

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 149
Committee Substitute Favorable 4/5/11

Short Title: Terrorism/State Offense.

(Public)

Sponsors:

Referred to:

February 22, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM.

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

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

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

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

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

15 The General Assembly of North Carolina enacts:

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

18 "Article 2D.

19 "Terrorism.

20 "§ 14-50.2. Terrorism.

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

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

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

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

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

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

36 (c) A violation of this section is a felony that is:



1 (1) One class higher than the offense which is the underlying act of violence,
2 except that a violation is a Class B1 felony if the underlying act of violence
3 is a Class B1 or Class A felony offense. A violation of this section is a
4 separate offense from the underlying offense and shall not merge with other
5 offenses.

6 (2) A Class D felony if the violation is based upon a violation of G.S. 14-7.20.

7 (d) Any person who solicits, invites, recruits, encourages, or otherwise causes or
8 attempts to cause another to participate in an act, or acts, of terrorism is guilty of a Class D
9 felony.

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

18 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
19 offenses committed on or after that date.