



SPONSOR: Rep. Chukwuocha & Rep. Matthews & Rep. K. Williams
& Rep. Cooke & Rep. Bennett & Rep. Bush &
Rep. Mitchell & Rep. Schwartzkopf

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
SENATE BILL NO. 6

AMEND Senate Bill No. 6, as amended, by striking lines 4 through 61 in their entirety and inserting in lieu thereof the following:

§ 1462. Possession of a large-capacity magazine during the commission of a felony; class B felony.

(a) As used in this section:

(1) "Large-capacity magazine" means an after-market magazine which increases the designed capacity of the standard magazine manufactured and sold by the manufacturer of the firearm in which it is used.

(2) "Magazine" means a detachable device designed by its manufacturer to contain and load ammunition into a semi-automatic firearm.

(c) A person who is in possession of a large-capacity magazine during the commission of a felony is guilty of possession of a large-capacity magazine during the commission of a felony. Possession of a large-capacity magazine during the commission of a felony is a class B felony.

(d) A person may be found guilty of violating this section notwithstanding that the felony for which the person is convicted and during which the person possessed the large-capacity magazine is a lesser included felony of the one originally charged.

§ 1463. Large-capacity magazine prohibited; class E felony.

(a) As used in this section:

(1) "Handgun" means any firearm which has a short stock and is designed to be held and fired by the use of single hand.

(2) "Large-capacity magazine" means any magazine that exceeds 20 rounds of ammunition for a handgun and 30 rounds of ammunition for a long gun.

(3) "Long gun" means a firearm which has a long barrel with a minimum of 16 inches and designed to be held by both hands and fired from the shoulder.

(4) "Magazine" means as defined in § 1462 of this title.

24 (5) "Transfer" means assigning, pledging, leasing, loaning, giving away, or otherwise disposing of, but does
25 not include any of the following:

26 a. A temporary transfer for any lawful purpose that occurs while in the continuous presence of the owner
27 of the large-capacity magazine, provided that such temporary transfer shall not exceed 24 hours in duration.

28 b. The transfer of a large-capacity magazine for repair, service or modification to a licensed gunsmith or
29 other person lawfully engaged in such activities as a regular course of trade or business.

30 c. A transfer that occurs by operation of law or because of the death of a person for whom the prospective
31 transferor is an executor or administrator of an estate or a trustee of a trust created in a will.

32 (b) A person who sells, purchases, receives, or transfers a large-capacity magazine is guilty of selling, purchasing,
33 receiving, or transferring a large-capacity magazine. Selling, purchasing, receiving, or transferring a large-capacity
34 magazine is a class E felony.

35 FURTHER AMEND Senate Bill No. 6, as amended, by striking line 64 in its entirety.

SYNOPSIS

This amendment seeks to simplify Senate Bill 6 by making changes to the definition of "large-capacity magazine" and criminalizing more harshly those persons who use a large-capacity magazine during the commission of a crime. This amendment creates the crime of possession of a large-capacity magazine during the commission of a felony which is class B felony with a penalty from 2-25 years in jail. For purposes of possession of a large-capacity magazine during the commission of a felony, "large-capacity magazine" is defined as an after-market magazine which increases the designed capacity of the standard magazine manufactured and sold by the manufacturer of the firearm in which it is used. This amendment also adds the crime of selling, purchasing, receiving, or transferring a large-capacity magazine, and makes the offense a class E felony. The definition of large-capacity magazine for selling, purchasing, receiving, or transferring a large capacity magazine is any magazine that exceeds 20 rounds of ammunition for a handgun and 30 rounds for a long gun.