

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS85157-LH-144A (03/25)

Short Title: Firearms/State of Emergency. (Public)

Sponsors: Senators D. Berger and Brock (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TRANSPORTATION AND POSSESSION OF A DANGEROUS WEAPON OR SUBSTANCE DURING A RIOT OR DECLARED STATE OF EMERGENCY AND TO PROHIBIT THE ENACTMENT OR ADOPTION OF ANY DIRECTIVE, PROCLAMATION, OR LOCAL ORDINANCE THAT WOULD ALLOW OR IMPOSE ANY OF THE FOLLOWING DURING A STATE OF EMERGENCY: (I) THE TAKING, CONFISCATION, OR SEIZURE OF LAWFULLY POSSESSED FIREARMS AND AMMUNITION OR (II) ADDITIONAL RESTRICTIONS OR PROHIBITIONS ON THE POSSESSION, CARRYING, TRANSPORTATION, SALE, PURCHASE, STORAGE, OR USE OF OTHERWISE LAWFULLY POSSESSED FIREARMS OR AMMUNITION.

The General Assembly of North Carolina enacts:

SECTION 1. 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 allow ordinances, proclamations, directives, or other enactments that would allow or impose any of the following during a declared or undeclared state of emergency: (i) the taking, confiscation, or seizure of otherwise lawfully possessed firearms, ammunition, or components thereof or (ii) additional restrictions or prohibitions upon the possession, carrying, transportation, sale, purchase, storage, or use of otherwise lawfully possessed firearms, ammunition, or ammunition components."

SECTION 2. G.S. 14-288.7(b) reads as rewritten:

"(b) This section does not apply to persons exempted from the provisions of G.S. 14-269 with respect to any activities lawfully engaged in while carrying out their ~~duties~~-duties or to persons otherwise lawfully in possession of firearms, ammunition, or components thereof."

SECTION 3. G.S. 14-288.12(b) reads as rewritten:

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

- (1) Of movements of people in public places, including directing and compelling the evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction, to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of a disaster area, and the movement of persons within the area;
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;



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- 1 (3) Upon the possession, transportation, sale, purchase, and consumption of
2 alcoholic beverages;
- 3 (4) ~~Upon~~ Subject to G.S. 14-288.1A, upon the possession, transportation, sale,
4 purchase, storage, and use of dangerous weapons and substances, and
5 gasoline; and
- 6 (5) Upon other activities or conditions the control of which may be reasonably
7 necessary to maintain order and protect lives or property during the state of
8 emergency.

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

12 **SECTION 4.** This act becomes effective December 1, 2011.