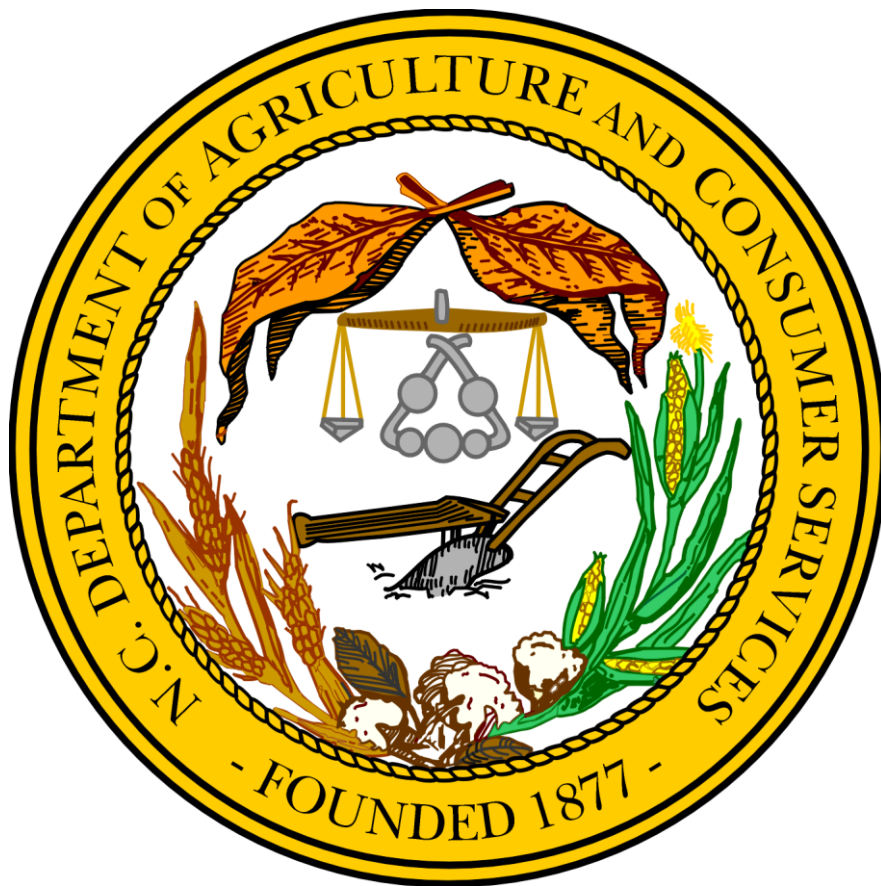


**NORTH CAROLINA DEPARTMENT OF AGRICULTURE &  
CONSUMER SERVICES**



**Report on Regulation of Firearms at State Fair**

**Joint Legislative Oversight Committee on Justice and Public Safety**

**April 1, 2016**

## **Purpose of Report**

Section 4(b) of Session Law 2015-195, House Bill 562, required the North Carolina Department of Agriculture and Consumer Services, in consultation with the Department of Public Safety and the North Carolina Sheriff's Association to study

*“the best method to allow persons with concealed handgun permits to carry a concealed handgun on their person from a parking lot to the entrance of the State Fairgrounds, and a secure method of storage for and retrieval of those handguns at or near the entrance.*

This Report is being submitted to fulfill these requirements.

## **Process**

The North Carolina Department of Agriculture & Consumer Services (NCDA&CS) consulted with, interviewed, and sought assistance for this study from the following entities who actively assist NCDA&CS with law enforcement at the North Carolina State Fair:

NCDA&CS law enforcement officers

North Carolina State Highway Patrol

Raleigh Police Department

Wake County ABC

Wake County Sheriff's Office

Town of Wake Forest Police Department

NCDA&CS also consulted with other law enforcement officers not associated with the above referenced entities and not associated with the North Carolina State Fair.

NCDA&CS also consulted with individuals with concealed carry permits to get their input.

NCDA&CS also consulted with other fairs and participants of the International Association of Fairs and Expositions (IAFE).

In addition to the interviews and consultations above, NCDA&CS conducted research regarding various methods of storing handguns, necessary safety precautions, and the requisite legal requirements.

