

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 289
Mar 7, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10140-ML-77C

Short Title: Gun Violence Prevention Act. (Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A PERMIT FOR THE PURCHASE OF AN ASSAULT WEAPON OR
3 LONG GUN; TO REQUIRE A SEVENTY-TWO-HOUR WAITING PERIOD BEFORE A
4 PURCHASED FIREARM MAY BE DELIVERED OR OTHERWISE POSSESSED; TO
5 PROHIBIT THE SALE OF AN ASSAULT WEAPON OR LONG GUN TO PERSONS
6 UNDER A CERTAIN AGE; TO PROHIBIT THE SALE OR POSSESSION OF A BUMP
7 STOCK OR TRIGGER CRANK; TO REQUIRE THE SAFE STORAGE OF A FIREARM;
8 TO REVISE RECIPROCITY LAW FOR A CONCEALED HANDGUN PERMIT; TO
9 REQUIRE THE REPORTING OF A LOST OR STOLEN FIREARM; TO REQUIRE ANY
10 PERSON WHO OWNS A FIREARM TO CARRY FIREARM LIABILITY INSURANCE;
11 TO LIMIT THE SIZE OF AMMUNITION MAGAZINES; TO REPEAL THE
12 PREEMPTION OF LOCAL REGULATION OF FIREARMS; TO ALLOW THE
13 DESTRUCTION OF A SEIZED FIREARM; TO REQUIRE THE DEPARTMENT OF
14 PUBLIC SAFETY TO DEVELOP A ROSTER OF HANDGUNS THAT MEET CERTAIN
15 DESIGN AND SAFETY STANDARDS AND PROHIBIT THE SALE, TRANSFER,
16 OWNERSHIP, OR POSSESSION OF HANDGUNS THAT ARE NOT INCLUDED ON
17 THE ROSTER; TO REPEAL THE "STAND YOUR GROUND LAWS" AND CODIFY
18 COMMON LAW REGARDING USE OF FORCE AGAINST AN INTRUDER; TO
19 PROHIBIT LEAVING A FIREARM IN AN UNATTENDED MOTOR VEHICLE UNLESS
20 FIREARM IS SAFELY STORED; TO PROHIBIT THE SALE OR POSSESSION OF
21 GHOST GUNS; TO PROHIBIT POSSESSION OF A SEMIAUTOMATIC FIREARM BY
22 PERSONS UNDER TWENTY-ONE YEARS OF AGE; TO REQUIRE THE SHERIFF
23 UPON DENIAL, REVOCATION, OR REFUSAL TO RENEW A CONCEALED
24 HANDGUN PERMIT OR PISTOL PERMIT TO TRANSMIT THE PROHIBITION
25 RECORD TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
26 SYSTEM; AND TO DIRECT THE STATE TREASURER TO DIVEST THE PENSION
27 FUND OF GUN STOCKS.

28 The General Assembly of North Carolina enacts:

29
30 **PART I. PERMIT REQUIRED FOR PURCHASE OF ASSAULT WEAPON OR LONG**
31 **GUN AND WAITING PERIOD REQUIRED BETWEEN PURCHASE AND DELIVERY**

32 **SECTION 1.(a)** G.S. 14-402 reads as rewritten:

33 **"§ 14-402. Sale of certain weapons without permit forbidden.**

34 (a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or
35 transfer, or to purchase or receive, at any place within this State from any other place within or
36 without the State any ~~pistol~~ pistol, assault weapon, or long gun unless: (i) a license or permit is



1 first obtained under this Article by the purchaser or receiver from the sheriff of the county in
2 which the purchaser or receiver resides; or (ii) a valid North Carolina concealed handgun permit
3 is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of
4 the State at the time of the purchase. Additionally, it is unlawful for any person in this State to
5 receive a pistol, assault weapon, or long gun unless a period of 72 hours has passed from the date
6 of purchase or agreement to give away or transfer the pistol, assault weapon, or long gun.

7 It is unlawful for any person or persons to receive from any postmaster, postal clerk,
8 employee in the parcel post department, rural mail carrier, express agent or employee, railroad
9 agent or employee within the State of North Carolina any ~~pistol~~ pistol, assault weapon, or long
10 gun without having in his or their possession and without exhibiting at the time of the delivery
11 of the same and to the person delivering the same the permit from the sheriff as provided in
12 G.S. 14-403. Any person violating the provisions of this section is guilty of a Class 2
13 misdemeanor.

14 (b) This section does not apply to an antique firearm or an historic edged weapon.

15 (c) The following definitions apply in this Article:

16 (1) Antique firearm. – Defined in G.S. 14-409.11.

