

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 725

Short Title: Gun Safety Act.

(Public)

Sponsors: Representatives Luebke, Harrison, Insko, and R. Moore (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE "STAND YOUR GROUND LAWS" AND CODIFY THE COMMON LAW REGARDING THE USE OF FORCE AGAINST AN INTRUDER; TO REPEAL THE LAW ALLOWING RECIPROCITY FOR CONCEALED HANDGUN PERMITS; TO STRENGTHEN THE LAW REGARDING SAFE STORAGE OF FIREARMS BY REQUIRING A PERSON WHO POSSESSES A FIREARM AND LIVES WITH EITHER A MINOR OR ANOTHER PERSON WHO CANNOT LEGALLY OWN A FIREARM TO SAFELY STORE THE FIREARM IN A STORAGE DEPOSITORY OR USE A SAFETY LOCK FOR THE FIREARM WHEN NOT IN POSSESSION OR IMMEDIATE CONTROL OF THE FIREARM; TO REQUIRE THE REPORTING OF LOST AND STOLEN GUNS; TO REQUIRE THE SHERIFF TO REPORT THE DENIAL, REVOCATION, OR FAILURE TO RENEW A CONCEALED HANDGUN PERMIT OR THE DENIAL OF A PISTOL PERMIT TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; TO REQUIRE UNIVERSAL BACKGROUND CHECKS FOR THE PRIVATE TRANSFER OF FIREARMS IN NORTH CAROLINA; TO PROVIDE THAT A FEE MAY BE CHARGED BY THE SBI FOR CRIMINAL BACKGROUND CHECKS AND TO ESTABLISH A FUND TO HELP PAY THE COSTS OF CONDUCTING BACKGROUND CHECKS; TO REQUIRE ANY PERSON WHO OWNS A FIREARM TO CARRY FIREARM LIABILITY INSURANCE; TO LIMIT THE SIZE OF AMMUNITION MAGAZINES; TO DIRECT THE STATE TREASURER TO DIVEST THE PENSION FUND OF GUN STOCKS; AND TO REQUIRE EACH STATE AND LOCAL LAW ENFORCEMENT AGENCY TO ADOPT A WRITTEN POLICY REGARDING THE INVESTIGATION OF OFFICER-INVOLVED DEATHS.

The General Assembly of North Carolina enacts:

SECTION 1. The following statutes are repealed: G.S. 14-51.2, 14-51.3, 14-51.4, 14-315.1, and 14-415.24.

SECTION 2. 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



* H 7 2 5 - V - 1 *

1 occupant reasonably believes that the intruder intends to commit a felony in the home or
2 residence.

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

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

7 **SECTION 3.** Article 39 of Chapter 14 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 14-315.3. Safe storage of firearms.**

10 (a) The following definitions apply in this section:

11 (1) Minor. – A person under 18 years of age who is not emancipated.

12 (2) Unauthorized person. – A person who is not authorized to purchase a firearm
13 under State or federal law.

14 (b) Any person who resides on the same premises as a minor or as an unauthorized
15 person, and who owns or possesses a firearm, and who stores or leaves the firearm out of the
16 person's immediate possession or control without having first securely locked the firearm in an
17 appropriate safe storage depository or rendered it incapable of being fired by the use of a safety
18 locking device appropriate to the firearm is guilty of a Class 1 misdemeanor.

19 (c) Nothing in this section shall prohibit a person from carrying a firearm on his or her
20 body or placed in such close proximity that it can be used as easily and quickly as if carried on
21 the body."

22 **SECTION 4.** G.S. 14-315.2 reads as rewritten:

23 **"§ 14-315.2. Warning upon sale or transfer of firearm to protect ~~minor~~ minor and others.**

24 (a) Upon the retail commercial sale or transfer of any firearm, the seller or transferor
25 shall deliver a written copy of ~~G.S. 14-315.1~~ G.S. 14-315.3 to the purchaser or transferee.

