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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To enforce the rights protected by the Second and Fourteenth Amendments
against the States.

IN THE HOUSE OF REPRESENTATIVES

Mr. MASSIE introduced the following bill; which was referred to the Committee
on _____

A BILL

To enforce the rights protected by the Second and
Fourteenth Amendments against the States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Constitu-
5 tional Carry Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Recognizing the preexisting right to self-de-
9 fense, the Second Amendment to the Constitution of

1 the United States guarantees individually to Amer-
2 ican citizens the right “to keep and bear arms”, in-
3 cluding the right to bear arms in public.

4 (2) The Second Amendment decrees that these
5 rights to keep and bear arms “shall not be in-
6 fringed”, and was enumerated in order to preserve
7 “the security of a free State”.

8 (3) In *District of Columbia v. Heller* (554 U.S.
9 570, 595 (2008)), the Supreme Court confirmed
10 that “[t]here seems to us no doubt, on the basis of
11 both text and history, that the Second Amendment
12 conferred an individual right to keep and bear
13 arms”.

14 (4) In *McDonald v. City of Chicago* (561 U.S.
15 742, 791 (2010)), the Supreme Court ruled that the
16 Fourteenth Amendment makes the Second Amend-
17 ment fully applicable to the States. Four Justices
18 concluded that the rights protected by the Second
19 Amendment are fundamental to the Nation’s scheme
20 of ordered liberty and deeply rooted in this Nation’s
21 “history and tradition”, and therefore incorporated
22 to the States through the Due Process Clause of the
23 Fourteenth Amendment. Justice Thomas agreed
24 that the rights protected by the Second Amendment
25 are both “fundamental” and “deeply rooted” and, as

1 such, are enforceable against the States under the
2 Fourteenth Amendment’s Privileges and Immunities
3 Clause.

4 (5) Recently, the Supreme Court acknowledged
5 in *New York State Rifle & Pistol Ass’n v. Bruen* (142
6 S. Ct. 2111, 2156 (2022)), that the Second and
7 Fourteenth Amendments protect the individual right
8 to carry arms outside the home for self-defense.
9 Further, the Court reiterated that the Second
10 Amendment’s otherwise “unqualified command” only
11 accommodates laws that are “consistent with this
12 Nation’s historical tradition of firearm regulation”
13 (Id. at 2126).

14 (6) Certain States and localities have enacted
15 gun control laws that are not consistent with the
16 text of the Second Amendment or this Nation’s his-
17 torical tradition of firearm regulation. The criminal-
18 ization of peaceable, public firearms carry is repug-
19 nant to the original meaning of the Second Amend-
20 ment.

21 (7) Any State or local restriction on the right
22 of American citizens to keep and bear arms impairs
23 the ability of the Second Amendment to achieve its
24 textually specified purpose, “the security of a free
25 State”.

1 **SEC. 3. THE RIGHT TO KEEP AND BEAR ARMS.**

2 (a) IN GENERAL.—Section 927 of title 18, United
3 States Code, is amended to read as follows:

4 **“§ 927. The right to keep and bear arms**

5 “(a) No State or political subdivision of a State may
6 impose a criminal or civil penalty on, or otherwise indi-
7 rectly dissuade the carrying of firearms (including by im-
8 posing a financial or other barrier to entry) in public by
9 residents or nonresidents of that State who are citizens
10 of the United States and otherwise eligible to possess fire-
11 arms under State and Federal law.

12 “(b) Any statute, ordinance, regulation, custom, or
13 usage of a State or a political subdivision of a State that
14 criminalizes, penalizes, or otherwise indirectly dissuades
15 the carrying of firearms (including by imposing a financial
16 or other barrier to entry) in public by any resident or non-
17 resident who is a United States citizen and otherwise eligi-
18 ble to possess firearms under State and Federal law, shall
19 have no force or effect.

20 “(c) The term ‘State’ as used in this section includes
21 the District of Columbia, the Commonwealth of Puerto
22 Rico, and the possessions of the United States (not includ-
23 ing the Canal Zone).

24 “(d) The term ‘public’ as used in this section—

25 “(1) includes any place held open to the public,
26 regardless of ownership, but in the case of a pri-

1 vately-owned location held open to the public, does
2 not include a place where the owner communicates
3 clearly and conspicuously a prohibition of firearms
4 on the premises; and

5 “(2) does not include a place where screening
6 for firearms is conducted under State law.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for such chapter is amended by striking the item relating
9 to section 927 and inserting the following:

“927. The right to keep and bear arms.”.