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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1185** Session of  
2007

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INTRODUCED BY SONNEY, METCALFE, BAKER, BELFANTI, BENNINGHOFF,  
CAPPELLI, COX, CUTLER, DALEY, EVERETT, GEIST, GINGRICH,  
HUTCHINSON, M. KELLER, KIRKLAND, KORTZ, MARSHALL, McILHATTAN,  
PICKETT, PYLE, RAPP, ROHRER, SAYLOR, SOLOBAY, R. STEVENSON,  
GIBBONS, DENLINGER AND YEWIC, MAY 1, 2007

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REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 1, 2007

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AN ACT

1 Prohibiting certain employers from discriminating against  
2 certain employees who exercise their self-defense rights;  
3 providing for remedies and for enforcement; and prescribing  
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Commonwealth  
9 Employees' Right to Self-Defense Act.

10 Section 2. Legislative intent.

11 It is the intent of the General Assembly to restore the  
12 rights of Commonwealth employees, guaranteed by both the Second  
13 Amendment of the Constitution of the United States and section  
14 21 of Article I of the Constitution of Pennsylvania, to keep and  
15 bear arms in defense of themselves. The protection from adverse  
16 employment conditions created by this act shall be broadly  
17 construed to effectuate the intent expressed in this section.

1 Section 3. Definitions.

2 The following words and phrases when used in this act shall  
3 have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Employee." A person who performs a service for wages or  
6 other remuneration under a contract of hire, written or oral,  
7 express or implied, for a public body.

8 "Employer." A person supervising one or more employees,  
9 including the employee in question, a superior of that  
10 supervisor or an agent of a public body.

11 "Public body." A State officer, agency, department,  
12 division, bureau, board, commission, council, authority or other  
13 body in the executive branch of State government.

14 "Self-defense rights." The right to carry a firearm  
15 concealed on or about one's person or in a vehicle throughout  
16 this Commonwealth pursuant to a license to carry a firearm  
17 lawfully issued in compliance with 18 Pa.C.S. § 6109 (relating  
18 to licenses).

19 Section 4. Protection of employees.

20 No employer may discharge, threaten or otherwise discriminate  
21 or retaliate against an employee regarding the employee's  
22 compensation, terms, conditions, location or privileges of  
23 employment because the employee exercises self-defense rights:

24 (1) on any Commonwealth-owned or Commonwealth-leased  
25 property;

26 (2) on any location where Commonwealth business is  
27 conducted;

28 (3) on any site where an employee is considered to be on  
29 duty; or

30 (4) in any Commonwealth vehicle or private vehicle

1 utilized for Commonwealth business.

2 Section 5. Limitations.

3 The provisions of this act shall not apply to any employee  
4 who exercises self-defense rights within a facility or at a  
5 location where the possession of firearms has been prohibited by  
6 statute.

7 Section 6. Remedies.

8 (a) Civil action.--A person who alleges a violation of this  
9 act may bring a civil action in a court of competent  
10 jurisdiction for appropriate injunctive relief or damages, or  
11 both, within 180 days after the occurrence of the alleged  
12 violation.

13 (b) Necessary showing of evidence.--An employee alleging a  
14 violation of this act must show by a preponderance of the  
15 evidence that, prior to alleged reprisal, the employee had  
16 exercised self-defense rights.

17 (c) Defense.--It shall be a defense to an action under this  
18 section if the defendant proves by a preponderance of the  
19 evidence that the action by the employer occurred for separate  
20 and legitimate reasons, which are not merely pretextual.

21 (d) Civil service employees.--An employee covered by civil  
22 service who contests a civil service action, believing it to be  
23 motivated by the employee's exercise of self-defense rights, may  
24 submit as admissible evidence in the civil service action any or  
25 all material relating to the exercise of self-defense rights and  
26 to the resulting alleged reprisal.

27 Section 7. Enforcement.

28 A court in rendering a judgment in an action brought under  
29 this act shall order, as the court considers appropriate,  
30 reinstatement of the employee, the payment of back wages, full

1 reinstatement of fringe benefits and seniority rights, actual  
2 damages or any combination of these remedies. A court may also  
3 award the complainant all or a portion of the costs of  
4 litigation, including reasonable attorney fees and witness fees,  
5 if the court determines that the award is appropriate.

6 Section 8. Penalties.

7 A person who, under color of an employer's authority,  
8 violates this act shall be liable for a civil fine of not more  
9 than \$500. A civil fine which is ordered under this section  
10 shall be paid to the State Treasurer for deposit into the  
11 General Fund.

12 Section 9. Effective date.

13 This act shall take effect immediately.