

119TH CONGRESS
1ST SESSION

H. R. 645

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2025

Mr. MASSIE (for himself, Ms. BOEBERT, Mr. BIGGS of Arizona, Mr. BRECHEEN, Mr. BURCHETT, Mr. BURLISON, Mr. CLINE, Mr. CLOUD, Mr. COLLINS, Mr. CRANE, Mr. GOSAR, Ms. GREENE of Georgia, Mr. HARRIS of Maryland, Mr. HIGGINS of Louisiana, Mr. LANGWORTHY, Mrs. LUNA, Mrs. MILLER of Illinois, Mr. MOORE of Alabama, Mr. MORAN, Mr. OGLES, Mr. ROSE, Mr. ROY, Mr. SELF, Mrs. SPARTZ, Ms. TENNEY, Mr. TIFFANY, Mr. WEBER of Texas, Mr. WIED, Mr. GILL of Texas, and Mr. HARRIGAN) introduced the following bill; which was referred to the Committee on the Judiciary

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:

1 (1) Recognizing the preexisting right to self-de-
2 fense, the Second Amendment to the Constitution of
3 the United States guarantees individually to Amer-
4 ican citizens the right “to keep and bear arms”, in-
5 cluding the right to bear arms in public.

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

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

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

1 that the rights protected by the Second Amendment
2 are both “fundamental” and “deeply rooted” and, as
3 such, are enforceable against the States under the
4 Fourteenth Amendment’s Privileges and Immunities
5 Clause.

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

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

23 (7) Any State or local restriction on the right
24 of American citizens to keep and bear arms impairs
25 the ability of the Second Amendment to achieve its

1 textually specified purpose, “the security of a free
2 State”.

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

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

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

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

14 “(b) 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 United States citizen and otherwise eligi-
20 ble to possess firearms under State and Federal law, shall
21 have no force or effect.

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

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

2 “(1) includes any place held open to the public,
3 regardless of ownership, but in the case of a pri-
4 vately-owned location held open to the public, does
5 not include a place where the owner communicates
6 clearly and conspicuously a prohibition of firearms
7 on the premises; and

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

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

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

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