

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45292-RI-28

Short Title: Protect Critical Infrastructure II. (Public)

Sponsors: Senators McInnis, Britt, and P. Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR PROPERTY CRIMES COMMITTED
3 AGAINST CRITICAL INFRASTRUCTURE, INCLUDING PUBLIC WATER SUPPLIES
4 AND WASTEWATER TREATMENT FACILITIES, AND TO MAKE CONFORMING
5 CHANGES TO UPDATE STATUTES RELATING TO DAMAGE TO UTILITIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-159.1 reads as rewritten:

8 "**§ 14-159.1. Contaminating or injuring a public water system-system; injuring a**
9 **wastewater treatment facility.**

10 (a) Contaminating a Public Water System. – A person commits the offense of
11 contaminating a public water system, as defined in G.S. 130A-313(10), if ~~he~~ the person willfully
12 or ~~wantonl~~y:

13 (1) ~~Contaminates, wantonly contaminates,~~ adulterates or otherwise impurifies or
14 attempts to contaminate, adulterate or otherwise impurify the water in a public
15 water system, including the water source, with any toxic chemical, biological
16 agent or radiological substance that is harmful to human health, except those
17 added in approved concentrations for water treatment ~~operations;~~
18 ~~operations.~~

19 (2) ~~Damages or tampers with the property or equipment of a public water system~~
20 ~~with the intent to impair the services of the public water system.~~

21 (b) Injuring a Public Water System. – It is unlawful to knowingly and willfully stop,
22 obstruct, impair, weaken, destroy, injure, or otherwise damage, or attempt to stop, obstruct,
23 impair, weaken, destroy, injure, or otherwise damage, the property or equipment of a public water
24 system, as defined in G.S. 130A-313(10), with the intent to impair the services of the public
25 water system.

26 (c) Injuring a Wastewater Treatment System. – It is unlawful to knowingly and willfully
27 stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, or attempt to stop, obstruct,
28 impair, weaken, destroy, injure, or otherwise damage, the property or equipment of a wastewater
29 treatment system that is owned or operated by a (i) public utility, as that term is defined under
30 G.S. 62-3, or (ii) local government unit, as defined in G.S. 159G-20(13). For purposes of this
31 section, the term "wastewater treatment facility" means the various facilities and devices used in
32 the treatment of sewage, industrial waste, or other wastes of a liquid nature, including the
33 necessary interceptor sewers, outfall sewers, nutrient removal equipment, pumping equipment,
34 power and other equipment, and their appurtenances.

35 (b)(d) ~~Any person who commits the offense defined in~~ Punishment. – A person who
36 violates subsection (a), (b), or (c) of this section is guilty of a Class C felony. Additionally, a



1 person who violates subsection (a), (b), or (c) of this section shall be ordered to pay a fine of
2 two hundred fifty thousand dollars (\$250,000).

3 (e) Merger. – Each violation of this section constitutes a separate offense and shall not
4 merge with any other offense.

5 (f) Civil Remedies. – Any person whose property or person is injured by reason of a
6 violation of subsection (a), (b), or (c) of this section shall have a right of action on account of
7 such injury done against the person who committed the violation and any person who acts as an
8 accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to
9 the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to
10 recover treble the amount of damages fixed by the verdict or punitive damages pursuant to
11 Chapter 1D of the General Statutes, together with costs, including attorneys' fees. A violation of
12 subsection (a), (b), or (c) of this section shall constitute willful or wanton conduct within the
13 meaning of G.S. 1D-5(7) in any civil action filed as a result of the violation. The rights and
14 remedies provided by this subsection are in addition to any other rights and remedies provided
15 by law. For purposes of this subsection, the term "damages" includes actual and consequential
16 damages.

17 (g) The provisions of subsection (f) of this section relating to treble damages shall not be
18 made known to the trier of fact through any means, including voir dire, the introduction into
19 evidence, argument, or instructions to the jury."

20 **SECTION 2.** G.S. 62-323 reads as rewritten:

21 **"§ 62-323. Willful injury to property of public utility a ~~misdemeanor~~-felony.**

22 (a) If any person shall willfully do or cause to be done any act or acts whatever whereby
23 any building, construction or work of any public utility, or any engine, machine or structure or
24 any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened,
25 injured or destroyed, he shall be guilty of a ~~Class 1 misdemeanor~~-Class C felony.

26 (b) Merger. – Each violation of this section constitutes a separate offense and shall not
27 merge with any other offense.

28 (c) Civil Remedies. – Any person whose property or person is injured by reason of a
29 violation of subsection (b) of this section shall have a right of action on account of such injury
30 done against the person who committed the violation and any person who acts as an accessory
31 before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation
32 of this section. If damages are assessed in such case the plaintiff shall be entitled to recover treble
33 the amount of damages fixed by the verdict or punitive damages pursuant to Chapter 1D of the
34 General Statutes, together with costs, including attorneys' fees. A violation of subsection (b) of
35 this section shall constitute willful or wanton conduct within the meaning of G.S. 1D-5(7) in any
36 civil action filed as a result of the violation. The rights and remedies provided by this subsection
37 are in addition to any other rights and remedies provided by law. For purposes of this subsection,
38 the term "damages" includes actual and consequential damages.

39 (d) The provisions of subsection (c) of this section relating to treble damages shall not be
40 made known to the trier of fact through any means, including voir dire, the introduction into
41 evidence, argument, or instructions to the jury.

42 (e) The provisions of this section shall only apply to conduct resulting in injury to a public
43 utility, or property thereof, not otherwise covered by G.S. 14-150.2, 14-154, or 14-159.1."

44 **SECTION 3.** G.S. 143-152 is repealed.

45 **SECTION 4.** This act becomes effective December 1, 2023, and applies to offenses
46 committed on or after that date.