

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 685
Judiciary II (Criminal) Committee Substitute Adopted 5/22/07
House Committee Substitute Favorable 7/15/08
House Committee Substitute #2 Favorable 7/16/08

Short Title: Up Penalties Cross Burn/Illeg. to Hang Noose.

(Public)

Sponsors:

Referred to:

March 13, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE PLACING OF A BURNING CROSS ON ANY PUBLIC PLACE; TO RAISE THE PENALTY FOR BURNING A CROSS WITH THE INTENT TO INTIMIDATE; TO RAISE THE PENALTY FOR PLACING AN EXHIBIT WITH THE INTENT TO INTIMIDATE; TO RAISE THE PENALTY FOR PLACING AN EXHIBIT WHILE WEARING A MASK, HOOD, OR OTHER DISGUISE; TO CLARIFY THAT THE TERM "EXHIBIT" INCLUDES OBJECTS SUCH AS NOOSES; TO RAISE THE PENALTY FOR OFFENSE COMMITTED BECAUSE OF VICTIM'S BACKGROUND; TO STUDY THE IMPACT OF RECENT CROSS BURNINGS AND NOOSE HANGINGS ACROSS THE STATE; AND TO MAKE RECOMMENDATIONS FOR MODIFICATION TO THE CRIMINAL LAWS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-12.12 reads as rewritten:

"§ 14-12.12. Placing burning or flaming cross on property of another or on public street or ~~highway~~ highway or on any public place.

(a) It shall be unlawful for any person or persons to place or cause to be placed on the property of another in this State a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is a whole or a part, without first obtaining written permission of the owner or occupier of the premises so to do.

(b) It shall be unlawful for any person or persons to place or cause to be placed on the property of another in this State or on a public street or highway, or on any public place a burning or flaming cross or any manner of exhibit in which a burning or flaming cross real or simulated, is a whole or a part, with the intention of intimidating any person or persons or of preventing them from doing any act which is lawful, or causing them to do any act which is unlawful."

1 **SECTION 2.** G.S. 14-12.13 reads as rewritten:

2 "**§ 14-12.13. Placing exhibit with intention of intimidating, etc., another.**

3 It shall be unlawful for any person or persons to place or cause to be placed
4 anywhere in this State any exhibit of any kind whatsoever, while masked or unmasked,
5 with the intention of intimidating any person or persons, or of preventing them from
6 doing any act which is lawful, or of causing them to do any act which is
7 ~~unlawful~~unlawful. For the purposes of this section, the term "exhibit" includes items
8 such as a noose."

9 **SECTION 3.** G.S. 14-12.14 reads as rewritten:

10 "**§ 14-12.14. Placing exhibit while wearing mask, hood, or other disguise.**

11 It shall be unlawful for any person or persons, while wearing a mask, hood or device
12 whereby the person, face or voice is disguised so as to conceal the identity of the
13 wearer, to place or cause to be placed at or in any place in the State any exhibit of any
14 kind whatsoever, with the intention of intimidating any person or persons, or of
15 preventing them from doing any act which is lawful, or of causing them to do any act
16 which is ~~unlawful~~unlawful. For the purposes of this section, the term "exhibit" includes
17 items such as a noose."

18 **SECTION 4.** G.S. 14-12.15 reads as rewritten:

19 "**§ 14-12.15. Punishment for violation of Article.**

20 All persons violating any of the provisions of this Article, except for
21 G.S. 14-12.12(b), 14-12.13, and 14-12.14, shall be guilty of a Class 1 misdemeanor. All
22 persons violating the provisions of G.S. 14-12.12(b), 14-12.13, and 14-12.14 shall be
23 punished as a Class ~~I~~H felon."

24 **SECTION 4.1.** G.S. 14-3(c) reads as rewritten:

25 "(c) If any Class 2 or Class 3 misdemeanor is committed because of the victim's
26 race, color, religion, nationality, or country of origin, the offender shall be guilty of a
27 Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed
28 because of the victim's race, color, religion, nationality, or country of origin, the
29 offender shall be guilty of a Class ~~I~~H felony."

30 **SECTION 5.** The Legislative Research Commission shall study the impact
31 of recent cross burnings and noose hangings within the State and determine if any
32 modifications should be made to existing statutes to lawfully deter this type of conduct.
33 The Legislative Research Commission shall report its findings and make
34 recommendations for legislation to the 2009 Session of the General Assembly.

35 **SECTION 6.** Sections 1 through 4.1 of this act become effective December
36 1, 2008, and apply to offenses committed on or after that date. The remainder of this act
37 is effective when it becomes law.