17 (1a) Assault weapon. – The term includes all of the following:

18 a. Any selective-fire firearm capable of semiautomatic or burst fire at the
19 option of the user. The term also includes all of the following
20 semiautomatic firearms:

- 21 1. Algimec Agmi.
- 22 2. Armalite AR-180.
- 23 3. Australian Automatic Arms SAP Pistol.
- 24 4. Auto-Ordnance Thompson type.
- 25 5. Avtomat Kalashnikov AK-47 type.
- 26 6. Barrett Light-Fifty model 82A1.
- 27 7. Beretta AR-70.
- 28 8. Bushmaster Auto Rifle and Auto Pistol.
- 29 9. Calico models M-900, M-950, and 100-P.
- 30 10. Chartered Industries of Singapore SR-88.
- 31 11. Colt AR-15 and Sporter.
- 32 12. Daewoo K-1, K-2, Max-1, and Max-2.
- 33 13. Encom MK-IV, MP-9, and MP-45.
- 34 14. Fabrique Nationale FN/FAL, FN/LAR, and FN/FNC.
- 35 15. FAMAS MAS 223.
- 36 16. Feather AT-9 and Mini-AT.
- 37 17. Federal XC-900 and XC-450.
- 38 18. Franchi SPAS-12 and LAW-12.
- 39 19. Galil AR and ARM.
- 40 20. Goncz High-Tech Carbine and High-Tech Long Pistol.
- 41 21. Heckler & Koch HK-91, HK-93, HK-94, and SP-89.
- 42 22. Holmes MP-83.
- 43 23. MAC-10, MAC-11, and MAC-11 Carbine type.
- 44 24. Intratec TEC-9 and Scorpion.
- 45 25. Iver Johnson Enforcer model 3000.
- 46 26. Ruger Mini-14/5F folding stock model.
- 47 27. Scarab Skorpion.
- 48 28. SIG 57 AMT and 500 series.
- 49 29. Spectre Auto Carbine and Auto Pistol.
- 50 30. Springfield Armory BM59, SAR-48, and G-3.
- 51 31. Sterling MK-6 and MK-7.

32. Steyr AUG.
33. Street Sweeper and Striker-12 revolving cylinder shotguns.
34. USAS-12.
35. UZI Carbine, Mini-Carbine, and Pistol.
36. Weaver Arms Nighthawk.
37. Wilkinson "Linda" Pistol.
- b. All of the following semiautomatic centerfire rifles, or copies or duplicates with the capability of the rifles:
 1. AK-47.
 2. AK-74.
 3. AKM.
 4. AKS-74U.
 5. ARM.
 6. MAADI AK47.
 7. MAK90.
 8. MISR.
 9. NHM90 and NHM91.
 10. Norinco 56, 56S, 84S, and 86S.
 11. Poly Technologies AKS and AK47.
 12. SA 85.
 13. SA 93.
 14. VEPR.
 15. WASR-10.
 16. WUM.
 17. Rock River Arms LAR-47.
 18. Vector Arms AK-47.
 19. AR-10.
 20. AR-15.
 21. Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, and Bushmaster MOE Rifles.
 22. Colt Match Target Rifles.
 23. Armalite M15.
 24. Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8, and K9 Rifles.
 25. DPMS Tactical Rifles.
 26. Smith and Wesson M&P15 Rifles.
 27. Rock River Arms LAR-15.
 28. Doublestar AR Rifles.
 29. Barrett REC7.
 30. Beretta Storm.
 31. Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II, and II Tactical Rifles.
 32. Hi-Point Carbine Rifles.
 33. HK-PSG-1.
 34. Kel-Tec Sub-2000, SU Rifles, and RFB.
 35. Remington Tactical Rifle Model 7615.
 36. SAR-8, SAR-4800, and SR9.
 37. SLG 95.
 38. SLR 95 and 96.
 39. TNW M230 and M2HB.
 40. Vector Arms UZI.

41. Galil and Galil Sporter.
42. Daewoo AR 100 and AR 110C.
43. Fabrique Nationale/FN 308 Match and L1A1 Sporter.
44. HK USC.
45. IZHMASH Saiga AK.
46. SIG Sauer 551-A1, 556, 516, 716, and M400 Rifles.
47. Valmet M62S, M71S, and M78S.
48. Wilkinson Arms Linda Carbine.
49. Barrett M107A1.
- c. All of the following semiautomatic centerfire pistols, or copies or duplicates with the capability of the pistols:
 1. Centurion 39 AK.
 2. Draco AK-47.
 3. HCR AK-47.
 4. IO Inc. Hellpup AK-47.
 5. Mini-Draco AK-47.
 6. Yugo Krebs Krink.
 7. American Spirit AR-15.
 8. Bushmaster Carbon 15.
 9. Doublestar Corporation AR.
 10. DPMS AR-15.
 11. Olympic Arms AR-15.
 12. Rock River Arms LAR-15.
 13. Calico Liberty III and III Tactical Pistols.
 14. Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols.
 15. Intratec TEC-DC9 and AB-10.
 16. Colefire Magnum.
 17. German Sport 522 PK and Chiappa Firearms Mfour-22.
 18. DSA SA58 PKP FAL.
 19. I.O. Inc. PPS-43C.
 20. Kel-Tec PLR 16 Pistol.
 21. Sig Sauer P516 and P556 Pistols.
 22. Thompson TA5 Pistols.
- d. All IZHMAASH Saiga 12 Shotguns, or copies or duplicates with the capability of the shotguns.
- e. All semiautomatic firearms that meet any of the following criteria:
 1. A semiautomatic, centerfire rifle that has the ability to accept a detachable magazine and has at least one of the following:
 - I. A folding or telescoping stock.
 - II. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.
 - III. A forward pistol grip.
 - IV. A flash suppressor.
 - V. A grenade launcher or flare launcher.
 2. A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than 10 rounds.