## **Findings**

There are many factors that must be considered when studying the best method to allow persons with concealed handgun permits to securely store and retrieve their handguns at or near the entrance to the State Fair. Through this study, NCDA&CS considered multiple options. As set

forth below, there are benefits and drawbacks to each. The information and recommendations contained herein are based on the research, interviews and consultations conducted by NCDA&CS. Specifically, the recommendations contained herein are based on the experience, best practices and consensus of law enforcement. Overall, the number one priority for NCDA&CS and law enforcement with regard to the State Fair is the safety of its patrons, workers and volunteers.

**I. Physical Requirements and Required Resources Make Storing Handguns at the Entrance to the State Fair Costly and Raises Multiple Safety Concerns.**

There are a number of logistics that have to be considered and later implemented to allow patrons with handguns and concealed carry permits to safely store and secure their weapon at an entrance to the State Fair. These range from considering the number and location of entrances to the type of storage facility that would be best suited to fit the needs of the handgun owner and law enforcement. Several of these will be discussed below.

**A. Entrance**

There are twelve (12) gates at the State Fair; seven (7) of these are open to the general public. The first question for consideration that arose out of the study was whether handguns can and should be secured and stored at multiple gates or at one designated gate.

Naturally, for patrons with handguns that need to be stored, the most convenient option would be to allow handguns to be checked at every gate where patrons are allowed to enter the fairgrounds. However, logistically this option is not feasible. First, this would exponentially increase the cost by requiring suitable storage units at each entrance, as well as additional cost to have additional trained law enforcement at each of these locations. Additionally, as noted later with regard to the procedure necessary to secure a handgun, this is not a quick process. It will take some time to secure the handgun. With the large numbers of patrons who attend the fair, as many as 150,000 on some days, the gates are regularly an area of congestion and long lines. State Fair staff often assigns extra staff to assist in these areas at the busiest times. Intermingling patrons who need to secure handguns and those who do not will only increase this wait time. With the current configuration of the gates, there is simply not the physical space necessary to allow separate segregated areas at gate(s) to accommodate both patrons with handguns and those without. Finally, safety is the factor that most strongly supports a gate entrance utilized solely by patrons with handguns.

If this policy were to be implemented at the State Fair, there would need to be a gate(s) devoted solely to patrons who need to store and secure their handgun. Not only would this be the most cost-effective and easiest to implement, but it would also be the safest option. The most dangerous time when handling a handgun is when it is being pulled out of its holster and/or being unloaded. Additionally, there is a very real threat of accidental discharge. A good example of this is the accidental discharge that occurred in January 2013 at a gun show at the

State fairgrounds. A patron of the gun show brought a gun to the show and was attempting to remove it from its case when the weapon accidentally discharged injuring multiple other attendees. Subsequently, the procedure was changed to require a separate entrance onto the fairgrounds for everyone who was bringing in a gun and needing to have it checked. Similar to this instance, law enforcement agrees that there would need to be a separate entrance to store and secure handguns at the State Fair. In order to educate fairgoers, as well as direct patrons to the appropriate gate, there would need to be signs at the designated gate as follows: “CONCEALED CARRY ONLY, NO GENERAL PUBLIC.”

There was some concern raised during interviews with law enforcement that having a gate designated solely for patrons with concealed carry permits and handguns that needed to be stored would pose a safety risk to both the concealed carry patron and to law enforcement. The risk to the concealed carry patron would be the attention drawn to a gate designated for individuals with handguns on their person. Likewise, the risk to law enforcement is multi-faceted. First, it provides a potential target for those with ill intent. But most concerning is that law enforcement at this gate will be expecting patrons who have their concealed carry permit to approach with handguns. This provides a potential setting for individuals who do not have their concealed carry permit and/or who should not have a gun, to approach law enforcement and have the potential to cause significant injury.

Given the reservations of law enforcement, the State Fair has not made a final determination as to which gate(s) would be the most suitable location for such a storage facility. There are many factors as set out above that would need to go into this decision, most significantly the recommendations of law enforcement.

## **B. Storage**

The study revealed two possibilities with regard to the physical storage of the handguns: handgun lockers or evidence bags. Initially, it appeared that evidence room storage bags and storage racks would be the most cost-effective and space-utilizing option. Depending on the size of the storage racks, they range in price from approximately \$1,000.00 to \$2,500.00 each. The property bags for the handguns would range from approximately \$5.00 to \$10.00 each.

