A BILL TO BE ENTITLED
AN ACT TO LIMIT PROVISIONS OF AN EXECUTIVE ORDER OR LOCAL ORDINANCES FROM PROHIBITING OR RestrictING THE PUBLIC PRESS, PROTEST, OR RELIGIOUS INSTITUTIONS DURING A STATE OF EMERGENCY.

Whereas, Section 12 of Article 1 of the North Carolina Constitution states in part that the people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; and

Whereas, Section 13 of Article 1 of the North Carolina Constitution states that all persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience; and

Whereas, Section 14 of Article 1 of the North Carolina Constitution states that freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-19.30 is amended by adding a new subsection to read:


... (c1) Limitations. – Notwithstanding any provision of law to the contrary, the Governor shall not prohibit or restrict any of the following by means of executive order:

(1) Any public press organization conducting activities in an emergency area in the normal course of business.

(2) Any time, place, or manner of peaceable, nonviolent, or nonthreatening activity in an emergency area intended to express political views or to provide lawful information to others.

(3) Any religious institution in an emergency area from conducting regular business or congregating for worship services during a state of emergency.

The Governor may issue nonbinding recommendations requesting religious institutions prohibit or restrict regular business or congregation. For the purposes of this section, "religious institution" is defined as any church, ecclesiastical, or denominational organization, or any established physical place for worship in this State at which nonprofit religious services and activities are regularly conducted, and any bona fide religious groups that do not maintain specific places of worship.

..."

SECTION 2. G.S. 166A-19.31 is amended by adding a new subsection to read:
§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with states of emergency.

... Limitations. – Notwithstanding any provision of law to the contrary, a governing body of a municipality or county shall not promulgate or publish ordinances, prohibitions, or restrictions under this section that prohibit or restrict any of the following:

1. Any public press organization conducting activities in an emergency area in the normal course of business.
2. Any time, place, or manner of peaceable, nonviolent, or nonthreatening activity in an emergency area intended to express political views or to provide lawful information to others.
3. Any religious institution in an emergency area from conducting regular business or congregating for worship services during a state of emergency. A governing body of a municipality or county may publish nonbinding recommendations requesting religious institutions prohibit or restrict regular business or congregating for worship services during a state of emergency. For the purposes of this section, "religious institution" is defined as any church, ecclesiastical, or denominational organization, or any established physical place for worship in this State at which nonprofit religious services and activities are regularly conducted, and any bona fide religious groups that do not maintain specific places of worship.

..."

SECTION 3.(a) There is appropriated from the General Fund to the North Carolina Sheriffs’ Association, Inc., a nonprofit corporation, the sum of two thousand five hundred dollars ($2,500) in nonrecurring funds for the 2020-2021 fiscal year to educate local law enforcement officers on the requirements of this act.

SECTION 3.(b) There is appropriated from the General Fund to the North Carolina Association of Chiefs of Police, a nonprofit corporation, the sum of two thousand five hundred dollars ($2,500) in nonrecurring funds for the 2020-2021 fiscal year to educate local law enforcement officers on the requirements of this act.

SECTION 3.(c) This section becomes effective July 1, 2020.

SECTION 4. Except as otherwise provided, this act becomes effective May 31, 2020, and applies to executive orders, ordinances, prohibitions, and restrictions issued after that date.