- This ____ day of _____, _____.

Sheriff.

The standard permit created by this section shall be used statewide by the sheriffs of any and all counties and, when issued by a sheriff, shall also contain an embossed seal unique to the office of the issuing sheriff."

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

"(1) One who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade). However, a person who has been convicted of a felony in a court of any state or in a court of the United States and (i) who is later pardoned, or (ii) whose firearms rights have been restored pursuant to G.S. 14-415.4, may obtain a permit, if the purchase or receipt of a ~~pistol~~ pistol, assault weapon, or long gun permitted in this Article does not violate a condition of the pardon or restoration of firearms rights."

SECTION 1.(d) G.S. 14-408.1(a)(2) reads as rewritten:

"(2) Firearm. – A handgun, assault weapon, shotgun, or rifle which expels a projectile by action of an explosion."

SECTION 1.(e) This section becomes effective December 1, 2023, and applies to the sale, giving away, transfer, purchase, or receiving of a pistol, assault weapon, or long gun on or after that date.

PART II. PROHIBIT SALE OF ASSAULT WEAPONS OR LONG GUNS TO PERSONS UNDER A CERTAIN AGE

SECTION 2.(a) G.S. 14-269.7 reads as rewritten:

"§ 14-269.7. Prohibitions on handguns for minors.

(a) Any minor who willfully and intentionally possesses or carries a ~~handgun~~ handgun, long gun, or assault weapon is guilty of a Class 1 misdemeanor.

(b) This section does not apply:

- (1) To officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties or acting under orders requiring them to carry ~~handguns~~ handguns, long guns, or assault weapons.
- (2) To a minor who possesses a ~~handgun~~ handgun, long gun, or assault weapon for educational or recreational purposes while the minor is supervised by an adult who is present.
- (3) To an emancipated minor who possesses such ~~handgun~~ handgun, long gun, or assault weapon inside his or her residence.
- (4) To a minor who possesses a ~~handgun~~ handgun, long gun, or assault weapon while hunting or trapping outside the limits of an incorporated municipality if he has on his person written permission from a parent, guardian, or other person standing in loco parentis.

(c) The following definitions apply in this section:

(1) Assault weapon. – As defined in G.S. 14-402.

(1a) Handgun. – A firearm that has a short stock and is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled.

(1b) Long gun. – As defined in G.S. 14-402.

(2) Minor. – ~~Any~~ For possessing or carrying a handgun or long gun, any person under 18 years of age. For possessing or carrying an assault weapon, any person under the age of 21.

SECTION 2.(b) G.S. 14-315 reads as rewritten:

"§ 14-315. Selling or giving weapons to minors.

(a) ~~Sale of Weapons Other Than Handguns.~~ Handguns, Long Guns, and Assault Weapons. – If a person sells, offers for sale, gives, or in any way transfers to a minor any pistol cartridge, brass knucks, bowie knife, dirk, shurikin, leaded cane, or slungshot, the person is guilty of a Class 1 misdemeanor and, in addition, shall forfeit the proceeds of any sale made in violation of this section.

(a1) ~~Sale of Handguns, Long Guns, and Assault Weapons.~~ – If a person sells, offers for sale, gives, or in any way transfers to a minor any ~~handgun as defined in G.S. 14-269.7,~~ handgun, long gun, or assault weapon, the person is guilty of a Class H felony and, in addition, shall forfeit the proceeds of any sale made in violation of this section. This section does not apply in any of the following circumstances:

- (1) ~~The handgun~~ handgun, long gun, or assault weapon is lent to a minor for temporary use if the minor's possession of the ~~handgun~~ handgun, long gun, or assault weapon is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- (2) ~~The handgun~~ handgun, long gun, or assault weapon is transferred to an adult custodian pursuant to Chapter 33A of the General Statutes, and the minor does not take possession of the ~~handgun~~ handgun, long gun, or assault weapon except that the adult custodian may allow the minor temporary possession of the ~~handgun~~ handgun, long gun, or assault weapon in circumstances in which the minor's possession of the ~~handgun~~ handgun, long gun, or assault weapon is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- (3) ~~The handgun~~ handgun, long gun, or assault weapon is a devise and is distributed to a parent or guardian under G.S. 28A-22-7, and the minor does not take possession of the ~~handgun~~ handgun, long gun, or assault weapon except that the parent or guardian may allow the minor temporary possession of the ~~handgun~~ handgun, long gun, or assault weapon in circumstances in which the minor's possession of the ~~handgun~~ handgun, long gun, or assault weapon is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.

