

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 249

Short Title: Economic Terrorism. (Public)

Sponsors: Representatives Torbett, Blust, and Burr (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 6, 2017

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF ECONOMIC TERRORISM, TO ESTABLISH CIVIL LIABILITY FOR ECONOMIC TERRORISM, TO CREATE A DUTY FOR A RESPONSIBLE PUBLIC OFFICIAL TO TAKE ACTION TO CLEAR TRAFFIC OBSTRUCTIONS RESULTING FROM UNLAWFUL ACTIVITIES, TO INCREASE CRIMINAL PENALTIES FOR OBSTRUCTING TRAFFIC WHILE PARTICIPATING IN UNLAWFUL ACTIVITIES, AND TO PROVIDE CIVIL LIABILITY FOR THE COSTS OF RESPONDING TO TRAFFIC OBSTRUCTIONS AND CERTAIN OTHER UNLAWFUL ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-10.1 reads as rewritten:

"§ 14-10.1. Terrorism.

(a) As used in this section, the term "act of violence" means a violation of G.S. 14-17; a felony punishable pursuant to G.S. 14-18; any felony offense in this Chapter 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.

(b) A person is guilty of the separate offense of violent terrorism if the person commits an act of violence with the intent to do either of the following:

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

(2) Influence, through intimidation, the conduct or activities of the government of the United States, a state, or any unit of local government.

(b1) A person is guilty of the separate offense of economic terrorism if the person willfully and maliciously or with reckless disregard commits a criminal offense that impedes or disrupts the regular course of business, the disruption results in damages of more than one thousand dollars (\$1,000), and the offense is committed with the intent to do either of the following:

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

(2) Influence, through intimidation, the conduct or activities of the government of the United States, a state, or any unit of local government.

(c) A violation of subsection (b) of this section is a felony that is one class higher than the offense which is the underlying act of violence, except that a violation is a Class B1 felony if the underlying act of violence is a Class A or Class B1 felony offense. A violation of subsection (b) of



1 this section is a separate offense from the underlying offense and shall not merge with other
2 offenses.

3 (c1) A violation of subsection (b1) of this section is a Class H felony. A violation of
4 subsection (b1) of this section is a separate offense from the underlying offense and shall not
5 merge with other offenses.

6 (d) All real and personal property of every kind used or intended for use in the course of,
7 derived from, or realized through an offense punishable pursuant to this Article shall be subject to
8 lawful seizure and forfeiture to the State as set forth in G.S. 14-2.3 and G.S. 14-7.20. However, the
9 forfeiture of any real or personal property shall be subordinate to any security interest in the
10 property taken by a lender in good faith as collateral for the extension of credit and recorded as
11 provided by law, and no real or personal property shall be forfeited under this section against an
12 owner who made a bona fide purchase of the property, or a person with rightful possession of the
13 property, without knowledge of a violation of this Article.

14 (e) Any person whose property or person is injured by reason of a violation of this section
15 may sue for and recover treble damages, costs, and attorneys' fees pursuant to G.S. 1-539.2D."

16 **SECTION 2.** G.S. 1-539.2D reads as rewritten:

17 **"§ 1-539.2D. Civil liability for acts of terror.**

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

19 (1) Act of violent terror. – An activity with all of the following characteristics:

20 a. Involves violent acts or acts dangerous to human life that violate federal
21 or State law.

22 b. Appears to be intended (i) to intimidate or coerce a civilian population,
23 (ii) to influence the policy of a government by intimidation or coercion,
24 or (iii) to affect the conduct of a government by mass destruction,
25 assassination, or kidnapping.

26 c. Occurs primarily within this State.

27 (1a) Act of economic terror. – An act that is a violation of G.S. 14-10.1(b1).

28 (2) Terrorist. – A person who commits an act of ~~terror~~, violent terror or an act of
29 economic terror, including a person who acts as an accessory before or after the
30 fact, aids or abets, solicits, or conspires to commit an act of terror or who lends
31 material support to an act of terror.

32 (b) Any person whose property or person is injured by a terrorist may sue for and recover
33 damages from the terrorist.

34 (c) Any person who files an action under this section is entitled to recover three times the
35 actual damages sustained or fifty thousand dollars (\$50,000), whichever is greater, as well as court
36 costs and attorneys' fees in the trial and appellate courts if the person prevails in the claim.

37 (d) The rights and remedies provided by this section are in addition to any other rights and
38 remedies provided by law."

39 **SECTION 3.** Chapter 1 of the General Statutes is amended by adding a new Article to
40 read:

41 "Article 53.

42 "Liability for Public Safety Response Costs.

43 **"§ 1-640. Liability for public safety response costs.**

44 (a) A person is civilly liable to a State agency or other political subdivision of the State for
45 public safety response costs incurred by the State agency or other political subdivision of the State
46 if the person is convicted of participation in an unlawful assembly, riot under G.S. 14-288.2, or
47 obstructing traffic under G.S. 14-274.1. For purposes of this section, "public safety costs" means
48 the costs incurred for the purpose of responding to the unlawful assembly, riot, or obstruction of
49 traffic.

50 (b) A State agency or political subdivision of the State may bring a civil action to recover
51 public safety costs and related legal, administrative, and court costs."

1 **SECTION 4.** G.S. 14-159.13 reads as rewritten:

2 "**§ 14-159.13. Second degree trespass.**

3 (a) Offense. – A person commits the offense of second degree trespass if, without
4 authorization, he enters or remains on premises of another:

5 (1) After he has been notified not to enter or remain there by the owner, by a
6 person in charge of the premises, by a lawful occupant, or by another
7 authorized person; or

8 (2) That are posted, in a manner reasonably likely to come to the attention of
9 intruders, with notice not to enter the premises.

10 (b) Classification. – ~~Second~~ Except as provided in subsection (c) of this section, second
11 degree trespass is a Class 3 misdemeanor.

12 (c) Any person, except the owner or lessee of the premises, the family and nonrioting
13 guests of the owner or lessee, and public officers and persons assisting them, who remains at the
14 place of any riot or unlawful assembly after having been lawfully warned to disperse is guilty of a
15 Class 1 misdemeanor."

16 **SECTION 5.** Chapter 20 of the General Statutes is amended by adding a new section
17 to read:

18 "**§ 20-174.3. Duty to clear roads.**

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

20 (1) Mass traffic obstruction. – An incident in which, as part of (or as the result of) a
21 protest, riot, or other assembly, at least 10 persons obstruct vehicular traffic in
22 violation of G.S. 20-174.1.

23 (2) Responsible public official. – The mayor of a town or city with respect to an
24 incident that occurs in a municipality or a sheriff with respect to an incident that
25 occurs in the unincorporated area of a county.

26 (b) A responsible public official shall, after first learning that a mass traffic obstruction
27 exists in the official's jurisdiction, dispatch available law enforcement officers to the mass traffic
28 obstruction with directions to clear the roads of the persons unlawfully obstructing vehicular
29 traffic."

30 **SECTION 6.** G.S. 20-174.1 reads as rewritten:

31 "**§ 20-174.1. Standing, sitting or lying upon highways or streets prohibited.**

32 (a) No person shall willfully stand, sit, or lie upon the highway or street in such a manner
33 as to impede the regular flow of traffic.

34 (b) ~~Violation~~ Except as provided by subsection (c) of this section, a violation of this
35 section is a Class 2 misdemeanor.

36 (c) A violation of subsection (a) of this section by participation in a riot or other unlawful
37 assembly is a Class A1 misdemeanor."

38 **SECTION 7.** This act becomes effective December 1, 2017, and applies to offenses
39 committed on or after that date.