26 (b) Any retail or wholesale store, shop, or sales outlet that sells firearms shall
27 conspicuously post at each purchase counter the following warning in block letters not less than
28 one inch in height the phrase: "~~IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM~~
29 ~~THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON~~
30 ~~SHOULD KNOW IS ACCESSIBLE TO A MINOR.~~" IT IS UNLAWFUL FOR A PERSON
31 WHO RESIDES WITH A MINOR OR OTHER PERSON NOT AUTHORIZED TO BUY A
32 FIREARM TO LEAVE A FIREARM OUT OF A PERSON'S IMMEDIATE POSSESSION
33 OR CONTROL WITHOUT FIRST HAVING SECURELY LOCKED THE FIREARM IN A
34 STORAGE DEPOSITORY OR RENDERED IT INCAPABLE OF BEING FIRED."

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

36 **SECTION 5.** Article 53A of Chapter 14 of the General Statutes is amended by
37 adding a new section to read:

38 **"§ 14-409.13. Report of loss or theft of firearm.**

39 (a) Any owner of a firearm as defined in G.S. 14-409.60 shall report the loss or theft of
40 the firearm within 48 hours after the discovery of the loss or theft to either (i) the local law
41 enforcement agency having jurisdiction over the location where the loss or theft of the firearm
42 occurred or (ii) the State Bureau of Investigation.

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

45 **SECTION 6.** G.S. 14-404(a) is amended by adding a new subdivision to read:

46 "(1a) Verified, before the issuance of a permit, that the person has firearm liability
47 insurance pursuant to G.S. 14-409.80."

48 **SECTION 7.** G.S. 14-404 is amended by adding a new subsection to read:

49 "(b2) If the sheriff denies a person's application for a permit under this Article and the
50 grounds for the denial is a prohibition under the National Instant Criminal Background Check
51 System (NICS), the sheriff shall notify NICS of the denial of the permit and shall also provide

1 the relevant information regarding the person's application. If the sheriff denies a permit under
2 this Article and the person appeals the denial, the sheriff shall not report the denial unless the
3 court determines that the denial of the permit is reasonable."

4 **SECTION 8.** Article 54B of Chapter 14 of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 14-415.18A. Sheriff to report denial, revocation, or refusal to renew permit to NICS.**

7 If the sheriff denies, revokes, or refuses to renew a person's application for a permit under
8 this Article and the grounds for the denial is a prohibition under the National Instant Criminal
9 Background Check System (NICS), the sheriff shall notify NICS of the denial, revocation, or
10 refusal to renew the permit and shall also provide the relevant information regarding the
11 person's application. If the sheriff denies, revokes, or refuses to renew a permit under this
12 Article and the person appeals the denial, revocation, or nonrenewal of the permit, the sheriff
13 shall not report the denial, revocation, or nonrenewal unless the court determines that the
14 denial, revocation, or failure to renew the permit is reasonable."

15 **SECTION 9.** Chapter 14 of the General Statutes is amended by adding a new
16 Article to read:

17 "Article 53D.

18 "Transfer of Firearms.

19 "Part 1. Private Transfers of Firearms.

20 **"§ 14-409.60. Private firearms transfers; background check required; penalty; definition.**

21 (a) The following definitions apply in this Article:

22 (1) Firearms. – A pistol, revolver, or other weapon of any description, loaded or
23 unloaded, from which any shot, bullet, or other missile can be discharged,
24 the length of the barrel of which, not including any revolving, detachable, or
25 magazine breech does not exceed 12 inches. The term does not include
26 firearms for which ammunition is not sold or for which there is reasonable
27 grounds for believing they are not capable of being effectually used.

28 (2) NICS. – The National Instant Criminal Background Check System created
29 by Public Law 103-159, known as the federal "Brady Handgun Violence
30 Prevention Act," the relevant portion of which is codified at 18 U.S.C. §
31 922(t).

32 (3) SBI. – State Bureau of Investigation.

33 (4) Transfer. – The sale or delivery of any firearm in this State by a transferor to
34 a transferee. The term includes redemption of a pawned firearm by any
35 person who is not licensed as a federal firearms licensee by the federal
36 Bureau of Alcohol, Tobacco, and Firearms or any of its successor agencies.
37 The term does not include the return or replacement of a firearm that had
38 been delivered to a federal firearms licensee for the sole purpose of repair or
39 customizing.

