

Out Of Order



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 182

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S182-ABK-30 [v.3]

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Amends Title [YES]
Second Edition

Date _____, 2017

Representative Pierce

1 moves to amend the bill on page 1, line 4, by rewriting the line to read:

2
3 "OF THIS STATE; AND TO PROVIDE THAT AN ENHANCED PENALTY SHALL BE
4 IMPOSED ON ANY PERSON CONVICTED OF A VIOLENT FELONY WHO
5 INTENTIONALLY POSTS A CLIP DEPICTING THE COMMISSION OF THE
6 FELONY ON THE INTERNET.";

7
8 and on page 1, line 36 through page 2, line 1, by inserting the following between those lines:

9
10 "SECTION 1.5. Article 81B of Chapter 15A of the General Statutes is amended by
11 adding a new section to read:

12 "**§ 15A-1340.16E. Enhanced sentence if defendant is convicted of a violent felony and the**
13 **defendant intentionally posts the crime on the Internet or other similar**
14 **communications media.**

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

16 (1) Internet. – The term includes social media and other similar applications or
17 communications media.

18 (2) Violent felony. – A Class A, B1, B2, C, D, or E felony.

19 (b) If a person is convicted of a violent felony and it is found as provided in this section
20 that the person intentionally posted a clip depicting the commission of the felony on the
21 Internet, then the person shall have the minimum term of imprisonment to which the person is
22 sentenced for that felony increased by 24 months. The maximum term of imprisonment shall be
23 the maximum term that corresponds to the minimum term after it is increased by 24 months, as
24 specified in G.S. 15A-1340.17(e) and (e1).

25 (c) An indictment or information for the felony shall allege in that indictment or
26 information the facts set out in subsection (b) of this section. The pleading is sufficient if it
27 alleges that the defendant intentionally posted a clip of the commission of the felony on the
28 Internet. One pleading is sufficient for all felonies that are tried at a single trial.

29 (d) The State shall prove the issues set out in subsection (b) of this section beyond a
30 reasonable doubt during the same trial in which the defendant is tried for the felony unless the
31 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest



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- 1 to the felony but pleads not guilty to the issues set out in subsection (b) of this section, then a
- 2 jury shall be impaneled to determine the issues."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____