

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 61

Short Title: Nuclear Security Guards/No Liability. (Public)

Sponsors: Senators Curtis (Primary Sponsor); Brock, Rabin, and Tarte.

Referred to: Judiciary II.

February 7, 2013

A BILL TO BE ENTITLED

AN ACT CLARIFYING THAT NUCLEAR SECURITY OFFICERS WHO MAKE ARRESTS OR EMPLOY FORCE, INCLUDING DEADLY FORCE, ARE NOT CIVILLY OR CRIMINALLY LIABLE UNDER STATE LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-51.5. Arrests and use of force by a nuclear security officer.

(a) A qualified nuclear security officer, employer of a nuclear security officer, or owner of a nuclear generating facility is not civilly or criminally liable under State law if the nuclear safety officer makes an arrest or uses force, including deadly force, that complies with the regulations contained in 10 C.F.R. § 1047 or other federal regulations applicable to arrests or the use of force by nuclear security officers. Nothing in this subsection constitutes justification for willful, malicious, or criminally negligent conduct by a nuclear security officer which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

(b) For the purposes of this section, a "nuclear security officer" means a person who meets the requirements of 10 C.F.R. Part 73-Appendix B or other federal regulations providing such requirements; is authorized to carry a firearm by the State of North Carolina; is an employee of the owner of a nuclear generating facility or an employee of a contractor employed by the owner; and has been contracted by, appointed to, or designated by the owner of a nuclear generating facility to provide security for the facility."

SECTION 2. This act is effective when it becomes law.