For purposes of this subsection, the terms "assault weapon," "long gun," "handgun," and "minor" are as defined in G.S. 14-269.7.

...."

SECTION 2.(c) This section becomes effective December 1, 2023, and applies to the possession, carrying, sale, offer for sale, giving, or transfer of an assault weapon or long gun on or after that date.

PART III. PROHIBIT THE SALE OR POSSESSION OF BUMP STOCKS OR TRIGGER CRANKS

SECTION 3.(a) Article 52A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-409A. Bump stocks and trigger cranks prohibited.

(a) Definitions. – The following definitions apply in this section:

- (1) Bump stock. – Any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.
- (2) Firearm. – As defined in G.S. 14-409.39.
- (3) Trigger crank. – Any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion. The term does not include any

weapon initially designed and manufactured to fire through the use of a crank or lever.

(b) Prohibition. – It shall be unlawful for any person, firm, or corporation to manufacture, sell, give away, transfer, use, or possess bump stocks, trigger cranks, or any other similar device or instrument added to a firearm by a person other than the manufacturer that is designed to increase the rate of fire achievable by the firearm.

(c) Punishment. – Any person violating this section is guilty of a Class I felony."

SECTION 3.(b) This section becomes effective December 1, 2023, and applies to the sale, giving away, transfer, use, or possession of bump stocks, trigger cranks, or other similar devices and instruments added to a firearm by a person other than the manufacturer that is designed to increase the rate of fire achievable by the firearm on or after that date.

PART IV. REQUIRE SAFE STORAGE OF FIREARMS

SECTION 4.(a) G.S. 14-315.1 is repealed.

SECTION 4.(b) Article 53B of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-409.44. Require safe storage of firearms.

(a) Requirement. – Except when being carried or used by the owner or another lawfully authorized user, a person in possession or control of a firearm shall store or keep the firearm in a locked container. For purposes of this subsection, the term "firearm" includes weapons regulated under G.S. 14-409. Nothing in this subsection shall be construed as authorizing the possession of a firearm otherwise prohibited under State or federal law.

(b) Penalty. – A person who violates subsection (a) of this section is guilty of a Class A1 misdemeanor.

(c) Punitive Damages. – A violation of subsection (a) of this section constitutes wanton conduct within the meaning of G.S. 1D-5 and subjects the violator to punitive damages in any civil action that may be filed as a result of the violator's actions."

SECTION 4.(c) G.S. 14-315.2 reads as rewritten:

"§ 14-315.2. Warning upon sale or transfer of firearm to protect minor:firearm to safely store firearm.

(a) Upon the retail commercial sale or transfer of any firearm, the seller or transferor shall deliver a written copy of ~~G.S. 14-315.1~~ G.S. 14-409.44 to the purchaser or transferee.

(b) Any retail or wholesale store, shop, or sales outlet that sells firearms shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height the phrase: ~~"IT-"~~"EXCEPT WHEN BEING CARRIED OR USED BY THE OWNER OR ANOTHER LAWFULLY AUTHORIZED USER, IT IS UNLAWFUL TO STORE OR LEAVE KEEP A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR."~~IN ANY PLACE OTHER THAN A LOCKED CONTAINER."~~

(c) A violation of subsection (a) or (b) of this section is a Class 1 misdemeanor."

SECTION 4.(d) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART V. REVISE RECIPROCITY LAW FOR CONCEALED HANDGUN PERMITS

SECTION 5. G.S. 14-415.24 reads as rewritten:

"§ 14-415.24. Reciprocity; out-of-state handgun permits.

~~(a) A valid concealed handgun permit or license issued by another state is valid in North Carolina.~~

(b) Repealed by Session Laws 2011-268, s. 22(a), effective December 1, 2011.

(c) Every 12 months after the effective date of this subsection, the Department of Justice shall make written inquiry of the concealed handgun permitting authorities in each other state as

to: (i) whether a North Carolina resident may carry a concealed handgun in their state based upon having a valid North Carolina concealed handgun ~~permit and permit~~, (ii) whether a North Carolina resident may apply for a concealed handgun permit in that state based upon having a valid North Carolina concealed handgun ~~permit~~, permit, and (iii) what the criteria are in that state for the issuance of a concealed handgun permit. The Department of Justice shall attempt to secure from each state permission for North Carolina residents who hold a valid North Carolina concealed handgun permit to carry a concealed handgun in that state, either on the basis of the North Carolina permit or on the basis that the North Carolina permit is sufficient to permit the issuance of a similar license or permit by the other state.

(d) The Department of Justice shall identify and compile a list of the states that issue a concealed handgun permit that requires compliance with criteria that is at least as stringent as the criteria required for a concealed handgun in this State. A valid concealed handgun permit or license issued by any state on the list compiled pursuant to this subsection is valid in North Carolina.

PART VI. REQUIRE THE REPORTING OF LOST OR STOLEN FIREARMS

SECTION 6.(a) Article 53A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-409.13. Report of loss or theft of firearm.

