

# 2018 SESSION

INTRODUCED

18100793D

## SENATE BILL NO. 351

Offered January 10, 2018

Prefiled January 8, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-308.1:01, relating to firearms in locked vehicles; immunity from liability.*

Patron—Peake

Referred to Committee for Courts of Justice

### Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.1:01 as follows:

#### **§ 18.2-308.1:01. Firearms in locked vehicles; immunity from liability.**

A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting a person who may lawfully possess a firearm from storing a firearm or ammunition for a firearm locked in a motor vehicle in a parking lot, parking space, or other similar property set aside for motor vehicles.

B. No person, property owner, tenant, employer, or business entity shall take any adverse employment action against an employee or contractor who lawfully stores a firearm or ammunition for a firearm pursuant to subsection A unless the employee or contractor commits a criminal act involving the use of the firearm or ammunition for a firearm.

C. No person, property owner, tenant, employer, or business entity shall search an employee's or contractor's motor vehicle or require that an employee or contractor consent to such a search as a condition of employment. Any provision contained in an employment contract authorizing such a search is void and unenforceable.

D. Any person may enforce the provisions of subsection A, B, or C by filing a petition for injunction in the circuit court of the county or city in which the person, property owner, tenant, employer, or business entity prohibiting the firearm or ammunition for a firearm is located. The court shall award actual damages, court costs, and reasonable attorney fees to a prevailing party.

E. No person, property owner, tenant, employer, or business entity shall be liable in any civil action for any occurrence that results from or is connected to the use of a firearm or ammunition for a firearm that was lawfully stored pursuant to subsection A, unless the person, property owner, tenant, employer, or business entity commits a criminal act involving the use of the firearm or ammunition for a firearm.

F. This section shall not apply to (i) property owned or controlled by the federal government, (ii) vehicles on property controlled by an employer required to develop and implement a security plan under federal law or regulation, (iii) property on which a person is prohibited by law from possessing a firearm, (iv) vehicles owned or leased by an employer or business entity and used by an employee or contractor in the course of his employment, or (v) personal vehicles while such vehicles are being used for the transport of consumers of programs licensed by the Department of Behavioral Health and Developmental Services.

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