

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 937

AMENDMENT NO. A9
(to be filled in by
Principal Clerk)

H937-ALH-4 [v.4]

Page 1 of 3

Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Date _____, 2013

Representative Harrison

1 moves to amend the bill on page 1, line 23,
2 by deleting "AND"; and

3
4 on page 1, line 27,
5 by changing the period on that line to a semi-colon and adding the following:
6 "AND TO LIMIT THE SIZE OF AMMUNITION MAGAZINES."; and
7

8 On page 8, lines 8-10,
9 By rewriting those lines to read:

10 "SECTION 13. Chapter 14 of the General Statutes is amended by adding a new
11 article to read:

12 'Article 53D.

13 'Large-Capacity Ammunition Magazines.

14 '§ 14-409.60. Definition.

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

25 '§ 14-409.61. Large-capacity magazines prohibited; penalties; exceptions.

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

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

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



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1 (1) Owns the large-capacity magazine on October 1, 2013; and
2 (2) Maintains continuous possession of the large-capacity magazine.

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

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

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

13 a. A branch of the armed forces of the United States.

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

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

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

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

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

24 a. A branch of the armed forces of the United States.

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

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

30 **'§ 14-409.62 Identification markings for large-capacity magazines; rules.**

31 (a) A large-capacity magazine that is manufactured in North Carolina on or after
32 October 1, 2013, must include a permanent stamp or marking indicating that the large-capacity
33 magazine was manufactured or assembled after that date. The stamp or marking must be
34 legibly and conspicuously engraved or cast upon the outer surface of the large-capacity
35 magazine.

36 (b) The SBI may adopt rules to implement the provisions of this section, including rules
37 requiring a large-capacity magazine that is manufactured in this State on or after October 1,
38 2013, to bear identifying information in addition to the identifying information described in
39 subsection (a) of this section.

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

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1 **SECTION 14.** Sections 1 through 6 and Section 13 of this act become effective
2 October 1, 2013, and apply to offenses committed on or after that date. The remainder of this
3 act becomes effective October, 1, 2013."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____