(a) Any owner of a firearm as defined in G.S. 14-408.1(a) shall report the loss or theft of the firearm within 48 hours after the discovery of the loss or theft to either (i) the local law enforcement agency having jurisdiction over the location where the loss or theft of the firearm occurred or (ii) the State Bureau of Investigation.

(b) A violation of this section is a Class 3 misdemeanor; however, a second or subsequent violation of this section is a Class I felony.

SECTION 6.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART VII. REQUIRE ANY PERSON WHO OWNS A FIREARM TO CARRY FIREARM LIABILITY INSURANCE

SECTION 7.(a) G.S. 14-404(a) is amended by adding a new subdivision to read:

"(1a) Verified, before the issuance of a permit, that the person has firearm liability insurance pursuant to G.S. 14-409.44A."

SECTION 7.(b) Article 53B of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-409.44A. Liability insurance required for gun owners.

(a) Any person in this State who intends to own a firearm shall, prior to the ownership of the firearm, obtain, and during ownership continuously maintain, a policy of liability insurance in an amount not less than one hundred thousand dollars (\$100,000) specifically covering any damages resulting from any negligent or willful acts involving the use of the firearm while it is owned by the person. No firearm shall be transferred in this State unless the transferee at the time of the transfer provides proof that the transferee has complied with the provisions of this section.

(b) For purposes of this section, a person is deemed to own a firearm if the firearm is lost or stolen until the loss or theft is reported pursuant to G.S. 14-409.13.

(c) Any person who owns a firearm on December 1, 2023, shall obtain the insurance required by this section by January 15, 2024.

(d) This section does not apply to any law enforcement officer authorized to carry a firearm.

(e) The Department of Insurance shall adopt rules to implement this section."

SECTION 7.(c) Subsection (a) of this section is effective when it becomes law and applies to permit applications received on or after that date.

PART VIII. LIMIT THE SIZE OF AMMUNITION MAGAZINES

SECTION 8.(a) Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 53D.

"Regulation of Large-Capacity Ammunition Magazines.

"§ 14-409.60. Definition.

For purposes of this Article, the term "large-capacity magazine" includes all of the following: (i) a fixed or detachable magazine box, drum, feed strip, or similar device capable of accepting, or that is designed to be readily converted to accept, more than 15 rounds of ammunition; (ii) a fixed or detachable magazine that is capable of accepting more than eight shotgun shells; and (iii) a detachable magazine, tube, box, drum, feed strip, or similar device that is capable of accepting more than eight shotgun shells when combined with a fixed magazine. The term does not include any of the following: (i) a feeding device that has been permanently altered so that it cannot accommodate more than 15 rounds of ammunition; (ii) an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition; or (iii) a tubular magazine that is contained in a lever-action firearm.

"§ 14-409.61. Large-capacity magazines prohibited; penalties; exceptions.

(a) It is unlawful for a person to sell, transfer, or possess a large-capacity magazine. A violation of this subsection is a Class 2 misdemeanor; provided, however, that a second or subsequent violation of this subsection is a Class 1 misdemeanor.

(b) Any person who violates subsection (a) of this section commits a Class I felony under this section if the person possessed a large-capacity magazine during the commission of a felony.

(c) A person may possess a large-capacity magazine if the person:

(1) Owens the large-capacity magazine on December 1, 2019; and

(2) Maintains continuous possession of the large-capacity magazine.

(d) If a person who is alleged to have violated subsection (a) of this section asserts that the person is permitted to legally possess a large-capacity magazine pursuant to subsection (c) of this section, the prosecution has the burden of proof to refute the assertion.

(e) The offense described in subsection (a) of this section shall not apply to any of the following:

(1) An entity, or any employee thereof engaged in the employee's employment duties, that manufactures large-capacity magazines within North Carolina exclusively for transfer or any federally licensed gun dealer, or any employee thereof engaged in his or her official employment duties, that sells large-capacity magazines exclusively to any of the following:

a. A branch of the Armed Forces of the United States.

b. A department, agency, or political subdivision of the State of North Carolina, any other state, or of the United States government.

c. A firearms retailer for the purpose of firearms sales conducted outside the State.

d. A foreign national government that has been approved for such transfers by the United States government.

e. An out-of-state transferee who may legally possess a large-capacity magazine.

(2) An employee of any of the following agencies who bears a firearm in the course of the employee's official duties:

a. A branch of the Armed Forces of the United States.

b. A department, agency, or political subdivision of the State of North Carolina, any other state, or of the United States government.

(3) A person who possesses the magazine for the sole purpose of transporting the magazine to an out-of-state entity on behalf of a manufacturer of large-capacity magazines within North Carolina.

"§ 14-409.62. Identification markings for large-capacity magazines; rules.

(a) A large-capacity magazine that is manufactured in North Carolina on or after December 1, 2019, must include a permanent stamp or marking indicating that the large-capacity magazine was manufactured or assembled after that date. The stamp or marking must be legibly and conspicuously engraved or cast upon the outer surface of the large-capacity magazine.

