

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

1

HOUSE BILL 1060

Short Title: Ensure Safe Handguns.

(Public)

Sponsors: Representatives Insko, Harrison, and Morey (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

June 1, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP A
3 ROSTER OF HANDGUNS THAT MEET CERTAIN DESIGN AND SAFETY
4 STANDARDS AND TO PROHIBIT THE SALE, TRANSFER, OWNERSHIP, OR
5 POSSESSION OF HANDGUNS THAT ARE NOT INCLUDED ON THE ROSTER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 52A of Chapter 14 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 14-406.2. Prohibition on sale, transfer, ownership, or possession of unsafe handgun."**

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

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

13 (2) A lack of design and safety standards results in the sale of poorly constructed
14 pistols, which can lead to unintentional shootings and other harms.

15 (3) Multiple states have utilized the following design and safety tests performed
16 by independent handgun testing laboratories to develop rosters of handguns
17 that satisfy the tests and are approved for sale within the state's jurisdiction:

18 a. Firing tests.

19 b. Drop tests.

20 c. Melting point tests.

21 (4) It is in the public interest to ensure, in a timely manner, that handguns that do
22 not meet design and safety standards are not sold, transferred, owned, or
23 possessed in this State.

24 (5) The most efficient and expeditious method for ensuring unsafe handguns are
25 not sold in this State is to develop a roster of approved handguns for sale in
26 this State that is based off the rosters developed in other states.

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

28 (1) Antique firearm. – As defined in G.S. 14-409.11.

29 (2) California Roster of Handguns Certified for Sale. – A roster complied by the
30 Department of Justice for the State of California pursuant to California Penal
31 Code § 12131 that lists all of the pistols, revolvers, and other firearms that
32 have been tested by a certified testing laboratory and determined not to be
33 unsafe.

34 (3) Dealer. – As defined in G.S. 14-409.39.

35 (4) Department. – The Department of Public Safety.



1 (5) Handgun. – As defined in G.S. 14-269.7.

2 (c) Development; Prohibition. – The Department shall develop a roster of handguns
3 determined not to be unsafe based off the California Roster of Handguns Certified for Sale.
4 Except as provided in subsections (d) and (e) of this section, it is unlawful for any person, firm,
5 or corporation to (i) manufacture, sell, give, loan, import, or otherwise transfer a handgun that is
6 not listed on the roster as of January 1 of the calendar year in which the handgun is to be sold,
7 given, loaned, imported, or otherwise transferred or (ii) own or possess a handgun that is not
8 listed on the roster as of January 1 of the applicable calendar year, unless the person, firm, or
9 corporation lawfully owned or possessed the handgun prior to that date.

10 (d) Disposition. – A person who is the lawful owner of a handgun that is not listed on the
11 roster developed under subsection (c) of this section as of January 1 of the applicable calendar
12 year may only sell or otherwise transfer the handgun to a dealer or the sheriff of the county in
13 which the person resides. The sheriff may destroy the handgun or dispose of the handgun in
14 accordance with subdivision (4b), (5), or (6) of G.S. 14-269.1. A dealer who retains in the dealer's
15 inventory, or who otherwise lawfully acquires, a handgun not listed on the roster as of January 1
16 of the applicable calendar year may sell or otherwise transfer the handgun only to another dealer.
17 A person may not transfer a handgun not listed on the roster as of January 1 of the applicable
18 calendar year by devise or bequest.

19 (e) Exemptions. – This section does not apply to any of the following:

20 (1) An antique firearm.

21 (2) A handgun defined as curios or relics, as those terms are defined in Section
22 478.11 of Title 27 of the Code of Federal Regulations.

23 (3) A handgun that is designed expressly for use in Olympic target shooting
24 events.

25 (4) A handgun used solely as a prop during the course of a motion picture,
26 television, or video production by an authorized participant in the course of
27 making that production or event or by an authorized employee or agent of the
28 entity producing that production or event.

29 (5) The temporary transfer of a lawfully owned handgun for the purposes of
30 cleaning, repairing, or servicing the handgun by a dealer.

31 (6) The possession of a handgun by a nonresident of the State while temporarily
32 traveling through the State.

33 (7) A handgun exempted by the Department in accordance with subsection (g) of
34 this section.

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

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

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

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

6 **SECTION 2.** The initial roster developed under G.S. 14-406.2(c), as enacted by
7 Section 1 of this act, shall be based on the California Roster of Handguns Certified for Sale as of
8 January 1, 2019.

9 **SECTION 3.** By January 15, 2019, the Department of Public Safety shall (i) submit
10 a report to the Joint Legislative Oversight Committee on Justice and Public Safety detailing the
11 development of the roster required under G.S. 14-406.2(c), as enacted by Section 1 of this act,
12 and the types of handguns that are included on the roster and (ii) publish the roster on its Web
13 site in accordance with G.S. 14-406.2(c).

14 **SECTION 4.** There is appropriated from the General Fund to the Department of
15 Public Safety the sum of twenty-five thousand dollars (\$25,000) in nonrecurring funds for the
16 2018-2019 fiscal year to use to cover any costs incurred in meeting the requirements set forth in
17 G.S. 14-406.2, as enacted by Section 1 of this act.

18 **SECTION 5.** The provisions of G.S. 143C-5-2 do not apply to this act.

19 **SECTION 6.** Sections 4 through 6 of this act become effective July 1, 2018. The
20 remainder of this act becomes effective January 1, 2019.