

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 408

Short Title: Lawful Citizens Self Protection Act. (Public)

Sponsors: Senators Tarte, Randleman, and Brock (Primary Sponsors).

Referred to: Rules and Operations of the Senate.

March 26, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND AREAS IN WHICH LAWFUL CONCEALED HANDGUN PERMIT
3 HOLDERS MAY CARRY OR KEEP FIREARMS FOR SELF PROTECTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-269.3 reads as rewritten:

6 "**§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic**
7 **beverages are sold and consumed.**

8 (a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any
9 assembly where a fee has been charged for admission ~~thereto, or thereto~~. This subsection shall
10 not apply to a person who has a concealed handgun permit issued in accordance with Article
11 54B of this Chapter or considered valid under G.S. 14-415.24.

12 (a1) It shall be unlawful for any person to carry any gun, rifle, or pistol into any
13 establishment in which alcoholic beverages are sold and consumed.

14 (a2) Any person violating the provisions of this section shall be guilty of a Class 1
15 misdemeanor.

16 (b) This section shall not apply to the following:

17 (1) A person exempted from the provisions of G.S. 14-269;

18 (2) The owner or lessee of the premises or business establishment;

19 (3) A person participating in the event, if he is carrying a gun, rifle, or pistol
20 with the permission of the owner, lessee, or person or organization
21 sponsoring the event; ~~and~~

22 (4) A person registered or hired as a security guard by the owner, lessee, or
23 person or organization sponsoring ~~the event~~.event; and

24 (5) A person on the premises of an eating establishment as defined in
25 G.S. 18B-1000(2) or a restaurant as defined in G.S. 18B-1000(6), provided
26 the person has a concealed handgun permit issued in accordance with Article
27 54B of this Chapter or considered valid under G.S. 14-415.24. This
28 subdivision shall not be construed to permit a person to carry a concealed
29 handgun on the premises of an eating establishment or a restaurant where the
30 person in legal possession or control of the premises has posted a
31 conspicuous notice prohibiting the carrying of a concealed handgun on the
32 premises in accordance with G.S. 14-415.11(c)."

33 **SECTION 2.** G.S. 14-277.2(c) reads as rewritten:

34 "(c) The provisions of this section shall not apply to any of the following:

35 (1) ~~a~~Any person exempted by the provisions of G.S. 14-269(b) or 14-269(b); or



- 1 (2) ~~to persons~~ Any person authorized by State or federal law to carry dangerous
2 weapons in the performance of ~~their~~ the person's ~~duties or~~ duties; or
3 (3) ~~to any~~ Any person who obtains a permit to carry a dangerous weapon at a
4 parade, funeral procession, picket line, or demonstration from the sheriff or
5 police chief, whichever is appropriate, of the locality where such parade,
6 funeral procession, picket line, or demonstration is to take ~~place~~ place; or
7 (4) Any person who has a concealed handgun permit issued in accordance with
8 Article 54B of this Chapter or considered valid under G.S. 14-415.24."

9 **SECTION 3.** Article 53B of Chapter 14 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 14-409.41. No prohibition regarding the transportation or storage of a firearm in**
12 **locked motor vehicle by business, commercial enterprise, or employer; civil**
13 **liability; enforcement.**

14 (a) As used in this section, the term "motor vehicle" means any automobile, truck,
15 minivan, sports utility vehicle, motorcycle, motor scooter, and any other vehicle required to be
16 registered under Chapter 20 of the General Statutes.

17 (b) A business, commercial enterprise, or employer shall not establish, maintain, or
18 enforce a policy or rule that prohibits or has the effect of prohibiting a person from transporting
19 or storing any firearm or ammunition when the person has a permit issued in accordance with
20 Article 54B of this Chapter or that is valid under G.S. 14-415.24, is otherwise in compliance
21 with all other applicable laws and regulations, and the firearm or ammunition is in a closed
22 compartment or container within the person's locked vehicle or in a locked container securely
23 affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle
24 provided the firearm or ammunition remain in the closed compartment at all times and the
25 vehicle is locked immediately following the entrance or exit.

26 (c) Subsection (b) of this section shall not apply to the following:

27 (1) Vehicles owned or leased by an employer.