(b) The SBI may adopt rules to implement the provisions of this section, including rules requiring a large-capacity magazine that is manufactured in this State on or after December 1, 2019, to bear identifying information in addition to the identifying information described in subsection (a) of this section.

(c) A person who manufactures a large-capacity magazine in North Carolina in violation of subsection (a) of this section commits a Class 2 misdemeanor."

SECTION 8.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART IX. REPEAL PREEMPTION OF LOCAL FIREARM REGULATIONS

SECTION 9. G.S. 14-409.40 is repealed.

PART X. ALLOW DESTRUCTION OF SEIZED FIREARMS

SECTION 10.(a) G.S. 15-11.1(b1)(3) reads as rewritten:

"(3) By ordering the firearm turned over to be destroyed by the sheriff of the county in which the firearm was seized or by his duly authorized agent ~~if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification.~~ agent. The sheriff shall maintain a record of the destruction of the firearm."

SECTION 10.(b) G.S. 15-11.2(d)(1) reads as rewritten:

"(1) By having the firearm ~~destroyed if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification and will not be disposed of pursuant to subdivision (3) of this subsection.~~ destroyed. The head or chief of the law enforcement agency shall maintain a record of the destruction of the firearm."

SECTION 10.(c) G.S. 14-269.1(4) reads as rewritten:

"(4) By ordering ~~such weapon any~~ firearm turned over to the sheriff of the county in which the trial is held or his duly authorized agent to be ~~destroyed if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification.~~ destroyed. The sheriff shall maintain a record of the destruction thereof."

PART XI. REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP A ROSTER OF HANDGUNS THAT MEET CERTAIN DESIGN AND SAFETY STANDARDS AND PROHIBIT THE SALE, TRANSFER, OWNERSHIP, OR POSSESSION OF HANDGUNS THAT ARE NOT INCLUDED ON THE ROSTER

SECTION 11.(a) Article 52A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-406.2. Prohibition on sale, transfer, ownership, or possession of unsafe handgun.

(a) Findings. – The General Assembly finds all of the following:

(1) There is a lack of design and safety standards imposed on pistols under federal and State law.

- 1 (2) A lack of design and safety standards results in the sale of poorly constructed
2 pistols, which can lead to unintentional shootings and other harms.
- 3 (3) Multiple states have utilized the following design and safety tests performed
4 by independent handgun testing laboratories to develop rosters of handguns
5 that satisfy the tests and are approved for sale within the state's jurisdiction:
6 a. Firing tests.
7 b. Drop tests.
8 c. Melting point tests.
- 9 (4) It is in the public interest to ensure, in a timely manner, that handguns that do
10 not meet design and safety standards are not sold, transferred, owned, or
11 possessed in this State.
- 12 (5) The most efficient and expeditious method for ensuring unsafe handguns are
13 not sold in this State is to develop a roster of approved handguns for sale in
14 this State that is based off the rosters developed in other states.
- 15 (b) Definitions. – The following definitions apply in this section:
- 16 (1) Antique firearm. – As defined in G.S. 14-409.11.
- 17 (2) California Roster of Handguns Certified for Sale. – A roster compiled by the
18 Department of Justice for the State of California pursuant to California Penal
19 Code § 12131 that lists all of the pistols, revolvers, and other firearms that
20 have been tested by a certified testing laboratory and determined not to be
21 unsafe.
- 22 (3) Dealer. – As defined in G.S. 14-409.39.
- 23 (4) Department. – The Department of Public Safety.
- 24 (5) Handgun. – As defined in G.S. 14-269.7.
- 25 (c) Development; Prohibition. – The Department shall develop a roster of handguns
26 determined not to be unsafe based off the California Roster of Handguns Certified for Sale.
27 Except as provided in subsections (d) and (e) of this section, it is unlawful for any person, firm,
28 or corporation to (i) manufacture, sell, give, loan, import, or otherwise transfer a handgun that is
29 not listed on the roster as of January 1 of the calendar year in which the handgun is to be sold,
30 given, loaned, imported, or otherwise transferred or (ii) own or possess a handgun that is not
31 listed on the roster as of January 1 of the applicable calendar year, unless the person, firm, or
32 corporation lawfully owned or possessed the handgun prior to that date.
- 33 (d) Disposition. – A person who is the lawful owner of a handgun that is not listed on the
34 roster developed under subsection (c) of this section as of January 1 of the applicable calendar
35 year may only sell or otherwise transfer the handgun to a dealer or the sheriff of the county in
36 which the person resides. The sheriff may destroy the handgun or dispose of the handgun in
37 accordance with subdivision (4b), (5), or (6) of G.S. 14-269.1. A dealer who retains in the dealer's
38 inventory, or who otherwise lawfully acquires, a handgun not listed on the roster as of January 1
39 of the applicable calendar year may sell or otherwise transfer the handgun only to another dealer.
40 A person may not transfer a handgun not listed on the roster as of January 1 of the applicable
41 calendar year by devise or bequest.
- 42 (e) Exemptions. – This section does not apply to any of the following:
- 43 (1) An antique firearm.
- 44 (2) A handgun defined as curios or relics, as those terms are defined in section
45 478.11 of Title 27 of the Code of Federal Regulations.
- 46 (3) A handgun that is designed expressly for use in Olympic target shooting
47 events.
- 48 (4) A handgun used solely as a prop during the course of a motion picture,
49 television, or video production by an authorized participant in the course of
50 making that production or event or by an authorized employee or agent of the
51 entity producing that production or event.

