

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 149
Committee Substitute Favorable 4/5/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H149-PCS90248-SA-77

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 3A.

19 "Terrorism.

20 **"§ 14-10.1. Terrorism.**

21 (a) As used in this section, the term "act of violence" means a violation of G.S. 14-17; a
22 felony punishable pursuant to G.S. 14-18; any felony offense in this Chapter that includes an
23 assault, or use of violence or force against a person; any felony offense that includes either the
24 threat or use of any explosive or incendiary device; or any offense that includes the threat or
25 use of a nuclear, biological, or chemical weapon of mass destruction.

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

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

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

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



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1 act of violence is a Class A or Class B1 felony offense. A violation of this section is a separate
2 offense from the underlying offense and shall not merge with other offenses.

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

11 **SECTION 2.** G.S. 14-7.20 reads as rewritten:

12 **"§ 14-7.20. Continuing criminal enterprise.**

13 (a) ~~Any~~ Except as otherwise provided in subsection (a1) of this section, any person who
14 engages in a continuing criminal enterprise shall be punished as a Class H felon and in addition
15 shall be subject to the forfeiture prescribed in subsection (b) of this section.

16 (a1) Any person who engages in a continuing criminal enterprise where the felony
17 violation required by subdivision (c)(1) of this section is a violation of G.S. 14-10.1 shall be
18 punished as a Class D felon and, in addition, shall be subject to the forfeiture prescribed in
19 subsection (b) of this section.

20 (b) Any person who is convicted under subsection (a) or (a1) of this section of engaging
21 in a continuing criminal enterprise shall forfeit to the State of North Carolina:

22 (1) The profits obtained by the person in the enterprise, and

23 (2) Any of the person's interest in, claim against, or property or contractual
24 rights of any kind affording a source of influence over, such enterprise.

25 (c) For purposes of this section, a person is engaged in a continuing criminal enterprise
26 if:

27 (1) The person violates any provision of this Chapter, the punishment of which
28 is a felony; and

29 (2) The violation is a part of a continuing series of violations of this Chapter:

30 a. Which are undertaken by the person in concert with five or more
31 other persons with respect to whom the person occupies a position of
32 organizer, a supervisory position, or any other position of
33 management; and

34 b. From which the person obtains substantial income or resources."

35 **SECTION 3.** This act becomes effective December 1, 2012, and applies to
36 offenses committed on or after that date.