

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**1**

**HOUSE BILL 2138**

Short Title: Terrorism/State Crime. (Public)

Sponsors: Representatives LaRoque; Daughtridge, Faison, Johnson, Moore, Pate, and Preston.

Referred to: Judiciary I, if favorable, Appropriations.

May 18, 2006

A BILL TO BE ENTITLED  
AN ACT TO MAKE TERRORISM A VIOLATION OF THE CRIMINAL LAWS OF  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 36C.  
"Terrorism.

**§ 14-288.25. Definitions.**

As used in this Article, unless the context requires otherwise:

- (1) An "act of terrorism" means an act or acts constituting a specified offense as defined in subdivision (3) of this section for which a person may be convicted in the criminal courts of this State, or an act or acts constituting an offense in any other jurisdiction within or outside the territorial boundaries of the United States which contains all of the essential elements of a specified offense, that is intended to do any one of the following:
  - a. Intimidate or coerce a civilian population.
  - b. Influence the policy of a unit of government by intimidation or coercion.
  - c. Affect the conduct of a unit of government by murder, assassination, or kidnapping.
- (2) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

1           (3) "Specified offense" means any felony, assault, stalking, intimidating a  
2           witness, obstruction of justice, or any attempt or conspiracy to commit  
3           any of these offenses.

4 **"§ 14-288.26. Crime of terrorism.**

5           (a) A person is guilty of a crime of terrorism when, with the intent to,

6           (1) Intimidate or coerce a civilian population,

7           (2) Influence the policy of a unit of government by intimidation or  
8           coercion, or

9           (3) Affect the conduct of a unit of government by murder, assassination,  
10           or kidnapping,

11 the person commits a specified offense, or the person provides material support or  
12 resources used in the attempt or commission of the specified offense.

13           (b) Unless a person's conduct is covered under some other provision of law  
14 providing greater punishment, when a person is convicted pursuant to this section, and  
15 the specified offense is a felony, the crime of terrorism shall be deemed to be one class  
16 higher than the specified offense committed, or one class higher than the offense level  
17 applicable to the conviction for an attempt or conspiracy to commit the specified  
18 offense, whichever is applicable. If the specified offense is a Class A1 misdemeanor,  
19 then the offense shall be deemed to be a Class H felony.

20           (c) Notwithstanding any other provision of law, when a person is convicted of a  
21 crime of terrorism pursuant to this article and the specified offense is a Class B1 or B2  
22 felony, the person is guilty of a Class A felony and shall be sentenced to life  
23 imprisonment without parole.

24 **"§ 14-288.27. Duty to report crimes; penalty for failure to report in certain**  
25 **circumstances.**

26           (a) Any person who has reason to believe that a person has committed a specified  
27 offense, and with the intent to assist the offender in eluding arrest, does any of the  
28 following is guilty of a Class H felony:

29           (1) Withholds information from, or does not notify, any law enforcement  
30 agency about the offender's involvement with a specified offense and  
31 the whereabouts of the offender, if known.

32           (2) Harbors, or attempts to harbor, or assists another person in harboring,  
33 or attempting to harbor, the offender.

34           (3) Conceals, or attempts to conceal, or assists another person in  
35 concealing, or attempting to conceal, the offender.

36           (4) Provides information to the law enforcement agency regarding the  
37 offender that the person knows to be false information.

38           (b) Nothing in this section shall be construed so as to supersede any statutory or  
39 common law privileges applicable to the communication of information that might be  
40 relevant to the prosecution of an offense."

41           **SECTION 2.** There is appropriated from the General Fund to the  
42 Administrative Office of the Courts, the sum of ten thousand dollars (\$10,000) for the  
43 2006-2007 fiscal year, to implement the provisions of this act.

1                   **SECTION 3.** This act becomes effective December 1, 2006, and applies to  
2 offenses committed on or after that date.