

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 384*

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

S384-ABK-32 [v.1]

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Amends Title [YES]
Fourth Edition

Date _____, 2017

Representative Pierce

1 moves to amend the bill on page 1, line 12, by deleting the word "AND";

2
3 and on page 1, line 17, by rewriting the line to read:

4
5 "SUMMONS; AND TO PROVIDE THAT AN ENHANCED PENALTY SHALL BE
6 IMPOSED ON ANY PERSON CONVICTED OF A VIOLENT FELONY WHO
7 INTENTIONALLY POSTS A CLIP DEPICTING THE COMMISSION OF THE
8 FELONY ON THE INTERNET.";

9
10 and on page 6, lines 46-47, by inserting the following between those lines:

11
12 **"PART VI. INTENTIONALLY POSTING CRIME ON INTERNET**

13 **SECTION 6.(a)** Article 81B of Chapter 15A of the General Statutes is amended by
14 adding a new section to read:

15 **"§ 15A-1340.16E. Enhanced sentence if defendant is convicted of a violent felony and the**
16 **defendant intentionally posts the crime on the Internet or other similar**
17 **communications media.**

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

19 (1) Internet. – The term includes social media and other similar applications or
20 communications media.

21 (2) Violent felony. – A Class A, B1, B2, C, D, or E felony.

22 (b) If a person is convicted of a violent felony and it is found as provided in this section
23 that the person intentionally posted a clip depicting the commission of the felony on the
24 Internet, then the person shall have the minimum term of imprisonment to which the person is
25 sentenced for that felony increased by 24 months. The maximum term of imprisonment shall be
26 the maximum term that corresponds to the minimum term after it is increased by 24 months, as
27 specified in G.S. 15A-1340.17(e) and (e1).

28 (c) An indictment or information for the felony shall allege in that indictment or
29 information the facts set out in subsection (b) of this section. The pleading is sufficient if it
30 alleges that the defendant intentionally posted a clip of the commission of the felony on the
31 Internet. One pleading is sufficient for all felonies that are tried at a single trial.



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1 (d) The State shall prove the issues set out in subsection (b) of this section beyond a
2 reasonable doubt during the same trial in which the defendant is tried for the felony unless the
3 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest
4 to the felony but pleads not guilty to the issues set out in subsection (b) of this section, then a
5 jury shall be impaneled to determine the issues."

6 **SECTION 6.(b)** This section becomes effective December 1, 2017, and applies to
7 offenses committed on or after that date.";

8
9 and on page 6, line 47, by deleting the phrase "**PART VI.**" and substituting the phrase "**PART**
10 **VII.**";

11
12 and on page 6, line 48, by deleting the phrase "**SECTION 6.**" and substituting the phrase
13 "**SECTION 7.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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