

APPENDIX A: DENIAL AND REVOCATION INSTRUCTIONS



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MEMORANDUM

TO: All Sheriffs

FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

DATE: April 8, 2014

RE: Denial and Revocation of Concealed Handgun Permits

Recent changes to North Carolina's concealed handgun permit laws have modified and expanded the process by which sheriffs can or must deny and revoke concealed handgun permits. To assist the sheriffs in this more involved process, we have prepared forms for each denial and revocation scenario involving concealed handgun permits. These forms are attached to this memorandum and are designed to allow the sheriff to fill-in-the-blank when processing a concealed handgun permit denial or revocation.

Instructions for the completion of each of these forms is as follows:

CHP FORM 1 – Notice of Denial of Application

CHP FORM 1 is to be used if an original or renewal application for a concealed handgun permit is subject to denial. This form is completed by writing in a free text format the description of the disqualifying condition.

For example, "It is found that facts and circumstances exist to show that you suffer from a mental infirmity that prevents the safe handling of a handgun as shown by a diagnosis from a mental health facility diagnosing you as being a paranoid schizophrenic" or, "It is found that facts and circumstances exist to show that you have been found guilty of a felony."



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After describing the conditions, you then fill in the block for the appropriate North Carolina General Statute subparagraph number. Each of the disqualifying conditions are set out in N.C. Gen. Stat. § 14-415.12. A copy of this statute is attached to CHP FORM 1 and should be referenced when completing this block. For example, following along with our two examples above, a mental infirmity would be found in subparagraph (a)(3) and this subparagraph would be placed in the appropriate block. For the convicted felon, the appropriate subparagraph would be (b)(3)

CHP FORM 2 – Notice of Probable Cause for Hearing to Revoke

CHP FORM 2 is to be used when probable cause exists to revoke a concealed handgun permit and a hearing must be held before the revocation becomes effective.

Pursuant to N.C. Gen. Stat. § 14-415.18(a), a concealed handgun permit can be revoked either by the sheriff of the county where the permit was issued or the sheriff of the county where the person resides, subsequent to a hearing, for one of the following reasons:

1. Fraud or intentional misrepresentation in the obtaining of a permit;
2. 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;
3. The doing of an act or existence of a condition which would have been grounds for a denial of a permit by the sheriff; or
4. The violation of any of the terms of this article.

The CHP FORM 2 is completed by writing in the free text space the disqualifying condition. For example, if you discover that a concealed handgun permittee gave false information on his or her application for the permit you would describe in this block the contents of the falsification. If you discover that a concealed handgun permittee has pending charges for a disqualifying crime (e.g. pending charges for a driving while impaired charge pursuant to N.C. Gen. Stat. § 20-138.1) you would describe this pending charge in the free text block.

Before a revocation under any of the four above described grounds is effective however, a hearing must be held by the sheriff. CHP FORM 2 therefore contains a fill-in-the-blank notice to a permittee that they can request a hearing and have an opportunity to provide input at this hearing.

CHP FORM 3 – Notice of Findings of Revocation Hearing

CHP FORM 3 is used after the hearing has been held as set forth in CHP FORM 2. To complete this particular form, you would describe in free text the

circumstances or conditions for which you are revoking the permit. This form would also be completed and sent to the permittee if the decision is made to not revoke the permit.

For example, if you concluded a concealed handgun permittee did in fact provide false information on his or her permit application, you would describe in this form the facts of what the permittee did as found in the hearing. You would then complete the appropriate subparagraph number under N.C. Gen. Stat. § 14-415.18 for the appropriate disqualifying condition. The four conditions referenced in the description of CHP FORM 2 above and their appropriate subparagraph number are as follows:

1. N.C. Gen. Stat. § 14-415.18(a)(1): Fraud or intentional misrepresentation in the obtaining of a permit.
2. N.C. Gen. Stat. § 14-415.18(a)(2): 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.
3. N.C. Gen. Stat. § 14-415.18(a)(3): The doing of an act or the existence of a condition which would have been grounds for the denial of the permit by the sheriff.
4. N.C. Gen. Stat. § 14-415.18(a)(4): The violation of any of the terms of this article.

CHP FORM 4 – Notice of Revocation of Concealed Handgun Permit

CHP FORM 4 is used only in the circumstance where a permittee has been adjudicated guilty of or received a prayer for judgment continued for a crime which would have disqualified them from initially receiving a permit. This notice of revocation action is mandatory and effective immediately upon service of the notice to the permittee and does not require a hearing prior to the revocation. This revocation may be taken by either the sheriff of the county where the permit was issued or the sheriff of the county where the person resides.

This form is completed by filling in the free text area describing the disqualifying crime that formed the basis of the revocation and the date on which the permittee was either found guilty of or received a prayer for judgment continued for the disqualifying crime. The list of disqualifying crimes is attached to CHP FORM 4.

This form also contains a “service” block wherein the serving officer from the sheriff’s office would indicate if the notice was served on the permittee in person or by placing the notice in the United States mail, return receipt requested.