

## ACCG Concerns with HB 875

02-10-14

### **Allowing Weapons in Government Buildings:**

- The legislation allows for weapons to be carried by a licensed holder in any government building where there are no restrictions or screening by security at the entrance. Since many county government buildings are not restricted and do not have security, this means that weapons would be allowed to be carried into most county buildings during regular business hours including libraries, offices of the tax assessor, meeting rooms for zoning and tax hearings, and other facilities unless security is provided.
- Providing security in all county government buildings is a costly expense that would have to be shouldered by the taxpayers of the county for the benefit of a few.
- Absent providing security, allowing weapons in government buildings exposes the county to greater liability and may increase insurance premiums for those counties with the additional cost being shouldered again by the taxpayer.

ACCG Recommendation: The decision to allow weapons in county buildings, and which ones, should be made by county commissioners -- those elected by and accountable to their respective communities.

### **Inability to Detain Persons Carrying a Weapon:**

- The legislation prohibits the person carrying a weapon from being subject to detention to ensure they are licensed to carry the weapon.
- Not every person who carries a weapon is licensed to do so. This bill effectively prohibits law enforcement or security officers from checking whether a person carrying a weapon is properly licensed. Preventing a law enforcement officer from confirming that the person is properly licensed could result in the commission of crime that might otherwise have been prevented.

ACCG Recommendation: This provision should be removed from the bill.

### **Private Right of Action/Attorneys Fees:**

- The legislation allows any individual or organization, whether or not aggrieved, to sue a county alleging that the county is regulating, or attempting to regulate, firearms or weapons dealers, gun shows, or possession, licensing or registration of weapons via zoning or other local ordinances.
- The bill not only allows for a suit to be brought against a county or its policymaking body, but also an individual elected official or employee of the county.
- Normally, parties to a legal dispute pay their own litigation expenses and attorneys fees. This bill, by contrast, places the burden of bringing, trying and defending a lawsuit on county taxpayers--whether or not the county has actually violated the law. Since a plaintiff under this law has "no skin in the game", it opens the door to unnecessary (or perhaps harassing) litigation.

ACCG Recommendation: This provision should be narrowed so that only those who are aggrieved have the right to bring suit. Furthermore, counties should be able to recover their litigation expenses and attorneys fees as well.