40 (5) Transferee. – A person who desires to receive or acquire a firearm from a
41 transferor. If a transferee is not a natural person, then each natural person
42 who is authorized by the transferee to possess the firearm after the transfer
43 shall undergo a background check as required by this Part before taking
44 possession of the firearm.

45 **"§ 14-409.61. Background check required for firearms transfers.**

46 (a) This Article applies to all private transfers of firearms. It is unlawful for any person
47 who is not a federally licensed firearms dealer to transfer a firearm except as provided by this
48 Part.

49 (b) Requirements for Private Transfer of Firearms. – No transferor shall transfer or
50 attempt to transfer a firearm to a transferee before the transferor has done all of the following:

1 (1) Require that a background check, in accordance with G.S. 14-409.64, be
2 conducted of the prospective transferee.

3 (2) Obtain approval of a transfer from the SBI after a background check has
4 been requested by a licensed gun dealer, in accordance with G.S. 14-409.64.

5 (c) Background Check by Licensed Gun Dealer. – A prospective firearm transferor
6 who is not a licensed gun dealer shall arrange for a licensed gun dealer to obtain the
7 background check required by this section. A licensed gun dealer who obtains a background
8 check on a prospective transferee shall record the transfer, as provided in G.S. 14-409.75, and
9 retain the records, as provided in G.S. 14-409.76, in the same manner as when conducting a
10 sale, rental, or exchange at retail. The licensed gun dealer shall comply with all State and
11 federal laws, including 18 U.S.C. § 922, as if the gun dealer were transferring the firearm from
12 the gun dealer's inventory to the prospective transferee. A licensed gun dealer who obtains a
13 background check for a prospective firearm transferor pursuant to this section shall provide to
14 the firearm transferor and transferee a copy of the results of the background check, including the
15 SBI's approval or disapproval of the transfer.

16 (d) Dealer Fee. – A licensed gun dealer may charge a fee for services rendered
17 pursuant to this section. The fee shall not exceed ten dollars (\$10.00).

18 (e) Firearm Possession by Transferee. – A prospective firearm transferee under this
19 section shall not accept possession of the firearm unless the prospective firearm transferor has
20 obtained approval of the transfer from the SBI after a background check has been requested
21 by a licensed gun dealer, as described in subsection (c) of this section. A prospective firearm
22 transferee shall not knowingly provide false information to a prospective firearm transferor or
23 to a licensed gun dealer for the purpose of acquiring a firearm.

24 (f) Thirty-Day Approval Period. – If the SBI approves a transfer of a firearm pursuant
25 to this section, the approval shall be valid for 30 calendar days, during which time the
26 transferor and transferee may complete the transfer.

27 (g) Civil Liability. – A person who transfers a firearm in violation of the provisions
28 of this section may be jointly and severally liable for any civil damages proximately caused by
29 the transferee's subsequent use of the firearm.

30 (h) Exemptions. – The provisions of this section do not apply to any of the transfers
31 listed in subdivisions (1) through (9) of this subsection; however, nothing in this
32 subsection shall be interpreted to limit or otherwise alter the applicability of G.S. 14-408.1
33 concerning the unlawful purchase or transfer of firearms.

34 (1) A transfer of an antique firearm, as defined in 18 U.S.C. § 921(a)(16), as
35 amended, or a curio or relic, as defined in 27 C.F.R. § 478.11, as
36 amended.

37 (2) A transfer that is a bona fide gift or loan between immediate family
38 members, that are limited to spouses, parents, children, siblings,
39 grandparents, grandchildren, nieces, nephews, first cousins, aunts, and
40 uncles.

41 (3) A transfer that occurs by operation of law or because of the death of a
42 person for whom the prospective transferor is an executor or administrator
43 of an estate or a trustee of a trust created in a will.

