

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 879

Short Title: Local Gun Preemption.

(Public)

Sponsors: Representatives Creech; and K. Miller.

Referred to: Judiciary I.

April 12, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATE'S GUN LAWS BY PREEMPTING LOCAL
3 REGULATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 14 of the General Statutes is amended by adding a new
6 Article to read:

7 **"ARTICLE 53C.**

8 **"HANDGUN PREEMPTION.**

9 **"§ 14-409.39. Definitions.**

10 The following definitions apply in this Article:

11 (1) Dealer. – Any person licensed as a dealer pursuant to 18 U.S.C. § 921,
12 et seq., or G.S. 105-80.

13 (2) Handgun. – A pistol, revolver, or other gun that has a short stock and is
14 designed to be held and fired by the use of a single hand.

15 **"§ 14-409.40. State preemption of local regulation.**

16 (a) It is declared by the General Assembly that the regulation of handguns is
17 properly an issue of general, statewide concern, and that the entire field of regulation of
18 handguns is preempted from regulation by local governments except as provided by this
19 section.

1 **(b) No county or municipality, by zoning or by ordinance, resolution, or other**
2 **enactment, shall regulate in any manner the possession, ownership, discharge, transport,**
3 **carrying, transfer, sale, purchase, licensing, or registration of handguns, components of**
4 **handguns, dealers in handguns, or dealers in handgun components.**

5 **(c) No county or municipality, by zoning or other ordinance, shall regulate in any**
6 **manner gun shows with regulations more stringent than those applying to shows of other**
7 **types of items.**

8 **(d) No county or municipality shall, by zoning or other ordinance, regulate or**
9 **prohibit the sale of guns at a location unless there is a lawful, general, similar regulation**
10 **or prohibition of retail sales at that location.**

11 **(e) A county or municipality may regulate the transport, carrying, or possession of**
12 **handguns by employees of the local unit of government in the course of their**
13 **employment with that local unit of government.**

14 **(f) Nothing contained in this section prohibits municipalities or counties from**
15 **reasonably limiting or prohibiting the discharge of firearms within their jurisdiction under**
16 **G.S. 153A-129 or G.S. 160A-189. Nothing contained in this section prohibits**
17 **municipalities or counties from exercising powers provided by law in declared states of**
18 **emergency under Article 36A of this Chapter.**

19 Sec. 2. This act becomes effective January 1, 1996.