

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and 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
10 the United States guarantees individually to United

1 States citizens the right “to keep and bear arms”,
2 including the right to bear arms in public.

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

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

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

4 (5) Recently, the Supreme Court acknowledged
5 in *New York State Rifle & Pistol Association v.*
6 *Bruen*, 142 S. Ct. 2111, 2156 (2022), that the Sec-
7 ond and Fourteenth Amendments protect the indi-
8 vidual right to carry arms outside the home for self-
9 defense. Further, the Court reiterated that the Sec-
10 ond Amendment’s otherwise “unqualified command”
11 only accommodates laws that are “consistent with
12 this Nation’s historical tradition of firearm regula-
13 tion”. *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 United States citizens to keep and bear arms im-
23 pairs the ability of the Second Amendment to
24 achieve its textually specified purpose, “the security
25 of a free 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) PROHIBITION ON LIMITING THE CARRYING OF
6 FIREARMS IN PUBLIC.—No State or political subdivision
7 of a State may impose a criminal or civil penalty on, or
8 otherwise indirectly limit the carrying of firearms (includ-
9 ing by imposing a financial or other barrier to entry) in
10 public by residents or nonresidents of that State who are
11 citizens of the United States and otherwise eligible to pos-
12 sess firearms under State and Federal law.

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

22 “(c) DEFINITIONS.—For purposes of this section:

23 “(1) FIREARM.—Notwithstanding section 921,
24 the term ‘firearm’ includes—

25 “(A) any firearm, as defined in section
26 921(a)(3);

1 “(B) any ammunition feeding device for
2 use in a firearm, as defined in section
3 921(a)(3); and

4 “(C) any ammunition, as defined in section
5 921(a)(17)(A).

6 “(2) PUBLIC.—The term ‘public’—

7 “(A) includes any place held open to the
8 public, regardless of ownership, but in the case
9 of a privately owned location held open to the
10 public, does not include a place where the owner
11 communicates clearly and conspicuously a pro-
12 hibition of firearms on the premises; and

13 “(B) does not include a place where
14 screening for firearms is conducted under State
15 law.

16 “(3) STATE.—The term ‘State’ includes the
17 District of Columbia, the Commonwealth of Puerto
18 Rico, and the possessions of the United States (not
19 including the Canal Zone).”.

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

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