

§ 14-150.2. Injuring energy facility.

(a) Definition. – For purposes of this section, the term "energy facility" means any facility involved in (i) the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy or (ii) research, development, or demonstration related to the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy. This term includes any:

- (1) Facility in operation, under construction, or otherwise not functioning;
- (2) Line, wire, pipe, or other property or equipment used as part of the normal operation of the facility; and
- (3) Hardware, software, or other digital infrastructure necessary for the operations of a facility.

(b) Offense. – It is unlawful to knowingly and willfully (i) destroy, injure, or otherwise damage, or attempt to destroy, injure, or otherwise damage, an energy facility or (ii) obstruct, impede, or impair the services or transmissions of an energy facility, or attempt to obstruct, impede, or impair the services or transmissions of an energy facility.

(c) Punishment. – A person who violates subsection (b) of this section is guilty of a Class C felony, except that a violation that results in the death of another is a Class B2 felony. Additionally, a person who violates subsection (b) of this section shall be ordered to pay a fine of two hundred fifty thousand dollars (\$250,000).

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

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

(f) Nothing in this section shall apply to demolition work and other activity that is performed at or on an energy facility by the owner or operator of the facility, or an agent of the owner or operator authorized to perform such work or activity by the owner or operator.

(g) The provisions of subsection (e) of this section relating to treble damages shall not be made known to the trier of fact through any means, including voir dire, the introduction into evidence, argument, or instructions to the jury. (2023-47, s. 1.)