

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH70201-LH-30 (01/18)

Short Title: Second Amendment Protection Act. (Public)

Sponsors: Representatives Jones, Holloway, R. Brown, and Millis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO FIREARMS AND THE PRESERVATION OF THE SECOND
3 AMENDMENT TO THE UNITED STATES CONSTITUTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 14 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 53D.

8 "Second Amendment Protection Act.

9 **"§ 14-409.50. Findings; applicability.**

10 (a) The North Carolina General Assembly finds that the right to keep and bear arms is a
11 fundamental right. The North Carolina General Assembly affirms this right as a constitutionally
12 protected right in this State.

13 (b) This Article applies to firearms, firearm accessories, and ammunition that are
14 manufactured in North Carolina.

15 **"§ 14-409.51. Definitions.**

16 The following definitions apply in this Article:

- 17 (1) Ammunition. – Any projectile expelled by action of an explosive from a
18 firearm but shall not include any projectile designed to pierce armor.
- 19 (2) Firearm. – Any weapon which will or is designed to expel a projectile by the
20 action of an explosive. The term "firearm" shall not include any fully
21 automatic weapon or any weapon designed to fire a rocket-propelled grenade
22 or any explosive projectile.
- 23 (3) Firearms accessories. – Items that are used in conjunction with or mounted
24 upon a firearm but are not essential to the basic function of a firearm,
25 including, but not limited to, telescopic or laser sights, magazines, folding or
26 aftermarket stocks and grips, speedloaders, ammunition carriers, optics for
27 target identification, and lights for target illumination.
- 28 (4) Generic and insignificant parts. – The term includes springs, screws, nuts,
29 and pins.
- 30 (5) Manufactured. – A firearm, a firearm accessory, or ammunition that has
31 been created from basic materials for functional usefulness, including
32 forging, casting, machining, molding, or other processes for working
33 materials.
- 34 (6) Public servant. – Any officer or employee of State government, including
35 legislators and judges, and any person participating as a juror, witness,
36 advisor, consultant, or otherwise in performing a governmental function.



1 **"§ 14-409.52. Regulation by State of firearms, firearms accessories, and ammunition**
2 **manufactured in North Carolina; exceptions.**

3 (a) A personal firearm, a firearm accessory, or ammunition that is manufactured
4 commercially or privately in North Carolina and that remains exclusively within the borders of
5 North Carolina is not subject to federal law, federal taxation, or federal regulation, including
6 registration, under the authority of the United States Congress to regulate interstate commerce.
7 It is declared by the North Carolina General Assembly that those items have not traveled in
8 interstate commerce.

9 (b) This section applies to a firearm, a firearm accessory, or ammunition that is
10 manufactured in North Carolina from basic materials and that can be manufactured without the
11 inclusion of any significant parts imported from another state or foreign country. Generic and
12 insignificant parts that have other manufacturing or consumer product applications are not
13 firearms, firearms accessories, or ammunition, and their importation into North Carolina and
14 incorporation into a firearm, firearm accessory, or ammunition manufactured in North Carolina
15 does not subject the firearm, firearm accessory, or ammunition to federal regulation.

16 (c) It is declared by the North Carolina General Assembly that basic industrial
17 materials, such as polymers, unmachined metal, ferrous or nonferrous, bar stock, ingots or
18 forgings, and unshaped wood, are not firearms, firearms accessories, or ammunition and are not
19 subject to congressional authority to regulate firearms, firearms accessories, and ammunition
20 under interstate commerce as if they were actually firearms, firearms accessories, or
21 ammunition.

22 (d) The authority of the United States Congress to regulate interstate commerce in basic
23 materials does not include authority to regulate firearms, firearms accessories, and ammunition
24 made within North Carolina borders from those materials. Firearms accessories that are
25 imported into North Carolina from another state and that are subject to federal regulation as
26 being in interstate commerce do not subject a firearm to federal regulation under interstate
27 commerce because the firearm accessory is attached to or used in conjunction with a firearm in
28 North Carolina.

29 (e) A firearm manufactured or sold in North Carolina under this Article shall have the
30 words "made in North Carolina" clearly stamped, inscribed, or otherwise marked on a central
31 part of the firearm, such as the receiver or frame.

32 **"§ 14-409.53. Offenses and penalties; defense of North Carolina citizens.**

33 (a) Any public servant as defined in G.S. 14-409.51 or dealer selling any firearm in this
34 State who enforces or attempts to enforce any order, law, rule, or regulation of the United
35 States government relating to a personal firearm, firearm accessory, or ammunition that is
36 manufactured commercially or privately in North Carolina and that remains exclusively within
37 the borders of North Carolina shall be guilty of a Class 1 misdemeanor.

38 (b) Any official, agent, or employee of the United States government who enforces or
39 attempts to enforce any order, law, rule, or regulation of the United States government with
40 regard to a personal firearm, a firearm accessory, or ammunition that is manufactured
41 commercially or privately in North Carolina and that remains exclusively within the borders of
42 North Carolina shall be guilty of a Class 1 misdemeanor.

43 (c) Upon request, the Attorney General may defend a citizen of North Carolina who is
44 prosecuted by the United States government for violation of a federal law relating to the
45 manufacture, sale, transfer, or possession of a firearm, a firearm accessory, or ammunition
46 manufactured and retained exclusively within the borders of North Carolina."

47 **SECTION 2.** This act becomes effective December 1, 2013, and applies to
48 offenses committed on or after that date.