

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 40

AMENDMENT NO. A3
(to be filled in by
Principal Clerk)

H40-ACE-19 [v.4]

Page 1 of 2

Amends Title [YES]
Second Edition

Date _____, 2023

Senator Chaudhuri

1 moves to amend the bill on page 1, line 10, by inserting the following at the end of the line before
2 the period:

3
4 "AND TO MAKE CERTAIN CHANGES RELATED TO THE CRIMINAL LAWS FOR
5 REBELLION, INSURRECTION, AND TERRORISM";

6
7 and on page 1, lines 14-17, by rewriting the lines to read:

8
9 "(a) A riot is a public disturbance involving an assemblage of three or more persons which
10 by disorderly and violent conduct, or the imminent threat of disorderly and violent conduct,
11 results in injury or damage to persons or property or creates a clear and present danger of injury
12 or damage to persons or ~~property~~ property and includes any violation of G.S. 14-8 and
13 G.S. 14-10.1.";

14
15 and on page 3, lines 18-19, by inserting the following between the lines:

16
17 "SECTION 4.6.(a) G.S. 14-8 reads as rewritten:
18 "**§ 14-8. Rebellion or insurrection against the State.**

19 (a) If any person shall incite, set on foot, assist or engage in a rebellion or insurrection
20 against the authority of the State of North Carolina or the laws thereof, or shall give aid or comfort
21 thereto, every person so offending in any of the ways aforesaid shall be guilty of a felony, and
22 shall be punished as a ~~Class F felon~~ Class D felon.

23 (b) Any state or local public official who shall be convicted of violating this section, in
24 addition to the punishment provided by law, shall be removed from office by the judge presiding,
25 and shall be prohibited from ever holding any state or local public office again. Any person who
26 shall be convicted of violating this section, in addition to the punishment provided by law, shall
27 be disqualified from running for, or holding, any state or local public office."

28 SECTION 4.6.(b) Article 3A of Chapter 14 reads as rewritten:

29 "Article 3A.

30 "~~Terrorism~~ Domestic Terrorism.

31 "**§ 14-10.1. ~~Terrorism~~ Domestic Terrorism.**



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1 (a) As used in this section, the term "act of violence" means a violation of G.S. 14-17; a
2 violation of 14-8; a felony punishable pursuant to G.S. 14-18; any felony offense in this Chapter
3 that includes an assault, or use of violence or force against a person; any felony offense that
4 includes either the threat or use of any explosive or incendiary device; or any offense that includes
5 the threat or use of a nuclear, biological, or chemical weapon of mass destruction.

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

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

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

12 (c) A violation of this section is a felony that is one class higher than the offense which
13 is the underlying act of violence, except that a violation is a Class B1 felony if the underlying act
14 of violence is a Class A or Class B1 felony offense. A violation of this section is a separate
15 offense from the underlying offense and shall not merge with other offenses.

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

24 (e) Any person whose property or person is injured by reason of a violation of this section
25 may sue for and recover treble damages, costs, and attorneys' fees pursuant to G.S. 1-539.2D.

26 (f) Any state or local public official who shall be convicted of violating this section, in
27 addition to the punishment provided by law, shall be removed from office by the judge presiding,
28 and shall be prohibited from ever holding any state or local public office again. Any person who
29 shall be convicted of violating this section, in addition to the punishment provided by law, shall
30 be disqualified from running for, or holding, any state or local public office."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____