

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 470
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40192-ML-95

Short Title: The Second Amendment Protection Act.

(Public)

Sponsors: Representative Echevarria.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE SECOND AMENDMENT PROTECTION ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act shall be known as "The Second Amendment Protection Act."

5 **SECTION 2.** Article 53B of Chapter 14 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 14-409.44. Prohibition on enforcing federal firearms laws.**

8 (a) Findings. – The General Assembly finds all of the following:

9 (1) The General Assembly is firmly resolved to support and defend the United
10 States Constitution against every aggression, whether foreign or domestic, and
11 is duty-bound to oppose every infraction of those principles that constitute the
12 basis of the union of the states because only a faithful observance of those
13 principles can secure the union's existence and the public happiness.

14 (2) Acting through the United States Constitution, the people of the several states
15 created the federal government to be their agent in the exercise of a few
16 defined powers, while reserving for the state governments the power to
17 legislate on matters concerning the lives, liberties, and properties of citizens
18 in the ordinary course of affairs.

19 (3) The limitation of the federal government's power is affirmed under the Tenth
20 Amendment to the United States Constitution, which defines the total scope
21 of federal powers as being those which have been delegated by the people of
22 the several states to the federal government, and all powers not delegated to
23 the federal government in the United States Constitution are reserved to the
24 states respectively or the people themselves.

25 (4) If the federal government assumes powers that the people did not grant it in
26 the United States Constitution, its acts are unauthoritative and of no force.

27 (5) The several states of the United States respect the proper role of the federal
28 government but reject the proposition that such respect requires unlimited
29 submission.

30 (6) If the federal government, created by a compact among the states, were the
31 exclusive or final judge of the extent of the powers granted to it by the states
32 through the United States Constitution, the federal government's discretion,
33 and not the United States Constitution, would necessarily become the measure
34 of those powers. To the contrary, as in all other cases of compacts among
35 powers having no common judge, each party has an equal right to judge for
36 itself as to whether infractions of the compact have occurred, as well as to



1 determine the mode and measure of redress. Although the several states have
2 granted supremacy to laws and treaties made under the powers granted in the
3 United States Constitution, such supremacy does not extend to various federal
4 statutes, executive orders, administrative orders, court orders, rules,
5 regulations, or other actions that collect data or restrict or prohibit the
6 manufacture, ownership, and use of firearms, firearm accessories, or
7 ammunition exclusively within the borders of North Carolina; such statutes,
8 executive orders, administrative orders, court orders, rules, regulations, and
9 other actions exceed the powers granted to the federal government except to
10 the extent they are necessary and proper for governing and regulating the
11 United States Armed Forces or for organizing, arming, and disciplining militia
12 forces actively employed in the service of the United States Armed Forces.

13 (7) The people of the several states have given Congress the power "to regulate
14 commerce with foreign nations, and among the several states," but "regulating
15 commerce" does not include the power to limit citizens' right to keep and bear
16 arms in defense of their families, neighbors, persons, or property nor to dictate
17 what sort of arms and accessories law-abiding citizens may buy, sell,
18 exchange, or otherwise possess within the borders of this State.

19 (8) The people of the several states also have granted Congress the power "to lay
20 and collect taxes, duties, imports, and excises, to pay the debts, and provide
21 for the common defense and general welfare of the United States" and "to
22 make all laws which shall be necessary and proper for carrying into execution
23 the powers vested by the United States Constitution in the government of the
24 United States, or in any department or office thereof." These constitutional
25 provisions merely identify the means by which the federal government may
26 execute its limited powers and shall not be construed to grant unlimited power
27 because to do so would be to destroy the carefully constructed equilibrium
28 between the federal and state governments. Consequently, the General
29 Assembly rejects any claim that the taxing and spending powers of Congress
30 may be used to diminish in any way the right of the people to keep and bear
31 arms.

32 (9) The General Assembly finds that the federal excise tax rate on arms and
33 ammunition, which funds programs under the Wildlife Restoration Act, does
34 not have a chilling effect on the purchase or ownership of such arms and
35 ammunition.

36 (10) The people of North Carolina have vested the General Assembly with the
37 authority to regulate the manufacture, possession, exchange, and use of
38 firearms within the borders of this State, subject only to the limits imposed by
39 the Second Amendment to the United States Constitution and the Constitution
40 of North Carolina.

41 (11) The General Assembly strongly promotes responsible gun ownership,
42 including parental supervision of minors in the proper use, storage, and
43 ownership of all firearms; the prompt reporting of stolen firearms; and the
44 proper enforcement of all State gun laws. The General Assembly hereby
45 condemns any unlawful transfer of firearms and the use of any firearm in any
46 criminal or unlawful activity.

47 (b) Definitions. – The following definitions apply in this section:

48 (1) Law-abiding citizen. – A person who is not otherwise precluded under State
49 law from possessing a firearm and shall not be construed to include anyone
50 who is not legally present in the United States or this State.

51 (2) Law enforcement officer. – As defined in G.S. 66-420.

