

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 1060  
May 31, 2018  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10469-MLa-209B

Short Title: Ensure Safe Handguns. (Public)

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

Referred to:

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



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

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

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

19           (1) An antique firearm.

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

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

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

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

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

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

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

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