

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35392-NBa-73A

Short Title: Freedom of Speech/Press/Exercise of Religion. (Public)

Sponsors: Senators Britt, Daniel, and Hise (Primary Sponsors).

Referred to:

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

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

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

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

16 **SECTION 1.** G.S. 166A-19.30 is amended by adding a new subsection to read:
17 "**§ 166A-19.30. Additional powers of the Governor during state of emergency.**

18 ...

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

- 21 (1) Any public press organization conducting activities in an emergency area in
22 the normal course of business.
23 (2) Any time, place, or manner of peaceable, nonviolent, or nonthreatening
24 activity in an emergency area intended to express political views or to provide
25 lawful information to others.
26 (3) Any religious institution in an emergency area from conducting regular
27 business or congregating for worship services during a state of emergency.
28 The Governor may issue nonbinding recommendations requesting religious
29 institutions prohibit or restrict regular business or congregation. For the
30 purposes of this section, "religious institution" is defined as any church,
31 ecclesiastical, or denominational organization, or any established physical
32 place for worship in this State at which nonprofit religious services and
33 activities are regularly conducted, and any bona fide religious groups that do
34 not maintain specific places of worship.

35"

36 **SECTION 2.** G.S. 166A-19.31 is amended by adding a new subsection to read:



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1 "§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with states
2 of emergency.

3 ...

4 (b1) Limitations. – Notwithstanding any provision of law to the contrary, a governing body
5 of a municipality or county shall not promulgate or publish ordinances, prohibitions, or
6 restrictions under this section that prohibit or restrict any of the following:

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

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

12 (3) Any religious institution in an emergency area from conducting regular
13 business or congregating for worship services during a state of emergency. A
14 governing body of a municipality or county may publish nonbinding
15 recommendations requesting religious institutions prohibit or restrict regular
16 business or congregating for worship services during a state of emergency.
17 For the purposes of this section, "religious institution" is defined as any
18 church, ecclesiastical, or denominational organization, or any established
19 physical place for worship in this State at which nonprofit religious services
20 and activities are regularly conducted, and any bona fide religious groups that
21 do not maintain specific places of worship.

22"

23 **SECTION 3.(a)** There is appropriated from the General Fund to the North Carolina
24 Sheriffs' Association, Inc., a nonprofit corporation, the sum of two thousand five hundred dollars
25 (\$2,500) in nonrecurring funds for the 2020-2021 fiscal year to educate local law enforcement
26 officers on the requirements of this act.

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

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

32 **SECTION 4.** Except as otherwise provided, this act becomes effective May 31,
33 2020, and applies to executive orders, ordinances, prohibitions, and restrictions issued after that
34 date.