

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS15203-ML-83

Short Title: Guarding Freedoms & Public Safety Act. (Public)

Sponsors: Senators Bradley, Grafstein, and Everitt (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE OFFENSE FROM PURCHASING OR POSSESSING A FIREARM; TO REQUIRE A UNIVERSAL BACKGROUND CHECK FOR THE SALE OF A FIREARM; TO REENACT THE PISTOL PURCHASE PERMIT LAW; AND TO REQUIRE CERTIFICATION OF THE SAFE STORAGE OF FIREARMS BY PARENTS OR GUARDIANS OF STUDENTS IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

PROHIBIT A PERSON CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE OFFENSE FROM PURCHASING OR POSSESSING A FIREARM

SECTION 1.(a) Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-269.9. Purchase or possession of firearms by person convicted of misdemeanor crime of domestic violence.

(a) Offense. – It is unlawful for a person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39, machine gun, ammunition, or permits to purchase or carry concealed firearms if the person has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for an offense (i) under G.S. 14-32.5 or (ii) in another state that, if committed in this State, is substantially similar to an offense under G.S. 14-32.5.

(b) Punishment. – A person violating the provisions of this section is guilty of a Class A1 misdemeanor."

SECTION 1.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

REQUIRE A UNIVERSAL BACKGROUND CHECK FOR THE SALE OF A FIREARM

SECTION 2.(a) Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 53D.

"Universal Background Check.

"§ 14-409.48. Short title.

This Article shall be known and may be cited as the "North Carolina Universal Background Check Act."

"§ 14-409.49. Definitions.

The following definitions apply in this Article:



- 1 (1) Federally licensed firearm dealer. – A person who is licensed pursuant to 18
2 U.S.C. § 923 to engage in the business of dealing in firearms.
3 (2) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of
4 an explosion.
5 (3) Materially false information. – Information that portrays an illegal transaction
6 as legal or a legal transaction as illegal.
7 (4) Private person. – A person, firm, or corporation who is not a federally licensed
8 firearm dealer acting in accordance with federal law.

9 **§ 14-409.50. Background checks for the sales of firearms – federally licensed firearm**
10 **dealers.**

11 (a) A federally licensed firearm dealer may not sell, transfer, or deliver any firearm to
12 any private person without conducting a background check as provided for in subsection (c) of
13 this section to verify that it would not be a violation of State or federal law for the private person
14 to possess the firearm.

15 (b) In addition to any other applicable State or federal law, it shall be unlawful for any of
16 the following persons to possess a firearm:

- 17 (1) One who is under an indictment or information for, or has been convicted in
18 any state or in any court of the United States of, a felony (other than an offense
19 pertaining to antitrust violations, unfair trade practices, or restraints of trade).
20 (2) One who is a fugitive from justice.
21 (3) One who is an unlawful user of or addicted to marijuana or any depressant,
22 stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).
23 (4) One who has been adjudicated mentally incompetent or has been committed
24 to any mental institution.
25 (5) One who is an alien illegally or unlawfully in the United States.
26 (6) One who has been discharged from the Armed Forces of the United States
27 under dishonorable conditions.
28 (7) One who, having been a citizen of the United States, has renounced his or her
29 citizenship.
30 (8) One who is subject to a court order that:
31 a. Was issued after a hearing of which the person received actual notice,
32 and at which the person had an opportunity to participate.
33 b. Restrains the person from harassing, stalking, or threatening an
34 intimate partner of the person or child of the intimate partner of the
35 person, or engaging in other conduct that would place an intimate
36 partner in reasonable fear of bodily injury to the partner or child.
37 c. Includes a finding that the person represents a credible threat to the
38 physical safety of the intimate partner or child, or by its terms
39 explicitly prohibits the use, attempted use, or threatened use of
40 physical force against the intimate partner or child that would
41 reasonably be expected to cause bodily injury.

42 (c) In order to comply with the background check required by subsection (a) of this
43 section, the federally licensed firearm dealer must:

- 44 (1) Verify the private person's identity by examining a government-issued
45 identification card.
46 (2) Conduct a check through the National Instant Criminal Background Check
47 System (NICS).

48 (d) It is unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any
49 firearm to any other person if a NICS check reveals that the possession of any firearm by the
50 person would violate State or federal law or if the federally licensed firearm dealer knows or has

1 reason to know that the private person is prohibited from possessing any firearm by State or
2 federal law.

