

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, January 29, 2024 11:45 AM
To: Burgos, Alexander N; Peaslee, William W
Subject: FW: [External] Objection to Proposed Concealed Carry Rules

From: Harvey E. Morse <harvey@probate.com>
Sent: Monday, January 29, 2024 11:14 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Objection to Proposed Concealed Carry Rules

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OBJECTION TO PROPOSED CONCEALED CARRY RULES

Dear Rules Review Commission:

We have been asking Mr. Trevor Allen for the registration number referencing the copyright of the Red Book for months, and he has still not responded. It is blatantly apparent that there is an issue regarding the copyright registration. Mr. Allen states that the Red Book cannot be placed online at no charge for CCH applicants or as a reference for those already with a permit because it is copywritten but cannot provide proof of copyright registration. Why?

Regardless, a second and more significant underlying issue needs to be addressed: Does the Rules Committee have the authority to require an instructor or a concealed carry applicant to purchase a handbook only available from the state and from which the state financially benefits and can reprint a new edition, whenever it wishes causing additional purchases? That is not a good appearance. We cannot conceive that would be proper or within the scope or purview of your Rules Committee. If such authority to require specific purchases existed, the Rules Committee could conceivably promulgate a rule requiring all concealed handguns to be purchased from one store, by one manufacturer, be one model, and use only one brand of ammunition.

We believe that the Rules Commission's charge is to interpret or create rules but that it does not have the authority to force a purchase upon citizens as it has now proposed, especially when that purchase is from one source, the state, to which the Rules Committee is subservient, and the state derives revenue.

The Red Book was created in 1995, and citizens have not had to purchase it until potentially now, 30 years later, should the proposed rule go into effect. Instructors who use the Red Book (**it is not required**) paid for them, and they were given to students, while others purchased them independently if they chose to do so. Wouldn't it be much simpler to remove the mandatory purchase requirement from the proposed rule and keep the current situation, which has been working without problems or complaints, intact?

There is no demonstrative proof that having a personal copy of the Red Book, or any logical reasoning why multiple permit holders in the same household should each pay for a book, or that having the book will do anything to enhance firearm safety. All this rule does is increase state revenue. Drivers are not required to have the state driver's manual at home; why should the owner of a firearm with a state-approved and issued concealed carry permit? Both instruments are deadly weapons. The Red Book should be accessible at no charge online and at libraries, as a reference as we have proposed, and as is the version from the NC Sheriff's Association.

Similarly, the mandatory payment for instructors to purchase certificates is onerous. Why not create a rule stipulating what content must be contained on a certificate as other states do and allow the instructors to either purchase or print their own? State-licensed instructors would favor such an option; however, the state might lose another revenue opportunity.

The proposed rules are seemingly money-based and in the state's favor when other alternatives are available that would accomplish the same objectives at a lesser cost, and the citizens would be better served.

Lastly, the state Highway Patrol and many other law enforcement agencies permit part of their training via interactive video. This is especially important due to COVID-19, RSV, the flu, and for those of us in the Mountains of Western North Carolina when snow and bad weather make it impossible to attend a class physically. Although this also has never been problematic, the proposed new rule would prohibit such permit training to the detriment of citizens in both the Western part of this state and during the aftermath of hurricanes in the Eastern part of this state. If partial video training (live and interactive) suffices for police, it should be good enough for citizens. We believe this rule should not be implemented.

There are no instructors on the Rules Committee, nor do they have an advisory board of instructors to provide input. Most of the Rules Committee have admitted not reading the Red Book, yet they wish to regulate its use. This explains why many of these proposed rules will not work.

Thank you very much,

H. E. Morse

President, NCCCIA



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