44 (4) A transfer that is temporary and occurs while in the home of the
45 unlicensed transferee if:

46 a. The unlicensed transferee is not prohibited from possessing
47 firearms; and

48 b. The unlicensed transferee reasonably believes that possession of the
49 firearm is necessary to prevent imminent death or serious bodily
50 injury to the unlicensed transferee.

- 1 (5) A temporary transfer of possession without transfer of ownership or a title to
2 ownership, which transfer takes place:
3 a. At a shooting range located in or on premises owned or occupied by
4 a duly incorporated organization organized for conservation
5 purposes or to foster proficiency in firearms;
6 b. At a target firearm shooting competition under the auspices of or
7 approved by a State agency or a nonprofit organization; or
8 c. While hunting, fishing, target shooting, or trapping if (i) the
9 hunting, fishing, target shooting, or trapping is legal in all places
10 where the unlicensed transferee possesses the firearm and (ii) the
11 unlicensed transferee holds any license or permit that is required for
12 such hunting, fishing, target shooting, or trapping.
- 13 (6) A transfer of a firearm that is made to facilitate the repair or maintenance
14 of the firearm; however, this subdivision does not apply unless all parties
15 who possess the firearm as a result of the transfer may legally possess a
16 firearm. For purposes of this subdivision, an owner, manager, or
17 employee of a business that repairs or maintains firearms may rely upon a
18 transferor's statement that the transferor may legally possess a firearm
19 unless the owner, manager, or employee has actual knowledge to the
20 contrary and may return possession of the firearm to the transferor upon
21 completion of the repairs or maintenance without a background check.
22 Unless a transferor of a firearm has actual knowledge to the contrary, the
23 transferor may rely upon the statement of an owner, manager, or employee
24 of a business that repairs or maintains firearms that no owner, manager, or
25 employee of the business is prohibited from possessing a firearm.
- 26 (7) Any temporary transfer that occurs while in the continuous presence of the
27 owner of the firearm.
- 28 (8) A temporary transfer for not more than 72 hours. A person who transfers
29 a firearm pursuant to this subdivision may be jointly and severally liable
30 for damages proximately caused by the transferee's subsequent unlawful
31 use of the firearm.
- 32 (9) A transfer of a firearm from a person serving in the armed forces of the
33 United States who will be deployed outside of the United States within the
34 next 30 days to any immediate family member, that is limited to a spouse,
35 parent, child, sibling, grandparent, grandchild, niece, nephew, first cousin,
36 aunt, and uncle of the person.
- 37 (i) Penalty and Prohibited Possession of Firearm. – A person who violates a provision
38 of this section commits a Class 1 misdemeanor. In addition to any other penalty imposed for
39 the conviction of the misdemeanor, the person shall be prohibited from possessing a firearm
40 for two years, beginning on the date of the person's conviction.
- 41 (j) Report Violation. – When a person is convicted of violating a provision of this
42 section, the clerk of court shall report the conviction to the SBI and to the National Instant
43 Criminal Background Check System. The report shall include information indicating that the
44 person is prohibited from possessing a firearm for two years, beginning on the date of the
45 person's conviction.
- 46 **§ 14-409.62. National Instant Criminal Background Check System; State point of**
47 **contact; grounds for denial of firearm transfer; appeal; rule making; unlawful**
48 **acts.**
- 49 (a) The SBI may serve as a State point of contact for implementation of 18 U.S.C. §
50 922(t), all federal regulations and applicable guidelines adopted pursuant thereto, and NICS.

1 **(b)** The SBI, acting as the State point of contact for implementation of 18 U.S.C. §
2 922(t), shall transmit a request for a background check in connection with the prospective
3 transfer of a firearm to NICS and may also search other databases. The SBI shall deny a
4 transfer of a firearm to a prospective transferee if the transfer would violate 18 U.S.C. § 922(g)
5 or (n) or result in the violation of any provision of State law, including, but not limited to,
6 G.S. 14-415.1, involving acts which if committed by an adult would constitute a burglary,
7 arson, or any felony involving the use of force or the use of a deadly weapon.