3 (e) It is a Class F felony for any federally licensed firearm dealer to sell, transfer, or
4 deliver any firearm to any person in violation of this Article. It is a Class F felony for any person
5 to provide any materially false information to a federally licensed firearm dealer with the intent
6 to obtain a firearm in violation of State or federal law.

7 **"§ 14-409.51. Background checks required for the sales of firearms – private persons.**

8 (a) It shall be unlawful for a private person to transfer any firearm to any other private
9 person without conducting a background check of that person through a federally licensed
10 firearm dealer as provided by G.S. 14-409.50(c) and the federally licensed firearm dealer
11 verifying that the transfer would not violate State or federal law.

12 (b) A federally licensed firearm dealer may charge a fee for conducting the background
13 check required by subsection (a) of this section.

14 (c) For the purposes of this section, "transfer" means assigning, pledging, leasing,
15 loaning, selling, giving away, or otherwise disposing of, but does not include any of the
16 following:

17 (1) The loan of a firearm for any lawful purpose, for a period of 14 days or less,
18 by the owner of the firearm to a person known personally to the owner.

19 (2) A temporary transfer for any lawful purpose that occurs while in the
20 continuous presence of the owner of the firearm, if the temporary transfer does
21 not exceed 24 hours in duration.

22 (3) The transfer of a firearm for repair, service, or modification to a licensed
23 gunsmith or other person lawfully engaged in such activities as a regular
24 course of trade or business.

25 (4) A transfer that occurs by operation of law or because of the death of a person
26 for whom the prospective transferor is an executor or administrator of an
27 estate or a trustee of a trust created in a will.

28 (d) A private person who transfers any firearm in a transaction subject to the requirement
29 set forth in subsection (a) of this section shall keep an accurate record of all transfers thereof,
30 including the name and place of residence of each person, firm, or corporation to whom or which
31 such transfers are made. Additionally, each record shall include the date of the transfer and a
32 description of the firearm transferred. The records maintained pursuant to this subsection are
33 confidential and are not a public record under G.S. 132-1; provided, however, that the person
34 shall make the records available upon request to all State and local law enforcement agencies.

35 (e) This section does not apply to transactions in which the private person the firearm
36 being transferred to is a parent, mother-in-law, father-in-law, stepparent, legal guardian,
37 grandparent, child, daughter-in-law, son-in-law, stepchild, grandchild, sibling, sister-in-law,
38 brother-in-law, spouse, or civil union partner of the private person.

39 (f) Any violation of this section shall be punished as a Class F felony."

40 **SECTION 2.(b)** This section becomes effective October 1, 2025, and applies to
41 transfers of firearms that occur on or after that date.

42
43 **REENACT THE PISTOL PURCHASE PERMIT LAW**

44 **SECTION 3.(a)** G.S. 14-402, 14-403, 14-404, 14-405, 14-407.1, 14-408.1,
45 14-315(b1)(1), and 122C-54(d2) are reenacted as they existed immediately prior to their repeal.

46 **SECTION 3.(b)** This section becomes effective October 1, 2025, and applies to
47 pistols sold, given away, transferred, purchased, or received on or after that date.

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49 **REQUIRE CERTIFICATION OF SAFE STORAGE OF FIREARMS BY PARENTS OR**
50 **GUARDIANS OF STUDENTS IN PUBLIC SCHOOLS**

1 **SECTION 4.(a)** Article 7B of Chapter 115C of the General Statutes is amended by
2 adding a new section to read:

3 "**§ 115C-76.37. Public school unit policy on firearm safety.**

4 Governing bodies of public school units shall establish a policy requiring parents or guardians
5 of a student to submit a form prior to the start of each school year certifying that any firearms in
6 the parent's or guardian's home are safely stored in the home."

7 **SECTION 4.(b)** This section is effective when it becomes law and applies beginning
8 with the 2025-2026 school year.

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10 **SAVINGS CLAUSE AND EFFECTIVE DATE**

11 **SECTION 5.(a)** Prosecutions for offenses committed before the effective date of
12 this act are not abated or affected by this act, and the statutes that would be applicable but for
13 this act remain applicable to those prosecutions.

14 **SECTION 5.(b)** Except as otherwise provided, this act is effective when it becomes
15 law.