

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

3

HOUSE BILL 126
Committee Substitute Favorable 5/31/05
Senate Judiciary I Committee Substitute Adopted 6/27/06

Short Title: Gun Permit/OSHA Technical Changes. (Public)

Sponsors:

Referred to:

February 9, 2005

A BILL TO BE ENTITLED

AN ACT TO MAKE TIME-SENSITIVE TECHNICAL CORRECTIONS TO AMEND THE HANDGUN AND CONCEALED CARRY PERMIT STATUTES AND TO AMEND THE OSHA CIVIL PENALTIES STATUTE TO CLARIFY THE DISTINCTION BETWEEN SERIOUS AND NONSERIOUS VIOLATIONS MADE AMBIGUOUS IN 2004.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-404(a)(1) reads as rewritten:

"(a) Upon application, the sheriff shall issue the license or permit to a resident of that ~~county~~ county, unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a ~~nonresident~~ nonresident, when the sheriff has done all of the following:

- (1) ~~Verified~~ Verified, before the issuance of a permit, by a criminal history background investigation that it is not a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The sheriff shall determine the criminal and background history of any applicant by accessing computerized criminal history records as maintained by the State Bureau of Investigation and the Federal Bureau of Investigation, by conducting a national criminal history records check, by conducting a check through the National Instant Criminal Background Check System (NICS), and by conducting a criminal history check through the Administrative Office of the Courts.
- (2) Fully satisfied himself or herself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant.
- (3) Fully satisfied himself or herself that the applicant desires the possession of the weapon mentioned for (i) the protection of the home,

1 business, person, family or property, (ii) target shooting, (iii)
2 collecting, or (iv) hunting."

3 **SECTION 2.** G.S. 14-415.13(b) reads as rewritten:

4 "(b) The sheriff shall submit the fingerprints to the State Bureau of Investigation
5 for a records check of State and national databases. The State Bureau of Investigation
6 shall submit the fingerprints to the Federal Bureau of Investigation as necessary. The
7 sheriff shall determine the criminal and background history of an applicant also by
8 conducting a check through the National Instant Criminal Background Check System
9 (NICS). The cost of processing the set of fingerprints shall be charged to an applicant as
10 provided by G.S. 14-415.19."

11 **SECTION 3.** G.S. 95-138(a) reads as rewritten:

12 "(a) The Commissioner, upon recommendation of the Director, or the North
13 Carolina Occupational Safety and Health Review Commission in the case of an appeal,
14 ~~may shall have the authority to~~ assess penalties against any employer who violates the
15 requirements of this Article, or any standard, rule, or order ~~promulgated pursuant to~~
16 adopted under this Article, as follows:

- 17 (1) A minimum penalty of five thousand dollars (\$5,000) to a maximum
18 penalty of seventy thousand dollars (\$70,000) may be assessed for
19 each willful or repeat violation.
- 20 (2) A ~~maximum~~ penalty of up to seven thousand dollars (\$7,000) shall be
21 assessed for each ~~nonserious or~~ serious violation.
- 22 (2a) A penalty of up to seven thousand dollars (\$7,000) may be assessed for
23 each violation that is adjudged not to be of a serious nature.
- 24 (3) A ~~maximum~~ penalty of up to seven thousand dollars (\$7,000) may be
25 assessed for each day that against an employer who fails to correct and
26 abate a violation, within the period allowed for its correction and
27 abatement, which period shall not begin to run until the date of the
28 final Order of the Commission in the case of any appeal proceedings in
29 this Article initiated by the employer in good faith and not solely for
30 the delay of avoidance of penalties. The assessment shall be made to
31 apply to each day during which the failure or violation continues.
- 32 (4) A ~~maximum~~ penalty of up to seven thousand dollars (\$7,000) shall be
33 assessed for violating the posting requirements, as required under the
34 provisions of this Article."

35 **SECTION 4.** This act becomes effective June 30, 2006.