

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 626
Judiciary Committee Substitute Adopted 4/18/23
PROPOSED HOUSE COMMITTEE SUBSTITUTE S626-PCS35292-RN-29

Short Title: Modify Human Trafficking and Rioting Laws.

(Public)

Sponsors:

Referred to:

April 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS RELATING TO HUMAN TRAFFICKING, AS
3 RECOMMENDED BY THE NORTH CAROLINA HUMAN TRAFFICKING
4 COMMISSION, AND TO MODIFY LAWS RELATING TO RIOTING.

5 The General Assembly of North Carolina enacts:

6
7 **EXPAND RIGHTS TO PERMANENT NO-CONTACT ORDERS FOR VICTIMS OF**
8 **HUMAN TRAFFICKING OFFENSES**

9 SECTION 1.(a) Chapter 50D of the General Statutes reads as rewritten:

10 "Chapter 50D.

11 "**Permanent Civil No-Contact Order Against Human Traffickers and Sex Offender on**
12 **Behalf of Crime Victim-Offenders.**

13 "§ 50D-1. Definitions.

14 The following definitions apply in this Chapter:

- 15 (1) Human trafficking offense. – Any criminal offense under Article 10A of
16 Chapter 14 of the General Statutes that is not a sex offense.
17 ~~(1)~~(1a) Permanent civil no-contact order. – A permanent injunction that prohibits any
18 contact by a respondent with the victim of a human trafficking offense or sex
19 offense for which the respondent is convicted.
20 (2) Respondent. – The person who committed the human trafficking offense or
21 sex offense.
22 (3) Sex offense. – Any criminal offense that requires registration under Article
23 27A of Chapter 14 of the General Statutes.
24 (4) Victim. – The person against whom the human trafficking offense or sex
25 offense was committed.

26 "§ 50D-2. Commencement of action; filing fees not permitted; assistance.

27 (a) An action is commenced under this Chapter by filing a verified complaint for a
28 permanent civil no-contact order in district court or by filing a motion in any existing civil action,
29 by any of the following:

- 30 (1) A person who is the victim of a human trafficking offense or sex offense that
31 occurs in this State.
32 (2) A competent adult who resides in this State on behalf of a minor child who is
33 the victim of a human trafficking offense or sex offense that occurs in this
34 State.



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(3) A competent adult who resides in this State on behalf of an incompetent adult who is the victim of a human trafficking offense or sex offense that occurs in this State.

...
(c) An action commenced under this Chapter may be filed in any county permitted under G.S. 1-82 or where the respondent was convicted of the human trafficking offense or sex offense.

...
"§ 50D-5. Remedy.

(a) If the court finds all of the following, the court may issue a permanent civil no-contact order:

(1) The respondent was convicted of committing a human trafficking offense or sex offense against the victim.

...."

SECTION 1.(b) This section becomes effective August 1, 2023, and applies to actions filed on or after that date.

PROHIBIT THE DENIAL OR REDUCTION OF AN AWARD FROM THE CRIME VICTIMS' COMPENSATION FUND SOLELY DUE TO CONDUCT OCCURRING WHILE THE CLAIMANT WAS A VICTIM OF HUMAN TRAFFICKING

SECTION 2.(a) G.S. 15B-11(b) reads as rewritten:

"(b) A claim may be denied or an award of compensation may be reduced ~~if~~ if either of the following applies:

(1) The victim was participating in a nontraffic misdemeanor at or about the time that the victim's injury ~~occurred; or~~ occurred, unless the victim is a victim as defined by G.S. 14-43.10(a) and was coerced or deceived into participating in the nontraffic misdemeanor as a direct result of the person's status as a victim.

(2) The claimant or a victim through whom the claimant claims engaged in contributory ~~misconduct.~~ misconduct, unless the claimant or victim through whom the claimant claims is a victim as defined by G.S. 14-43.10(a) and was coerced or deceived into participating in the contributory misconduct as a direct result of the person's status as a victim."

SECTION 2.(b) This section is effective when it becomes law and applies to denials or award reductions issued on or after that date.

EXPAND CONDUCT CONSTITUTING A CRIME OF HUMAN TRAFFICKING AND A CRIME OF SEXUAL SERVITUDE

SECTION 3.(a) G.S. 14-43.11(a) reads as rewritten:

"(a) A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, patronizes, solicits, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude."

SECTION 3.(b) G.S. 14-43.13(a) reads as rewritten:

"(a) A person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects, maintains, patronizes, solicits, or obtains another for the purposes of sexual servitude."

SECTION 3.(c) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

AMEND RIOTING LAWS

1 **SECTION 4.(a)** G.S. 14-288.2, as amended by Section 1 of S.L. 2023-6, reads as
2 rewritten:

3 **"§ 14-288.2. Riot; inciting to riot; punishments.**

4 (a) A riot is a public disturbance involving an assemblage of three or more persons which
5 by disorderly and violent conduct, or the imminent threat of disorderly and violent conduct,
6 results in injury or damage to persons or property or creates a clear and present danger of injury
7 or damage to persons or property.

8 (b) Any person who willfully engages in a riot is guilty of a Class 1 misdemeanor.

9 (c) Any person who willfully engages in a riot is guilty of a Class H felony if in the course
10 of the riot the person brandishes any dangerous weapon or uses a dangerous substance.

11 (c1) Any person who willfully engages in a riot is guilty of a Class F felony if in the course
12 of the riot the person causes property damage in excess of two thousand five hundred dollars
13 (\$2,500) or serious bodily injury.

14 (c2) Any person who willfully engages in a riot is guilty of a Class E felony if in the course
15 of the riot the person causes a death.

16 (d) Any person who willfully incites ~~or urges~~ another to engage in a riot, ~~so that as a~~
17 ~~result of such inciting or urging a riot occurs or a clear and present danger of a riot is created,~~ riot
18 and that inciting results in a riot or is directly and imminently likely to produce a riot is guilty of
19 a Class A1 misdemeanor.

20 (e) Any person who willfully incites ~~or urges~~ another to engage in a riot, and ~~such that~~
21 ~~inciting or urging~~ is a contributing cause of a riot in which there is property damage in excess of
22 two thousand five hundred dollars (\$2,500) or serious bodily injury, shall be guilty of a Class E
23 felony.

24 (e1) Any person who willfully incites ~~or urges~~ another to engage in a riot, and ~~such that~~
25 ~~inciting or urging causes a~~ is a contributing cause of a riot in which there is a death, shall be
26 guilty of a Class D felony.

27 (f) Any person whose person or property is injured by reason of a violation of this section
28 may sue for and recover from the violator three times the actual damages sustained, as well as
29 court costs and attorneys' fees.

30 (g) Mere presence alone without an overt act is not sufficient to sustain a conviction
31 pursuant to this section."

32 **SECTION 4.(b)** This section becomes effective December 1, 2023, and applies to
33 offenses committed on or after that date.

34 **EFFECTIVE DATE**

35 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
36 law.
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