8 **(c)** In addition to the grounds for denial specified in subsection (b) of this section, the
9 SBI shall deny a transfer of a firearm if at any time the SBI transmits the request or searches
10 other databases, information indicates that the prospective transferee:

11 **(1)** Has been arrested for or charged with a crime for which the prospective
12 transferee, if convicted, would be prohibited under State or federal law from
13 purchasing, receiving, or possessing a firearm and either there has been no
14 final disposition of the case or the final disposition is not noted in the other
15 databases.

16 **(2)** Is the subject of an indictment, an information, or a felony complaint
17 alleging that the prospective transferee has committed a crime punishable by
18 imprisonment for a term exceeding one year as defined in 18 U.S.C. §
19 921(a)(20), as amended, and either there has been no final disposition of the
20 case or the final disposition is not noted in the other databases.

21 **(3)** Has failed to obtain firearm liability insurance as provided in Part 3 of this
22 Article.

23 **(d)** The SBI may cooperate with federal, State, and local law enforcement agencies to
24 perform or assist any other law enforcement agency in performing any firearm retrievals and to
25 assist in the prosecution of any rescinded transfers.

26 **(e)** Upon denial of a firearm transfer, the SBI shall notify the transferor and send notice
27 of the denial to NICS, pursuant to 18 U.S.C. § 922(t). In addition, the SBI shall immediately
28 send notification of the denial and the basis for the denial to the federal, State, and local law
29 enforcement agencies having jurisdiction over the area in which the transferee resides and in
30 which the transferor conducts any business.

31 Upon denial of a firearm transfer, the transferor shall provide the transferee with written
32 information prepared by the SBI concerning the procedure by which the transferee, within 30
33 days after the denial, may request a review of the denial and of the instant criminal background
34 check records that prompted the denial. Within 30 days of receiving such a request, the SBI
35 shall (i) perform a thorough review of the instant criminal background check records that
36 prompted the denial and (ii) render a final administrative decision regarding the denial within
37 30 days after receiving information from the transferee that alleges the transfer was improperly
38 denied.

39 In the case of any transfer denied pursuant to subsection (c) of this section, the inability of
40 the SBI to obtain the final disposition of a case that is no longer pending shall not constitute the
41 basis for the continued denial of the transfer.

42 **(f)** If the SBI reverses a denial, the SBI shall immediately request that the agency that
43 provided the records prompting the denial make a permanent change to such records if
44 necessary to reflect accurate information. In addition, the SBI shall provide immediate
45 notification of such reversal to all agencies and entities that had been previously notified of a
46 denial pursuant to subsection (e) of this section.

47 **(g)** If in the course of conducting any background check pursuant to this section,
48 whether the firearms transaction is approved or denied, the SBI obtains information that
49 indicates the prospective transferee is the subject of an outstanding warrant, the SBI shall
50 immediately provide notification of such warrant to the federal, State, and local law

1 enforcement agencies having jurisdiction over the area in which the transferee resides and in
2 which the transferor conducts any business.

3 (h) The Secretary of Public Safety shall adopt rules as necessary to (i) carry out the
4 duties of the SBI as the State point of contact as those duties are set forth in federal law and
5 assist in implementing 18 U.S.C. § 922(t), all federal regulations and applicable guidelines
6 adopted pursuant thereto, and NICS and (ii) ensure the proper maintenance, confidentiality, and
7 security of all records and data provided pursuant to this section.

8 The rules adopted pursuant to this subsection shall include all of the following:

9 (1) Procedures whereby a prospective transferee whose transfer is denied may
10 request a review of the denial and of the instant criminal background check
11 records that prompted the denial.

12 (2) Procedures regarding retention of records obtained or created for purposes of
13 this section or for implementation of 18 U.S.C. § 922(t), except that the SBI
14 shall not retain a record for more than 48 hours after the day on which the
15 SBI approves the transfer.

16 (3) Procedures and forms adopted by the SBI that request information from and
17 establish proper identification of a prospective transferee and that may
18 correspond with any firearms transaction record required by 18 U.S.C. §
19 922(t). Such procedures and forms shall not preclude any person from
20 making a lawful firearm transfer under this section.

