

October 18, 2001

H 1468. CERTAIN WEAPONS OF MASS DESTRUCTION. TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION. Identical to S 1108 except for the following: the new offenses in GS 14-471 and GS 14-472(b) and (c) are Class B1 felonies, the new offense in GS 14-472(a) is a Class A felony, and the new offenses in GS 14-473(a) & (b) are Class D felonies.

Intro. by Baddour.

Ref. to Judiciary II	GS 14
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October 24, 2001

H 1468. CERTAIN WEAPONS OF MASS DESTRUCTION. Intro. 10/18/01. House committee substitute makes the following changes to 1st edition. Relocates provisions to new Article 36B (was, new Article 62) of Ch. 14, expressly limiting prohibited weapons to nuclear, biological and chemical weapons of mass destruction. Creates four exceptions to prohibitions relating to manufacture, assembly, possession, storage, transportation, sale, purchase, delivery and acquisition of nuclear, biological and chemical weapons: (1) law enforcement and other officers listed in G.S. 14-269(b) while lawfully carrying out their duties; (2) persons under contract with an agency of the State of North Carolina or the United States government with respect to lawful activities under the government contract; (3) researchers working on weapons intended for use in a manner consistent with state and federal law; and (4) researchers working on biological, chemical or radioactive agents for peaceful purposes. Revises definitions of prohibited weapons, as well as devices. Splits new crime of false reporting or placing a prohibited weapon into a new G.S. 14-288.23, making a false report, and a new G.S. 14-288.24, perpetrating hoax by use of a false weapon. Simplifies definition of false reporting. Adds potential remedy of restitution for both the crimes of false reporting and perpetrating a hoax regarding prohibited weapons. Removes radioactive material from the existing definition of "weapon of mass destruction" at G.S. 14-288.8(c). Clarifies that effective date is for offenses committed on or after the date the act becomes law, and that prosecutions for offenses occurring before the effective date are not affected by the act.

October 25, 2001

H 1468. CERTAIN WEAPONS OF MASS DESTRUCTION. Intro. 10/18/01. House amendments make the following changes to 2nd edition. (1) Make a technical change. (2) Modify the exceptions to the new G.S. 14-288.21 (unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of a nuclear, biological, or chemical weapon of mass destruction) created in the prior edition. Delete exception for certain inventors, designers and others lawfully engaged in activities designed to develop weapons of mass destruction in a manner consistent with federal and state law. Modify exception for certain persons under contract with the state or federal governments to make it apply to certain persons under contract with or working under the direction of the state or federal governments. Modify the exception for persons lawfully engaged with "precursors" for peaceful means to apply to "immediate precursors." (3) Create a new exception for persons engaged in accepted agricultural, horticultural, or forestry practices; aquatic weed control; or structural pest and rodent control.

November 6, 2001

H 1468. CERTAIN WEAPONS OF MASS DESTRUCTION. Intro. 10/18/01. Senate committee substitute makes the following changes to 3rd edition. Revises definition of "nuclear, biological, or chemical weapon of mass destruction" in proposed GS 14-288.21(c) to include "substances" causing such harm and the "method" of delivery of such agents or substances. Adds requirement to proposed GS 14-288.23 that person receiving false report of weapon of mass destruction reasonably believe the threat. Adds provision exempting positions established by the Governor to expand the state's capability to deal with threat of terrorism from the requirement for prior

consultation with the Joint Legislative Commission on Governmental Operations before establishing a new receipts' supported position.

November 20, 2001

H 1468. CERTAIN WEAPONS OF MASS DESTRUCTION. Intro. 10/18/01. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Amends proposed new GS 14-288.21(c) to further define biological weapons as an agent that is a microorganism, virus, bacterium, fungus, rickettsia, or toxin, or any genetically modified elements or microorganisms that are listed in referenced parts of Title 42, Code of Federal Regulations.

November 29, 2001

SL 2001-470 (H 1468). CERTAIN WEAPONS OF MASS DESTRUCTION. AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER. Summarized in *Daily Bulletin* 10/18/01, 10/24/01, 10/25/01, 11/6/01, and 11/20/01. Enacted Nov. 28, 2001. Effective Nov. 28, 2001.