- (5) The temporary transfer of a lawfully owned handgun for the purposes of cleaning, repairing, or servicing the handgun by a dealer.
- (6) The possession of a handgun by a nonresident of the State while temporarily traveling through the State.
- (7) A handgun exempted by the Department in accordance with subsection (g) of this section.

(f) Testing. – The Department may test, or contract with an independent handgun testing laboratory to test, handguns (i) that the Department believes should be added to the roster required under subsection (c) of this section or (ii) that the Department believes, based on credible information received by the Department from at least two credible sources, should be removed from the roster required under subsection (c) of this section. The Department may only utilize one of the tests described in subdivision (3) of subsection (a) of this section when testing handguns under this subsection. The Department may utilize the authority granted under subsection (g) of this section to add or remove handguns under this subsection from the roster required under subsection (c) of this section.

(g) Annual Update. – By January 1, the Department shall annually review the California Roster of Handguns Certified for Sale and update, by rule, the roster required under subsection (c) of this section and any exemptions authorized under subdivision (7) of subsection (e) of this section of approved pistols developed by other states and update the roster developed in accordance with this subsection accordingly. The Department may also utilize the rulemaking authority granted under this subsection to update the roster required under subsection (c) of this section with any handguns tested under subsection (f) of this section and approved by the Department for sale in this State.

(h) Dissemination. – At least 30 days prior to the date a roster developed and updated in accordance with this section is to take effect, the Department shall publish the roster and any updates on its website.

(i) Penalty. – Any person violating the provisions of subsections (c) and (d) of this section is guilty of a Class 3 misdemeanor."

SECTION 11.(b) The initial roster developed under G.S. 14-406.2(c), as enacted by subsection (a) of this section, shall be based on the California Roster of Handguns Certified for Sale as of January 1, 2024.

SECTION 11.(c) By January 15, 2024, the Department of Public Safety shall (i) submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety detailing the development of the roster required under G.S. 14-406.2(c), as enacted by subsection (a) of this section, and the types of handguns that are included on the roster and (ii) publish the roster on its website in accordance with G.S. 14-406.2(c).

SECTION 11.(d) This section becomes effective January 1, 2024.

PART XII. REPEAL "STAND YOUR GROUND LAWS" AND CODIFY COMMON LAW REGARDING USE OF FORCE AGAINST AN INTRUDER

SECTION 12.(a) The following statutes are repealed: G.S. 14-51.2, 14-51.3, and 14-51.4.

SECTION 12.(b) Article 14 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-51.5. Use of deadly physical force against an intruder.

(a) A lawful occupant within a home or other place of residence is justified in using any degree of force that the occupant reasonably believes is necessary, including deadly force, against an intruder to prevent a forcible entry into the home or residence or to terminate the intruder's unlawful entry (i) if the occupant reasonably apprehends that the intruder may kill or inflict serious bodily harm to the occupant or others in the home or residence or (ii) if the occupant reasonably believes that the intruder intends to commit a felony in the home or residence.

(b) A lawful occupant within a home or other place of residence does not have a duty to retreat from an intruder in the circumstances described in this section.

(c) This section is not intended to repeal, expand, or limit any other defense that may exist under the common law."

PART XIII. PROHIBIT LEAVING A FIREARM IN AN UNATTENDED MOTOR VEHICLE UNLESS FIREARM IS SAFELY STORED

SECTION 13.(a) Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-269.9. Firearms in unattended motor vehicles.

(a) Definition. – For purposes of this section, the term "firearm" is as defined in G.S. 14-408.1.

(b) Prohibition. – It is unlawful to leave a firearm in an unattended motor vehicle unless the vehicle is locked and the firearm is either (i) secured with a trigger lock or other safety device designed to prevent an unauthorized user from operating the firearm or (ii) in a locked container.

(c) Penalty. – Any person who violates subsection (b) of this section is guilty of a Class 2 misdemeanor."

SECTION 13.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART XIV. PROHIBIT THE SALE OR POSSESSION OF GHOST GUNS

SECTION 14.(a) Article 52A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-409B. Ghost guns prohibited.

(a) Definition. – For purposes of this section, the term "ghost gun" means a firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. This term does not include a firearm that has been rendered permanently inoperable or a firearm that is not required to have a serial number in accordance with the federal Gun Control Act of 1968.

(b) Prohibition. – It shall be unlawful for any person, firm, or corporation to manufacture, sell, give away, transfer, use, or possess a ghost gun.