28 (2) Where transport or storage of a firearm is prohibited by State or federal law
29 or regulation.

30 (d) A person who is injured or incurs damages, or the survivors of a person killed, as
31 a result of a violation of subsection (b) of this section, may bring a civil action in the appropriate
32 court against any business entity, commercial enterprise, or employer who committed or caused
33 such violation. A person who would be entitled legally to transport or store a firearm or
34 ammunition, but who would be denied the ability to transport or store a firearm or ammunition
35 by a policy in violation of subsection (b) of this section, may bring a civil action in the
36 appropriate court to enjoin any business entity, commercial enterprise, or employer from
37 violating subsection (b) of this section.

38 (e) An employee discharged by an employer, business entity, or commercial enterprise
39 for violation of a policy or rule prohibited under subsection (b) of this section, when he or she
40 was lawfully transporting or storing a firearm out of plain sight in a locked motor vehicle, is
41 entitled to full recovery as specified in subdivisions (1) through (4) of this subsection,
42 inclusive. If the demand for the recovery is denied, the employee may bring a civil action in the
43 courts of this State against the employer, business entity, or commercial enterprise and is
44 entitled to the following:

45 (1) Reinstatement to the same position held at the time of his or her termination
46 from employment, or to an equivalent position.

47 (2) Reinstatement of the employee's full fringe benefits and seniority rights, as
48 appropriate.

49 (3) Compensation, if appropriate, for lost wages, benefits, or other lost
50 remuneration caused by the termination.

51 (4) Payment of reasonable attorneys' fees and legal costs incurred.

1 (f) A business, commercial enterprise, employer, or property owner that allows persons
2 to transport or store any firearm or ammunition pursuant to subsection (b) of this section shall
3 have complete immunity and shall not be held liable in any civil action for damages, injuries, or
4 death resulting from or arising out of another person's actions involving a firearm or
5 ammunition transported or stored in accordance with this section, including, but not limited to,
6 the theft of a firearm from an employee's automobile. Nothing contained in this section shall
7 create a new duty on the part of any business, commercial enterprise, employer, or property
8 owner. This section shall not be construed to permit a person to possess a firearm outside of a
9 motor vehicle while on the premises of a place of employment where the person in legal
10 possession or control of the premises has posted a conspicuous notice prohibiting possession of
11 a firearm on the premises.

12 (g) In any action relating to the enforcement of any right or obligation under
13 subsections (d) and (e) of this section, the reasonable, good-faith efforts of a business,
14 commercial enterprise, employer, or property owner to comply with other applicable and
15 irreconcilable federal or State safety laws or regulations shall be a complete defense to any
16 liability of the business, commercial enterprise, employer, or property owner."

17 **SECTION 4.** G.S. 14-415.23 reads as rewritten:

18 **"§ 14-415.23. Statewide uniformity.**

19 It is the intent of the General Assembly to prescribe a uniform system for the regulation of
20 legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards,
21 or agencies of the State nor any county, city, municipality, municipal corporation, town,
22 township, village, nor any department or agency thereof, may enact ordinances, rules, or
23 regulations concerning legally carrying a concealed handgun. A unit of local government may
24 adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun,
25 in accordance with G.S. 14-415.11(c), on local government buildings and their appurtenant
26 premises. A unit of local government may adopt an ordinance to prohibit, by posting, the
27 carrying of a concealed handgun on municipal and county recreational facilities that are
28 specifically identified by the unit of local government. If a unit of local government adopts
29 such an ordinance with regard to recreational facilities, then the concealed handgun permittee
30 may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other
31 enclosed compartment or area within or on the motor vehicle. For purposes of this section, the
32 term "recreational facilities" includes only the following: a playground, an athletic field, a
33 swimming pool, and an athletic facility. Recreational facilities shall not be construed to include
34 areas of passive recreation such as picnic areas, shelters, restroom facilities, walkways, hiking
35 trails, greenways, and lakes, nor shall this section be interpreted to prohibit firearms in entire
36 parks which contain recreational facilities."

37 **SECTION 5.** This act becomes effective December 1, 2013.