

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 896

Short Title: Forcible Entry Into Car/Child Trapped Inside. (Public)

Sponsors: Representatives Hanes, Tine, McNeill, and Reives (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary I.

April 15, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR A PERSON WHO  
3 FORCIBLY BREAKS INTO A VEHICLE TO REMOVE A MINOR WHO APPEARS TO  
4 BE IN IMMINENT DANGER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 1 of the General Statutes is amended by adding a new  
7 Article to read:

8 "Article 43F.

9 "Immunity for Forcible Entry into Vehicle to Remove a Minor.

10 "**§ 1-539.27. Immunity from civil liability for forcible entry into vehicle for purpose of**  
11 **removing a minor.**

12 (a) A person whose conduct conforms to the requirements of subsection (b) of this  
13 section shall be immune from civil liability for any damage resulting from the forcible entry of  
14 a motor vehicle for the purpose of removing a minor from the vehicle.

15 (b) Subsection (a) of this section applies if the person does all of the following:

- 16 (1) Determines the vehicle is locked or there is otherwise no reasonable method  
17 for the minor to exit the vehicle.  
18 (2) Has a good faith belief that forcible entry into the vehicle is necessary  
19 because the minor is in imminent danger of suffering harm if not  
20 immediately removed from the vehicle and, based upon the circumstances  
21 known to the person at the time, the belief is a reasonable one.  
22 (3) Has contacted either the local law enforcement agency, the fire department,  
23 or the 911 operator prior to forcibly entering the vehicle.  
24 (4) Places a notice on the vehicle's windshield with the person's contact  
25 information, the reason the entry was made, the location of the minor, and  
26 that the authorities have been notified.  
27 (5) Remains with the minor in a safe location, out of the elements but  
28 reasonably close to the vehicle until law enforcement, fire, or other  
29 emergency responder arrives.  
30 (6) Used no more force to enter the vehicle and remove the child from the  
31 vehicle than is necessary under the circumstances.

32 (c) Nothing in this section shall affect the person's civil liability if the person attempts  
33 to render aid to the minor in addition to what is authorized by this section."

34 **SECTION 2.** This act becomes effective October 1, 2015, and applies to causes of  
35 action arising on or after that date.

