

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 673
Committee Substitute Favorable 5/16/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H673-PCS30622-RK-137

Short Title: Street Gang Nuisance Abatement.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT INDIVIDUALS ENGAGED IN A PATTERN OF STREET
3 GANG ACTIVITY ARE SUBJECT TO INJUNCTIONS AS NUISANCES PURSUANT
4 TO CHAPTER 19 OF THE GENERAL STATUTES.

5 The General Assembly of North Carolina enacts:

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

8 "Article 13B.

9 "North Carolina Street Gang Nuisance Abatement Act.

10 "§ 14-50.31. Short title.

11 This Article shall be known and may be cited as the "North Carolina Street Gang Nuisance
12 Abatement Act."

13 "§ 14-50.32. Real property used by criminal street gangs declared a public nuisance:
14 abatement.

15 (a) Public Nuisance. – Any real property that is erected, established, maintained,
16 owned, leased, or used by any criminal street gang for the purpose of conducting criminal street
17 gang activity, as defined in G.S. 14-50.16(c), shall constitute a public nuisance and may be
18 abated as provided by and subject to the provisions of Article 1 of Chapter 19 of the General
19 Statutes.

20 (b) Innocent Activities. – The provisions of this section shall not apply to real property
21 used for criminal street gang activity where the owner or person who has legal possession of
22 the real property does not have actual knowledge that the real property is being used for
23 criminal street gang activity or the owner is being coerced into allowing the property to be used
24 for criminal street gang activity.

25 "§ 14-50.33. Street gangs declared a public nuisance.

26 (a) A street gang, as defined in G.S. 14-50.16(b), that regularly engages in criminal
27 street gang activities, as defined in G.S. 14-50.16(c), constitutes a public nuisance. For the
28 purposes of this section, the term "regularly" means at least five times in a period of not more
29 than 12 months.

30 (b) Any person who regularly associates with others to engage in criminal street gang
31 activity, as defined in G.S. 14-50.16(c), may be made a defendant in a suit, brought pursuant to
32 Chapter 19 of the General Statutes, to abate any public nuisance resulting from criminal street
33 gang activity.



1 (c) If the court finds that a public nuisance exists under this section, the court may enter
2 an order enjoining the defendant in the suit from engaging in criminal street gang activities and
3 impose other reasonable requirements to prevent the defendant or a gang from engaging in
4 future criminal street gang activities.

5 (d) An order entered under this section shall expire one year after entry; however, the
6 order may be modified, rescinded, or vacated at any time prior to its expiration date upon the
7 motion of any party if it appears to the court that one or more of the defendants is no longer
8 engaging in criminal street gang activities."

9 **SECTION 2.** G.S. 14-50.24 is repealed.

10 **SECTION 3.** This act becomes effective October 1, 2012, and applies to offenses
11 committed and abatement actions commenced on or after that date.