

GrassRoots GunRights

P.O. Box 2446
Lexington, SC 29071

March 18, 2010

The Honorable Bruce W. Bannister,
SC House of Representatives
Post Office Box 11867
Columbia, SC 29211

RE: H. 3994

Dear Representative Bannister,

It is apparent from the materials I reviewed regarding the Chamber of Commerce's position on H. 3994 that the Chamber of Commerce has strayed from protecting the financial interests of its member businesses and instead is promoting social engineering. If the Chamber of Commerce is truly interested in protecting the financial bottom line of its members, then the Chamber of Commerce should be supporting passage of H. 3994 because H. 3994 protects businesses from expensive litigation without jeopardizing safety.

Current South Carolina law - Section 23-31-215(R) - states:

“No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. ***Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.***” [emphasis added]

Section 23-31-215(R) only protects a business that refuses to post a sign prohibiting concealable weapons. A business that does post against concealable weapons has in fact taken affirmative action and thus has a legal duty towards those impacted by the posting. Section 23-31-215(R) offers no protection at all to businesses that do post.

Workplace shootings usually follow a pattern that would not be prevented by creating “gun free” zones at the workplace. They rarely involve a disgruntled employee suddenly walking out to the parking lot, retrieving a gun from his vehicle, and immediately returning to shoot co-workers. Rather, workplace shootings usually occur after a disgruntled employee has had time to go home, become more agitated, and then returns to the workplace with a firearm and evil intent. When a disgruntled employee returns to the workplace with the intention of shooting others in violation of God's law, a company sign proclaiming the workplace a “gun free” zone will do nothing to stop the employee or protect potential victims. Therefore, the creation of “gun free” zones is useless in promoting company safety, but could be costly in other ways.

It is established law that an entity that creates an attractive nuisance has a duty to protect against the foreseeable harm that could be caused by the attractive nuisance. A plaintiff's lawyer will surely argue that creating a "gun free" zone is the equivalent of creating an attractive nuisance because it gives the criminal a safe place to prey upon disarmed victims. Thus, a business that posts signs prohibiting firearms in private vehicles or carried by concealed weapon permit holders might well be held financially liable for the harm caused to a victim of crime who claims the business contributed to his injury.

There is no valid research showing "gun free" zones save lives. In fact, the best available research shows exactly the opposite. That is, "gun free" zones are more dangerous.

H. 3994 is good for businesses because it greatly reduces risk for the businesses. If H. 3994 is enacted, businesses would no longer be forced to assume the risk of choosing whether or not to ban firearms from private vehicles. Businesses would be protected from potential expensive litigation over liability for the misuse of firearms since state law would govern the possession of firearms in private vehicles.

The emotional knee jerk response that "violence prevention principles certainly would suggest that employers should prohibit the presence of weapons, even in personal vehicles" is unsupported by both the law and the facts. Additionally, such a position threatens the financial bottom line of any business that adopts it.

H. 3994 protects businesses by limiting potential liability, and H. 3994 is consistent with the best available research in promoting public safety. The Chamber of Commerce should stick to protecting the financial bottom line of businesses and stop promoting social programs contrary to the interests of business. The Chamber of Commerce should stop opposing H. 3994 and endorse it instead.

Any organization that claims to represent the interests of businesses should support legislation that protects businesses from expensive lawsuits. H. 3994 is just such a bill. The Chamber of Commerce should support it, and the House should pass it.

Sincerely,

A handwritten signature in black ink that reads "R D Butler". The letters are bold and slightly slanted, with a cursive-like flow.

Robert D. Butler, J.D.
VP GrassRoots GunRights