Cost and space are relevant factors because one of the concerns in allowing patrons to store handguns at the entrance to the State Fair is not knowing how much storage space (evidence bags or lockers) would be needed. At this time, we have no way of knowing how many patrons would utilize this service. Using evidence bags somewhat diminishes this concern as bags can be easily stored and less space is utilized.

Despite the cost-savings and space factors, law enforcement is adamant that evidence bags are not feasible for this scenario – patrons storing handguns at the State Fair. Lockers, unlike evidence bags, would have reinforced sides so as to prevent bullet penetration in the event of an accidental discharge. Additionally, lockers would have a key or a combination lock so that

patrons could store and retrieve their handguns themselves while keeping other patrons' handguns secure. The cost of storage lockers would be substantially higher than the cost for evidence bags and storage racks. Additionally, space will be much more limited and defined.

### **C. Structure**

The next question that needed to be addressed in the study is what kind of structure would be required to house the lockers where the handguns would be securely stored. Not only would the structure need to provide enough space for the storage lockers, but logistically, it has to provide space for the actual process of storing the handgun (as set forth more fully below).

The quickest short term option would be to have a tractor trailer or some other type of mobile unit that could be used to house the lockers. In order to properly protect the handguns and the individuals stationed at the unit, it would need to have temperature control. Additionally, it would need to be ADA accessible. If this option were utilized, finding space outside one of the entrance gates for the unit would be difficult. Space on the fairgrounds during the State Fair is at a premium. Finding a gate with enough space for such a unit without blocking the entrance or other traffic flow would be a strong factor in determining which gate would be most suitable.

Additionally, law enforcement notes that in order to properly store the handguns, the mobile unit or building would have to have reinforced walls to prevent bullet penetration in case of accidental discharge. For this reason, law enforcement strongly believes that a permanent structure and ideally, a concrete building, would be most suitable for this endeavor. Specifically, the building should have an entrance/reception area to check concealed carry patrons in (check identification, see concealed carry permit, sign waiver, etc.) and a separate storage room where the handgun lockers would be located.

### **D. Nearby Schools and University**

Another concern raised by State Fair management is the proximity of the fairgrounds and parking to area schools, specifically Raleigh School, Cardinal Gibbons High School and NC State University. Current law allows persons with concealed carry permits on a campus or educational property to have a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. Issues may arise if individuals park at any of these locations to attend the State Fair and remove their handgun from their vehicle or walk on any of these properties to get to the State Fair.

## **II. Security Precautions and Requisite Procedures Do Not Eliminate the Unnecessary Risk Posed by Allowing Patrons to Secure and Store Handguns at the Entrance to the State Fair.**

### **A. Security Requirements**

Clearly, there would need to be law enforcement officers stationed at each gate and storage facility where patrons would be allowed to store and secure their handguns. The number of law enforcement assigned to each location will depend in large part on the day and time of day, the size of the crowd, what type of storage procedure is utilized (see below) and will be determined by law enforcement officers.

## **B. Storage Procedure:**

There were many factors that had to be studied with regard to the actual procedure of allowing a patron to securely store and retrieve a handgun at or near the entrance to the State Fair. Based on the advice and experience of law enforcement, the following procedures would need to be utilized:

### **1. Photo I.D.**

Each patron would need to present a valid form of picture identification. This would ensure that when handguns are retrieved by their owners, they are returned to the rightful owners. Additionally, photo identification would allow law enforcement to ensure that the individual with the handgun is the same individual listed on the concealed carry permit. This requirement protects the handgun owner as well as law enforcement.

### **2. Concealed Carry Permit**

Each patron would also need to present a valid concealed carry permit.

### **3. Weapon Information Form**

Each patron would need to complete a Weapon Information Form. This form will contain identifying information about the make and model of the gun. It will also provide a space for a description of the general condition of the handgun, such as normal wear and tear, scratches, or any other abnormalities. The patron will then be asked to sign this form. This form documents the condition of the gun at the time it is secured and stored. This is necessary to protect the State Fair and law enforcement from any claims that a handgun has been damaged while in its care.

