

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 879
Committee Substitute Favorable 5/8/95
Third Edition Engrossed 5/11/95

Short Title: Local Gun Preemption.

(Public)

Sponsors:

Referred to:

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 **"FIREARM 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) Firearm. – A handgun, shotgun, or rifle, which expels a projectile by
14 action of an explosion.
- 15 (3) Handgun. – A pistol, revolver, or other gun that has a short stock and is
16 designed to be held and fired by the use of a single hand.

17 **"§ 14-409.40. State preemption of local regulation.**

1 (a) It is declared by the General Assembly that the regulation of firearms is
2 properly an issue of general, statewide concern, and that the entire field of regulation of
3 firearms is preempted from regulation by local governments except as provided by this
4 section.

5 (b) No county or municipality, by zoning or by ordinance, resolution, or other
6 enactment, shall regulate in any manner the possession, ownership, discharge, storage,
7 transport, carrying, transfer, sale, purchase, licensing, or registration of firearms, firearms
8 ammunition, components of firearms, dealers in firearms, or dealers in handgun
9 components or parts.

10 (c) No county or municipality, by zoning or other ordinance, shall regulate in any
11 manner firearms shows with regulations more stringent than those applying to shows of
12 other types of items.

13 (d) Notwithstanding subsection (b) of this section, no county or municipality shall,
14 by zoning or other ordinance, regulate or prohibit the sale of firearms at a location unless
15 there is a lawful, general, similar regulation or prohibition of retail sales at that location.

16 (e) A county or municipality may regulate the transport, carrying, or possession of
17 firearms by employees of the local unit of government in the course of their employment
18 with that local unit of government.

19 (f) Nothing contained in this section prohibits municipalities or counties from
20 reasonable application of their authority under G.S. 153A-129 or G.S. 160A-189, or from
21 prohibiting the possession of firearms in public-owned buildings or outside playground
22 areas. Nothing contained in this section prohibits municipalities or counties from
23 exercising powers provided by law in declared states of emergency under Article 36A of
24 this Chapter."

25 Sec. 2. Chapter 157, Public-Local Laws of 1935, is repealed.

26 Sec. 3. This act becomes effective January 1, 1996.