21 (4) Procedures for carrying out the duties under this section, including at a
22 minimum all of the following:

23 a. That the SBI shall be open for business at least 12 hours per day
24 every calendar day, except Christmas day and Thanksgiving day, in
25 order to transmit the requests for a background check to NICS and
26 search other databases.

27 b. That the SBI shall provide a toll-free telephone number, for any
28 person calling from within the State, that is operational every day
29 that the office is open for business for the purpose of responding to
30 requests from transferors in accordance with this section.

31 c. That the SBI shall employ and train personnel at levels that ensure
32 prompt processing of the reasonably anticipated volume of inquiries
33 received under this section.

34 (i) Offenses. – All of the following are unlawful:

35 (1) For any person in connection with the acquisition or attempted acquisition of
36 a firearm from any transferor to willfully make any false or fictitious oral or
37 written statement or to furnish or exhibit any false, fictitious, or
38 misrepresented identification that is intended or likely to deceive such
39 transferor with respect to any fact material to the lawfulness of the sale or
40 other disposition of such firearm under federal or State law.

41 (2) For any transferor knowingly to request criminal history record information
42 or a background check under false pretenses or knowingly to disseminate
43 criminal history record information to any person other than the subject of
44 such information.

45 (3) For any agent or employee or former agent or employee of the SBI
46 knowingly to violate the provisions of this section.

47 (j) Penalties. – Any person who violates the provisions of subsection (i) of this section
48 commits a Class 1 misdemeanor.

49 (k) Any transferor who complies with the provisions of this section is not subject to any
50 civil or criminal liability or regulatory sanction that may arise from the lawful transfer or lawful
51 denial of the transfer of a firearm.

1 **"§ 14-409.63. SBI fee for conducting NICS background check; establish instant criminal**
2 **background check fund.**

3 (a) For purposes of this section the term "fund" means the instant criminal background
4 check cash fund established by this section.

5 (b) There is established the instant criminal background check cash fund.

6 (c) The SBI shall impose a fee for performing an instant criminal background check
7 pursuant to this section. The amount of the fee shall not exceed the total amount of direct and
8 indirect costs incurred by the SBI in performing the background check.

9 (d) The SBI shall transmit all moneys collected pursuant to this section to the State
10 Treasurer, who shall credit the same to the fund. The moneys in the fund shall be subject to
11 annual appropriation by the General Assembly for the direct costs associated with performing
12 background checks pursuant to this section. The State Treasurer may invest any moneys in the
13 fund not expended for the purpose of this section as provided by law. The State Treasurer shall
14 credit any interest and income derived from the deposit and investment of moneys in the fund
15 to the fund.

16 (e) Any unexpended and unencumbered moneys remaining in the fund at the end of a
17 fiscal year shall remain in the fund and shall not be credited to any other fund. To the extent
18 practicable, the SBI shall use any such remaining funds to reduce the amount of the fee
19 established pursuant to subsection (c) of this section.

20 (f) The SBI may contract with a public or private entity for services related to the
21 collection of the fee established pursuant to subsection (c) of this section.

22 (g) On January 15 of each calendar year, the SBI shall report to the House of
23 Representatives and Senate Justice and Public Safety appropriations subcommittees regarding
24 the following:

25 (1) The number of full-time employees used by the SBI in the preceding year
26 for the purpose of performing background checks pursuant to this section.

27 (2) The calculations used by the SBI to determine the amount of the fee imposed
28 pursuant to subsection (c) of this section.

29 "Part 2. Gun Dealers.

30 **"§ 14-409.75. Retail dealers; record; inspection.**

31 Every individual, firm, or corporation engaged within this State in the retail sale, rental, or
32 exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold,
33 rented, or exchanged at retail. The record shall be made at the time of the transaction in a book
34 or database kept for that purpose and shall include the name of the person to whom the firearm
35 is sold or rented or with whom exchanged; the person's age, occupation, residence, and if
36 residing in a city, the street and number therein where the person resides; the make, caliber, and
37 finish of firearm, together with its number and serial letter, if any; the date of the sale, rental, or
38 exchange of the firearm; and the name of the employee or other person making the sale, rental,
39 or exchange. The record book or database shall be open at all times to the inspection of any
40 duly authorized police officer.

