

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 2031

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

Sponsors: Representatives Hilton, Cleveland, Holloway, Gulley (Primary Sponsors); Avila, Blackwood, Blust, Boles, Brown, Burr, Burris-Floyd, Dockham, Folwell, Frye, Gillespie, Guice, Howard, Hurley, Ingle, Killian, Langdon, McCormick, McElraft, Mills, Moore, Neumann, Randleman, Sager, Setzer, Spear, Starnes, Steen, Stevens, West, and Williams.

Referred to: Judiciary I, if favorable, Appropriations.

May 26, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE LAWS RELATING TO DECLARED STATES OF
3 EMERGENCY DO NOT AUTHORIZE THE SEIZURE OF LAWFULLY POSSESSED
4 FIREARMS, AMMUNITION, OR AMMUNITION COMPONENTS AND DO NOT
5 AUTHORIZE RESTRICTIONS OR PROHIBITIONS ON THE POSSESSION,
6 TRANSPORTATION, SALE, PURCHASE, STORAGE, OR USE OF LAWFULLY
7 POSSESSED FIREARMS, AMMUNITION, OR AMMUNITION COMPONENTS; AND
8 TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE
9 FOR TRAINING LAW ENFORCEMENT OFFICERS IN THE PROPER APPLICATION
10 OF THIS ACT.

11 The General Assembly of North Carolina enacts:

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

13 "§ 166A-3. Limitations.

14 Nothing in this Article shall be construed to:

- 15 (1) Interfere with dissemination of news or comment on public affairs; but any
16 communications facility or organization, including but not limited to radio
17 and television stations, wire services, and newspapers, may be requested to
18 transmit or print public service messages furnishing information or
19 instructions in connection with an emergency, disaster or ~~war~~; or ~~war~~.
20 (2) Limit, ~~modify or abridge~~ modify, or abridge, except as provided in
21 subdivision (3) of this section, the authority of the Governor to proclaim
22 martial law or exercise any other powers vested in him under the
23 Constitution, statutes, or common law of this State independent of, or in
24 conjunction with, any provisions of this Article.
25 (3) Authorize the taking, confiscation, or seizure of lawfully possessed firearms,
26 ammunition, or ammunition components or authorize any restriction or
27 prohibition on the possession, transportation, sale, purchase, storage, or use
28 of lawfully possessed firearms, ammunition, or ammunition components."

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

31 "§ 14-288.1A. Limitation.

32 Nothing in this Article shall be construed to authorize, or to allow ordinances or other
33 enactments that authorize (i) the taking, confiscation, or seizure of lawfully possessed firearms,



1 ammunition, or ammunition components; or (ii) restricting or prohibiting the possession,
2 transportation, sale, purchase, storage, or use of lawfully possessed firearms, ammunition, or
3 ammunition components."

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

5 **"§ 14-288.7. Transporting dangerous weapon or substance during emergency; possessing**
6 **off premises; exceptions.**

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

9 (1) In which a declared state of emergency exists; or

10 (2) Within the immediate vicinity of which a riot is occurring.

11 (b) This section does not apply to persons exempted from the provisions of G.S. 14-269
12 with respect to any activities lawfully engaged in while carrying out their duties.

13 (b1) This section does not apply to the transport or possession of lawfully possessed
14 firearms, ammunition, or ammunition components.

15 (c) Any person who violates any provision of this section is guilty of a Class 1
16 misdemeanor."

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

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

19 (1) Of movements of people in public places, including directing and
20 compelling the evacuation of all or part of the population from any stricken
21 or threatened area within the governing body's jurisdiction, to prescribe
22 routes, modes of transportation, and destinations in connection with
23 evacuation; and to control ingress and egress of a disaster area, and the
24 movement of persons within the area;

25 (2) Of the operation of offices, business establishments, and other places to or
26 from which people may travel or at which they may congregate;

27 (3) Upon the possession, transportation, sale, purchase, and consumption of
28 alcoholic beverages;

29 ~~Upon~~ Subject to G.S. 14-288.1A, upon the possession, transportation, sale,
30 purchase, storage, and use of dangerous weapons and substances, and
31 gasoline; and

32 (5) Upon other activities or conditions the control of which may be reasonably
33 necessary to maintain order and protect lives or property during the state of
34 emergency.

35 The ordinances may delegate to the mayor of the municipality the authority to determine and
36 proclaim the existence of a state of emergency, and to impose those authorized prohibitions and
37 restrictions appropriate at a particular time."

38 **SECTION 5.** There is appropriated from the General Fund to the Community
39 Colleges System Office the sum of fifty thousand dollars (\$50,000) for the 2010-2011 fiscal
40 year to provide continuing education for law enforcement officers in the circumstances under
41 which a firearm may be seized during a declared state of emergency.

42 **SECTION 6.** Section 5 of this act becomes effective July 1, 2010. The remainder
43 of this act is effective when it becomes law.