

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 746

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H746-ATC-62 [v.2]

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Amends Title [NO]
Second Edition

Date _____, 2017

Representative Harrison

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moves to amend the bill on page 23, lines 31-32, by rewriting those lines to read:

"SECTION 7.4. 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.



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

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

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

8 (1) Owens the large-capacity magazine on December 1, 2017; and

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **"§ 14-409.62 Identification markings for large-capacity magazines; rules.**

38 (a) A large-capacity magazine that is manufactured in North Carolina on or after
39 December 1, 2017, must include a permanent stamp or marking indicating that the
40 large-capacity magazine was manufactured or assembled after that date. The stamp or marking
41 must be legibly and conspicuously engraved or cast upon the outer surface of the large-capacity
42 magazine.

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1 (b) The SBI may adopt rules to implement the provisions of this section, including rules
2 requiring a large-capacity magazine that is manufactured in this State on or after December 1,
3 2017, to bear identifying information in addition to the identifying information described in
4 subsection (a) of this section.

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

7 **SECTION 7.5.** This Part becomes effective December 1, 2017, and applies to
8 offenses committed on or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**