41 **"§ 14-409.76. Failure to keep records; penalty.**

42 Every individual, firm, or corporation who fails to keep the record provided for in
43 G.S. 14-409.75 or who refuses to exhibit such record when requested by a police officer and
44 any purchaser, lessee, or exchanger of a pistol or revolver who in connection with the making
45 of such record gives false information is guilty of a Class 3 misdemeanor.

46 "Part 3. Firearm Liability Insurance Required.

47 **"§ 14-409.80. Liability insurance required for gun owners.**

48 (a) Any person in this State who owns a firearm shall, prior to the ownership, obtain
49 and continuously maintain a policy of liability insurance in an amount not less than one
50 hundred thousand dollars (\$100,000) specifically covering any damages resulting from any
51 negligent or willful acts involving the use of the firearm while it is owned by the person. No

1 firearm shall be transferred in this State unless the transferee at the time of the transfer provides
2 proof that the transferee has complied with the provisions of this Part.

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

5 (c) Any person who owns a firearm on December 1, 2015, shall obtain the insurance
6 required by this Part by January 15, 2016.

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

9 (e) The Department of Insurance shall adopt rules to implement this Part.

10 "Part 4. Large-Capacity Ammunition Magazines.

11 **"§ 14-409.90. Definition.**

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

22 **"§ 14-409.91. Large-capacity magazines prohibited; penalties; exceptions.**

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

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

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

30 (1) Owns the large-capacity magazine on December 1, 2015; and

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

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

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

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

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

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

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

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

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

g. The North Carolina National Guard Pension Fund.

"§ 147-96. Identification of firearms manufacturers.

(a) Within 90 days of September 1, 2015, 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 firearm 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 firearm 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."

SECTION 11. Chapter 15A of the General Statutes is amended by adding a new Article to read:

"Article 21.

"Review of Deaths Involving Law Enforcement Officers.

"§ 15A-410. Review of deaths involving law enforcement officers.

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

(1) Law enforcement agency. – A governmental unit of the State or a political subdivision of the State that employs one or more law enforcement officers.

(2) Law enforcement officer. – Any person employed by the State or any political subdivision of the State, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

(3) Officer-involved death. – A death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the law enforcement officer's duties.

(b) No later than December 1, 2015, each law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by the law enforcement agency. The policy must include all of the following:

(1) The investigation must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.

(2) If the officer-involved death being investigated is traffic-related, the policy shall require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated, except that a

1 policy for a State law enforcement agency may allow an investigation
2 involving a law enforcement officer employed by that State law enforcement
3 agency to use a crash reconstruction unit from the State law enforcement
4 agency.

5 (3) The policy must include a requirement that the law enforcement agency
6 conducting the investigation inform the spouse or next of kin of the deceased
7 individual that he or she may request the district attorney to request that the
8 SBI investigate the incident as provided in G.S. 147-90. The spouse or next
9 of kin of the deceased must be notified of this right no later than 24 hours
10 after the law enforcement's initial contact with the spouse or next of kin.

11 (c) A policy adopted under subsection (b) of this section may allow an internal
12 investigation into the officer-involved death if the internal investigation does not interfere with
13 the investigation conducted under subdivision (1) of subsection (b) of this section.

14 (d) Compensation for participation in an investigation under subsection (b) of this
15 section may be determined in a manner consistent with mutual aid agreements.

16 (e) The investigators conducting an investigation under this section shall, in an
17 expeditious manner, provide a complete report to the district attorney of the county in which
18 the officer-involved death occurred. If the district attorney determines that there is no basis to
19 prosecute the law enforcement officer involved in the officer-involved death, the investigators
20 conducting the investigation under this section shall release the report."

21 **SECTION 12.** This section and Section 11 of this act are effective when they
22 become law. The remainder of this act becomes effective December 1, 2015, and applies to
23 offenses committed on or after that date.