possessing explosives for resale, nor to any governmental unit or agency."

Sec. 2. The provisions of this Act shall apply to Franklin, Granville, Vance, and Warren Counties only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.