

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45256-LH-133 (03/13)

Short Title: NC Firearms Freedom Act.

(Public)

Sponsors: Senator Sanderson (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FIREARMS, FIREARM ACCESSORIES, AND AMMUNITION
MANUFACTURED AND RETAINED IN NORTH CAROLINA FROM FEDERAL
REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF
THE UNITED STATES.

The General Assembly of North Carolina enacts:

SECTION 1. Title. – This act may be cited as the "North Carolina Firearms Freedom Act."

SECTION 2. Findings. – Regulation of intrastate commerce does not fall within the powers of Congress. Under the Tenth Amendment to the Constitution of the United States, the power to regulate intrastate commerce is a power reserved to the states, as it is not enumerated as a power of the United States.

SECTION 3.(a) Definitions. – The following definitions apply in this act:

- (1) Firearms accessories. – Items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including telescopic or laser sights, magazines, flash or sound suppressors, collapsible or adjustable stocks and grips, pistol grips, thumbhole stocks, speedloaders, ammunition carriers, and lights for target illumination.
- (2) Manufacture. — To assemble using multiple components to create a more useful finished product.

SECTION 3.(b) Reserved Powers. – A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in North Carolina and that remains within the borders of North Carolina is not subject to federal law or federal regulation, including registration under the authority of congress to regulate interstate commerce. It is declared by the General Assembly that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory, or ammunition that is manufactured commercially or privately and owned in the State of North Carolina.

Component parts that are not firearms, firearms accessories, or ammunition and their importation into North Carolina and incorporation into a firearm, firearms accessories, or ammunition and owned in North Carolina does not subject the firearm, firearms accessories, or ammunition to federal regulation. It is declared by the General Assembly that such component parts are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, or ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition.

SECTION 4. Labeling. – In order to fall under the provisions of this act, the labeling of all firearms that are manufactured in and remain within the borders of the State of



1 North Carolina shall have the words "Made in North Carolina" or "Made in N.C." clearly
2 stamped on a central metallic part, such as the receiver or frame.

3 **SECTION 5. Enforcement Prohibited.** – Public employees employed at the federal,
4 State, or local levels, including, but not limited to, agents of the Federal Bureau of
5 Investigation, Department of Homeland Security, Federal Bureau of Alcohol, Tobacco, and
6 Firearms, State Bureau of Investigation, Highway Patrol, sheriff's departments, and municipal
7 and county police departments may not within North Carolina enforce the provisions of the
8 federal statutes or federal regulations upon a firearm, firearms accessory, or ammunition in
9 intrastate commerce. Violation of this section is a Class 1A misdemeanor.

10 **SECTION 6.** The Governor and Attorney General each may enforce the provisions
11 of this act in court by seeking injunctive and other relief.

12 **SECTION 7.** This act is effective when it becomes law.