

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 138

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H138-ATY-47 [v.1]

Page 1 of 2

Amends Title [NO]
Third Edition

Date _____, 2017

Senator Lee

1 Moves to amend the bill on page 4, line 36 through page 5, line 4
2 by rewriting those lines to read:

3 "SECTION 15. G.S. 14-50.42 reads as rewritten:

4 "§ 14-50.42. Real property used by criminal ~~street~~-gangs declared a public nuisance:
5 abatement.

6 (a) Public Nuisance. – Any real property that is erected, established, maintained,
7 owned, leased, or used by any criminal ~~street~~-gang for the purpose of conducting criminal ~~street~~
8 gang activity, as defined in ~~G.S. 14-50.16(e)~~, G.S. 14-50.16A(2), shall constitute a public
9 nuisance and may be abated as provided by and subject to the provisions of Article 1 of
10 Chapter 19 of the General Statutes.

11 Proof that criminal gang activity by a criminal gang member is regularly committed at any
12 real property or proof that the real property is regularly used for engaging in criminal gang
13 activity by a criminal gang member is prima facie evidence that the owner or person who has
14 legal possession of the real property knowingly permitted the act unless the owner or person
15 who has legal possession of the real property is making or has made a good faith attempt to
16 terminate the criminal gang activity or remove criminal gang members from the property
17 through legal means, including trespass or summary ejection. For purposes of this section,
18 the term "regularly" means at least five times in a period of not more than 12 months.

19 (b) Innocent Activities. – The provisions of this section shall not apply to real property
20 used for criminal ~~street~~-gang activity where any of the following conditions are met:

21 (1) ~~the~~The owner or person who has legal possession of the real property does
22 not have actual knowledge that the real property is being used for criminal
23 ~~street-gang activity~~ activity.

24 (2) ~~or the~~The owner or person who has legal possession of the real property is
25 being coerced into allowing the property to be used for criminal ~~street~~-gang
26 activity.

27 (3) The owner or person who has legal possession of the real property is making
28 or has made a good faith attempt to terminate the criminal gang activity or
29 remove criminal gang members from the property through legal means,
30 including trespass or summary ejection.



* H 1 3 8 - A T Y - 4 7 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

House Bill 138

ADOPTED

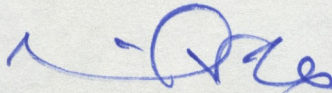
AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H138-ATY-47 [v.1]

Page 2 of 2

1 For purposes of this subsection, evidence that the defendant knew, or by the exercise of due
2 diligence should have known, of the criminal gang activity constitutes proof of actual
3 knowledge."
4

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**