

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 257

Short Title: No Seizure of Lawful Firearms in Emergency. (Public)

Sponsors: Representatives Cleveland, Hilton, Moore, Wiley (Primary Sponsors); Allred, Blackwood, Brown, Brubaker, Burr, Burris-Floyd, Current, Dockham, Dollar, Frye, Gulley, Holloway, Hurley, Justus, Langdon, McElraft, McGee, Neumann, Sager, Samuelson, Setzer, Spear, Starnes, Steen, Stevens, Tillis, and West.

Referred to: Judiciary III, if favorable, Homeland Security, Military, and Veterans Affairs.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT LAWFULLY POSSESSED FIREARMS, AMMUNITION,
AND AMMUNITION COMPONENTS MAY NOT BE SEIZED DURING A
DECLARED STATE OF EMERGENCY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-3 reads as rewritten:

"§ 166A-3. Limitations.

Nothing in this Article shall be construed to:

- (1) Interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be requested to transmit or print public service messages furnishing information or instructions in connection with an emergency, disaster or ~~war~~; ~~or war~~.
- (2) Limit, ~~modify or abridge~~ modify, or abridge, except as provided in subdivision (3) of this section, the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the Constitution, statutes, or common law of this State independent of, or in conjunction with, any provisions of this Article.
- (3) Authorize the taking, confiscation, or seizure of lawfully possessed firearms, ammunition, or ammunition components."

SECTION 2. Article 36A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-288.1A. Limitation.

Nothing in this Article shall be construed to authorize, or to allow ordinances that authorize, the taking, confiscation, or seizure of lawfully possessed firearms, ammunition, or ammunition components."

SECTION 3. G.S. 14-288.7 reads as rewritten:

"§ 14-288.7. Transporting dangerous weapon or substance during emergency; possessing off premises; exceptions.

(a) Except as otherwise provided in this section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area:

- (1) In which a declared state of emergency exists; ~~or exists,~~ unless the dangerous weapon transported or possessed is a lawfully possessed firearm, ammunition, or an ammunition component; or



- 1 (2) Within the immediate vicinity of which a riot is occurring.
- 2 (b) This section does not apply to persons exempted from the provisions of G.S. 14-269
- 3 with respect to any activities lawfully engaged in while carrying out their duties.
- 4 (c) Any person who violates any provision of this section is guilty of a Class 1
- 5 misdemeanor."

6 **SECTION 4.** G.S. 14-288.12(b) reads as rewritten:

7 "(b) The ordinances authorized by this section may permit prohibitions and restrictions:

- 8 (1) Of movements of people in public places;
- 9 (2) Of the operation of offices, business establishments, and other places to or
- 10 from which people may travel or at which they may congregate;
- 11 (3) Upon the possession, transportation, sale, purchase, and consumption of
- 12 alcoholic beverages;
- 13 (4) ~~Upon~~ Subject to G.S. 14-288.1A, upon the possession, transportation, sale,
- 14 purchase, storage, and use of dangerous weapons and substances, and
- 15 gasoline; and
- 16 (5) Upon other activities or conditions the control of which may be reasonably
- 17 necessary to maintain order and protect lives or property during the state of
- 18 emergency.

19 The ordinances may delegate to the mayor of the municipality the authority to determine and

20 proclaim the existence of a state of emergency, and to impose those authorized prohibitions and

21 restrictions appropriate at a particular time."

22 **SECTION 5.** This act is effective when it becomes law.