- 1 (3) Material aid or support. – Voluntarily giving or allowing others to make use
2 of lodging, communications equipment or services including social media
3 accounts, facilities, weapons, personnel, transportation, clothing, or other
4 physical assets. This term does not include giving or allowing the use of
5 medicine or other materials necessary to treat physical injuries nor shall the
6 term include any assistance provided to help persons escape a serious, present
7 risk of life-threatening injury.
- 8 (4) Political subdivision. – A city, county, town, or any other body corporate and
9 politic responsible for governmental activities in a geographic area smaller
10 than that of the State.
- 11 (5) Public office. – Any agency, department, public institution, political
12 subdivision, or other organized body, office, or entity established by the laws
13 of this State for the exercise of any function of government.
- 14 (6) Public officer. – All officers, employees, or duly authorized representatives or
15 agents of a public office.
- 16 (c) Prohibition. – Notwithstanding any provision of law to the contrary, no public officer
17 or employee of the State or a political subdivision of the State shall do either of the following:
- 18 (1) Enforce, attempt to enforce, or participate in any way in the enforcement of
19 any federal acts, executive orders, administrative orders, rules, regulations,
20 statutes, or ordinances regarding firearms, firearm accessories, or
21 ammunition.
- 22 (2) Accede to a request from another to give material aid or support to the efforts
23 of the other in the enforcement of or implementation of any federal acts,
24 executive orders, administrative orders, rules, regulations, statutes, or
25 ordinances regarding firearms, firearm accessories, or ammunition.
- 26 (d) Immunity. – Sovereign, official, or qualified immunity shall not be an affirmative
27 defense in any action brought under this section.
- 28 (e) Violation by Law Enforcement. – Notwithstanding any provision of law to the
29 contrary, if the State or a political subdivision employs a law enforcement officer who knowingly
30 violates subsection (c) of this section, the State or political subdivision shall be liable to the
31 injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject
32 to a fifty-thousand-dollar (\$50,000) civil penalty per occurrence.
- 33 (f) Injunctive Relief. – Any person injured under this section shall have standing to
34 pursue an action for injunctive relief in a court of competent jurisdiction with respect to the
35 actions of such officer. The court shall hold a hearing on the motion for temporary restraining
36 order and preliminary injunction within 30 days of service of the petition. In such actions,
37 notwithstanding any provision of law to the contrary, the court may award the prevailing party,
38 other than the State or any political subdivision, reasonable attorneys' fees and costs.
- 39 (g) Exceptions. – Neither of the following is considered a violation of this section:
- 40 (1) Providing material aid to federal officials who are in pursuit of a suspect when
41 there is a demonstrable criminal nexus with another state or country and such
42 suspect is either not a citizen of this State or is not present in this State.
- 43 (2) Providing material aid to federal prosecutions for either of the following:
- 44 a. Felony crimes against a person when such prosecution includes
45 weapons violations substantially similar to those found in this Chapter,
46 so long as such weapons violations are merely ancillary to such
47 prosecution.
- 48 b. Class A or Class B felony violations, as designated under federal law,
49 substantially similar to those found in Chapter 90 of the General
50 Statutes, when such prosecution includes weapons violations

1 substantially similar to those found in this Chapter, so long as such
2 weapons violations are merely ancillary to such prosecution.
3 (h) Construction. – Nothing in this section shall be construed to prohibit public officers
4 or employees of the State or a political subdivision of the State from doing any of the following:

5 (1) Requesting or accepting aid from federal officials in an effort to enforce laws
6 of the State or of a political subdivision of the State for either of the following:

7 a. Referring firearm cases to any United States attorney for potential
8 prosecution if such case is a violent felony offense and if that
9 prosecution would entail prosecution of violations substantially
10 similar to those found in this Chapter involving the use of a weapon,
11 provided that such weapons violations are merely ancillary to that
12 prosecution.

13 b. Participating with federal law enforcement to enforce laws of the State
14 or a political subdivision of the State in any national integrated ballistic
15 information network investigation or lead, or distributing such leads,
16 whether or not through a crime gun intelligence center.

17 (2) Participating in an interjurisdictional task force for the purpose of enforcing
18 laws not related to firearms, firearm accessories, or ammunition, including an
19 interjurisdictional task force for the purpose of enforcing laws related to drugs,
20 human or sex trafficking, immigration, or any other task force convened for
21 purposes other than enforcing any federal acts, executive orders,
22 administrative orders, rules, regulations, statutes, or ordinances regarding
23 firearms, firearm accessories, or ammunition.

24 (i) Construction in Regard to Law-Abiding Citizens' Rights. – This section shall be
25 strictly construed against the State and shall be liberally construed in favor of the rights of
26 law-abiding citizens."

27 **SECTION 3.** If any provision of this act or its application is held invalid, the
28 invalidity does not affect other provisions or applications of this act that can be given effect
29 without the invalid provisions or application and, to this end, the provisions of this act are
30 severable.

31 **SECTION 4.** This act is effective when it becomes law.