

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH11092-MD-120 (02/09)

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

Sponsors: Representatives Hilton, Cleveland, Holloway, and Gulley (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE LAWS RELATING TO DECLARED STATES OF EMERGENCY DO NOT AUTHORIZE THE SEIZURE OF LAWFULLY POSSESSED FIREARMS, AMMUNITION, OR AMMUNITION COMPONENTS AND DO NOT AUTHORIZE RESTRICTIONS OR PROHIBITIONS ON THE POSSESSION, TRANSPORTATION, SALE, PURCHASE, STORAGE, OR USE OF LAWFULLY POSSESSED FIREARMS, AMMUNITION, OR AMMUNITION COMPONENTS; AND TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE FOR TRAINING LAW ENFORCEMENT OFFICERS IN THE PROPER APPLICATION OF THIS ACT.

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 or authorize any restriction or prohibition on the possession, transportation, sale, purchase, storage, or use 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 or other enactments that authorize (i) the taking, confiscation, or seizure of lawfully possessed firearms, ammunition, or ammunition components; or (ii) restricting or prohibiting the possession,



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1 transportation, sale, purchase, storage, or use of lawfully possessed firearms, ammunition, or  
2 ammunition components."

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

4 "**§ 14-288.7. Transporting dangerous weapon or substance during emergency; possessing**  
5 **off premises; exceptions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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