

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 238

Short Title: Life & Property Protection Act. (Public)

Sponsors: Senators Johnson, McInnis, and Craven (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 11, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH LOCAL GOVERNMENTAL LIABILITY FOR DAMAGES,  
3 INJURY, OR DEATH OCCURRING DURING PUBLIC DEMONSTRATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Article 10 of Chapter 153A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 153A-212.3 Liability during public demonstrations.**

8 (a) A governmental entity shall not intentionally prohibit, prevent, or delay law  
9 enforcement or fire and rescue services from accessing a specifically bounded area within the  
10 governmental entity's jurisdiction during a public demonstration unless the services are replaced  
11 by like services provided by another governmental entity.

12 (b) A governmental entity violating subsection (a) of this section may be held liable for  
13 damages, injury, or death proximately caused by the governmental entity intentionally  
14 prohibiting or preventing law enforcement or fire and rescue services from accessing a  
15 specifically bounded area within the governmental entity's jurisdiction during a public  
16 demonstration.

17 (c) As used in this section, "governmental entity" means a mayor, chief executive officer,  
18 governing body, board, commission, committee, or department of a municipality, county, or  
19 other political subdivision of the State.

20 (d) This section does not apply to tactical decisions made by law enforcement or fire and  
21 rescue services personnel based on the risks to or safety of personnel or the public."

22 **SECTION 1.(b)** Article 13 of Chapter 160A of the General Statutes is amended by  
23 adding a new section to read:

24 "**§ 160A-289.3 Liability during public demonstrations.**

25 The provisions of G.S. 153A-212.3 shall apply to cities."

26 **SECTION 2.** This act is effective when it becomes law and applies to public  
27 demonstrations occurring on or after that date.