### **4. Liability Waiver Form**

Allowing handguns to be stored on State property raises issues of potential liability to the State. One avenue of liability would be if a patron claims that his/her handgun has been damaged in any way while being stored by State Fair personnel and/or law enforcement. One method of reducing this likelihood would be to have the handgun owner actually be the one to place the handgun in a storage locker, thereby eliminating the need for law enforcement to handle the handgun in any way.

The second avenue of liability is the potential for an accidental discharge and injury to law enforcement, other fairgoers and or employees at the Fair. Law enforcement and NCDA&CS would attempt to minimize this risk as much as possible by having a separate gate for concealed carry patrons, ensuring an isolated area when unloading a handgun and only allowing one patron at a time into the unloading area and locker storage area. However, even with every precaution in place and even with trained law enforcement, accidents do occur. Therefore, patrons with concealed carry permits would need to sign a waiver agreeing to hold the State harmless from any liability for the loss or damage to their handgun. They would also have to agree to indemnify the State in the case of injury/death to a third party caused by an accidental discharge. Finally, if a patron fails to claim their weapon, there would need to be a provision in the waiver that such property would then be deemed abandoned and could lawfully be disposed.

## **5. Unloading and Storage of Handgun**

The best method of reducing the potential liability as set forth above would be to allow the handgun owners to store and secure their handgun in a locker themselves. As set forth under the structure requirements section above, this would require a separate room for the storage lockers. Once a handgun owner has filled out the necessary forms, he/she would be allowed back into the storage locker area to store his/her handgun. The handgun would not be removed from its holster, pocketbook or other location until the handgun owner was back in this storage room by himself/herself. Only one individual would be allowed in the locker storage room at a time. This would greatly reduce the potential for damage from accidental discharge, as well as reduce the risk of damage to the handgun by law enforcement officers or State Fair staff. Once the handgun is stored in the locker, the handgun owner can take the key that belongs to that locker, show it to law enforcement to be noted on the Weapon Information Form, and then keep the key with them during their time at the State Fair.

### **C. Retrieval Procedure**

When handgun owners are ready to leave the Fair, they may return to the gate where they entered and secured their handgun. They would be required to once again show their picture identification to ensure that the person picking up the handgun is the owner and the same person who originally stored the handgun. Once the identification is confirmed with the Weapon Information Form and they key is matched to the one indicated on the Weapon Information Form, the handgun owner will be allowed to enter the locker storage room with the key and retrieve their handgun.

Upon retrieval of their handgun, owners would need to sign the Weapon Information Form indicating they retrieved their handgun in its original (undamaged) state.

There would need to be some type of security measure implemented to address the situation of a patrons losing their locker key while on the fairgrounds prior to retrieving their handgun. When purchasing lockers, NCDA&CS can research lockers with a master key.

However, this may increase potential liability by allowing for the possibility of someone other than the handgun owner having access to the storage locker.

### **Other State Fairs**

NCDA&CS consulted with the IAFE and is not aware of any other State Fair, or any fair for that matter, that allows patrons with concealed carry permits to store and secure their weapon at the entrance to the fair.

### **Recommendations:**

This study could not have been done without the significant help and input of law enforcement. With the safety of fairgoers, law enforcement, volunteers and workers being our top priority and based on the advice and experience of law enforcement, NCDA&CS makes the following recommendations:

1. The NC State Fair should maintain its No Weapons policy at the annual fair. Patrons wishing to visit the State Fair that have a concealed carry permit should leave their handgun in their vehicle. This is by far the safest option based on our research. The State Fair is a sterile and secure environment given the large number of law enforcement officers stationed there during the fair. In addition to law enforcement stationed on the fairgrounds, the Highway Patrol has a large number of officers on the roads surrounding the State Fair controlling traffic. Additionally, there are other law enforcement officers, both in uniform and undercover, that patrol nearby parking lots.
2. The NC State Fair should continue to increase parking options with security to address patron safety concerns. If patrons do not feel safe walking to and from their vehicle to the entrance gate notwithstanding the law enforcement listed above, NCDA&CS recommends parking in a lot with shuttle service to the State Fair. In fact, this year there will be additional parking with direct shuttle service to the fair offered in a planned parking lot located at the Southwest corner of Reedy Creek and Edwards Mill Roads.