(c) Punishment. – Any person violating this section is guilty of a Class I felony."

SECTION 14.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART XV. PROHIBIT POSSESSION OF SEMIAUTOMATIC FIREARMS BY PERSONS UNDER 21 YEARS OF AGE

SECTION 15.(a) Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-269.7A. Prohibition on semiautomatic firearms for persons under 21 years of age.

(a) Definition. – For purposes of this section, the term "semiautomatic firearm" means a selective-fire firearm capable of semiautomatic or burst fire at the option of the user. This term does not include a firearm prohibited under G.S. 14-409 or federal law.

(b) Prohibition. – It is unlawful for a person under 21 years of age to willfully and intentionally possess or carry a semiautomatic firearm.

(c) Punishment. – Any person violating this section is guilty of a Class 1 misdemeanor.

(d) Exception. – This section does not apply to officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties or acting under orders requiring them to carry a semiautomatic firearm."

SECTION 15.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART XVI. REQUIRE THE SHERIFF UPON DENIAL, REVOCATION, OR REFUSAL TO RENEW A CONCEALED HANDGUN PERMIT OR PISTOL PERMIT TO TRANSMIT THE PROHIBITION RECORD TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

SECTION 16.(a) G.S. 14-404 is amended by adding a new subsection to read:

"(b2) If the sheriff denies a person's application for a permit under this Article, and the ground for the denial is a prohibition under the National Instant Criminal Background Check System (NICS), the sheriff shall transmit the prohibiting record to NICS not later than 48 hours after notifying the applicant of the denial, excluding Saturdays, Sundays, and holidays."

SECTION 16.(b) Article 54B of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-415.18A. Sheriff to report denial, revocation, or refusal to renew permit to NICS.

If the sheriff denies, revokes, or refuses to renew a person's application for a permit under this Article, and the ground for the denial is a prohibition under the National Instant Criminal Background Check System (NICS), the sheriff shall transmit the prohibiting record to NICS not later than 48 hours after notifying the applicant of the denial, revocation, or refusal to renew the permit, excluding Saturdays, Sundays, and holidays."

PART XVII. DIRECT THE STATE TREASURER TO DIVEST THE PENSION FUND OF GUN STOCKS

SECTION 17. Chapter 147 of the General Statutes is amended by adding a new Article to read:

"Article 9.

"Firearms Manufacturer Divestment Act.

"§ 147-95. Definitions.

As used in this Article, the following definitions apply:

- (1) Company. – Any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for profit-making purposes.
- (2) Direct holdings. – All securities of a company that is a firearms manufacturer held directly by the Public Fund or in an account or fund in which the Public Fund owns all shares or interests.
- (3) Firearm. – Defined in G.S. 14-409.39(2), as well as weapons of mass death and destruction described in G.S. 14-288.8(c).
- (4) Firearms manufacturer. – A company that develops, designs, creates, fabricates, assembles, or reassembles firearms or ammunition.
- (5) Indirect holdings. – All securities of a company that is a firearms manufacturer held in an account or fund, such as a mutual fund, managed by one or more persons not employed by the Public Fund, in which the Public Fund owns shares or interests together with other investors not subject to the provisions of this Article.
- (6) Public Fund. – Any funds held by the State Treasurer to the credit of:
 - a. The Teachers' and State Employees' Retirement System.
 - b. The Consolidated Judicial Retirement System.
 - c. The Firemen's and Rescue Workers' Pension Fund.

- d. The Local Governmental Employees' Retirement System.
- e. The Legislative Retirement System.
- f. The Legislative Retirement Fund.
- g. The North Carolina National Guard Pension Fund.

"§ 147-96. Identification of firearms manufacturers.

(a) Within 90 days of September 1, 2023, the Public Fund shall make its best efforts to identify all firearms manufacturers in which the Public Fund has direct or indirect holdings or could possibly have such holdings in the future. Such efforts shall include, as appropriate:

- (1) Reviewing and relying, as appropriate in the Public Fund's judgment, on publicly available information regarding firearms manufacturers, including information provided by nonprofit organizations, research firms, international organizations, and government entities.
- (2) Contacting asset managers contracted by the Public Fund that invest in firearms manufacturers.
- (3) Contacting other institutional investors that have divested from firearms manufacturers.

(b) By the first meeting of the Public Fund following the 90-day period described in subsection (a) of this section, the Public Fund shall assemble a list of all firearms manufacturers in which the Public Fund holds direct or indirect investments.

"§ 147-97. Required actions.

(a) Subject to all applicable laws related to prudent investment, the State Treasurer shall promptly divest all direct and indirect holdings in firearms manufacturers held by the Public Fund.

(b) At no time shall the Public Fund acquire direct or indirect holdings in firearms manufacturers."

PART XVIII. SEVERABILITY CLAUSE/SAVINGS CLAUSE/EFFECTIVE DATE

SECTION 18.(a) If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end, the provisions of this act are severable.

SECTION 18.(b) Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 18.(c) Except as otherwise provided, this act is effective when it becomes law.