

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 798

Short Title: Fraudulent Firearm Purchase Prevention Act. (Public)

Sponsors: Representative Hilton (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ENACT THE FRAUDULENT FIREARM PURCHASE PREVENTION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as "The Fraudulent Firearm Purchase Prevention Act."

SECTION 2. Article 53A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-408.1. Solicit unlawful purchase of firearm; unlawful to provide materially false information regarding legality of firearm or ammunition transfer.

(a) The following definitions apply in this section:

(1) Ammunition. – Any cartridge, shell, or projectile designed for use in a firearm.

(2) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of an explosion.

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

(4) Licensed dealer. – A person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.

(5) Materially false information. – Information that portrays an illegal transaction as legal or a legal transaction as illegal.

(6) Private seller. – A person who sells or offers for sale any firearm, as defined in G.S. 14-409.39, or ammunition.

(b) Any person who knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this State or the United States is guilty of a Class F felony.

(c) Any person who provides to a licensed dealer or private seller of firearms or ammunition information that the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a Class F felony.

(d) Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

(e) This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of the law enforcement officer."



1 **SECTION 3.** This act becomes effective December 1, 2011, and applies to
2 offenses committed on or after that date.