

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-197
SENATE BILL 685

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."

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

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

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

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

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

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 18th day of July, 2008.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:23 p.m. this 8th day of August, 2008