

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE BILL 149
PROPOSED COMMITTEE SUBSTITUTE H149-PCS80103-RK-23

Short Title: Terrorism/State Offense.

(Public)

Sponsors:

Referred to:

February 22, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM.

Whereas, closed community compounds are located across the United States and near the borders of this State; and

Whereas, these compounds have limited public access and are reputed to be bound together by a common purpose or ideology; and

Whereas, there have been reports of weapons fire and military-type training occurring at some of these compounds; and

Whereas, a defendant who was convicted of the attempted murder of nine students at the University of North Carolina at Chapel Hill as an act of revenge for enemy casualties of war was not charged under federal domestic terrorism laws; and

Whereas, the current State criminal statutes do not sufficiently recognize the increased danger to the public and do not sanction appropriately acts of terrorism; Now, therefore,

The General Assembly of North Carolina enacts:

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

"Article 2D.

"Terrorism.

"§ 14-50.2. Terrorism.

(a) The following definitions shall apply in this section:

(1) Act of violence. – A violation of G.S. 14-17 or G.S. 14-18; any felony offense in Chapter 14 of the General Statutes that includes an assault, or use of violence or force against a person; any felony offense that includes either the threat or use of any explosive or incendiary device; or any offense that includes the threat or use of a nuclear, biological, or chemical weapon of mass destruction.

(2) Continuing criminal enterprise. – As defined in G.S. 14-7.20(c).

(b) A person is guilty of the separate offense of terrorism if the person commits an act of violence or is engaged in a continuing criminal enterprise with the intent to do either of the following:

(1) Intimidate the civilian population at large, or an identifiable group of the civilian population.



- 1 (2) Influence, through intimidation, the conduct or activities of the government
2 of the United States, a state, or any unit of local government.
- 3 (c) A violation of this section is a felony that is:
- 4 (1) One class higher than the offense which is the underlying act of violence,
5 except that a violation is a Class B1 felony if the underlying act of violence
6 is a Class B1 or Class A felony offense. A violation of this section is a
7 separate offense from the underlying offense and shall not merge with other
8 offenses.
- 9 (2) A Class D felony if the violation is based upon a violation of G.S. 14-7.20.
- 10 (d) Any person who solicits, invites, recruits, encourages, or otherwise causes or
11 attempts to cause another to participate in an act, or acts, of terrorism is guilty of a Class D
12 felony.
- 13 (e) All real and personal property of every kind used or intended for use in the course
14 of, derived from, or realized through a violation of this Article shall be subject to lawful seizure
15 and forfeiture to the State as set forth in G.S. 14-2.3 and G.S. 14-7.20. However, the forfeiture
16 of any real or personal property shall be subordinate to any security interest in the property
17 taken by a lender in good faith as collateral for the extension of credit and recorded as provided
18 by law, and no real or personal property shall be forfeited under this section against an owner
19 who made a bona fide purchase of the property without knowledge of a violation of this
20 Article."
- 21 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
22 offenses committed on or after that date.