

§ 62-323. Willful injury to property of public utility a felony.

(a) [Injuring a Public Utility; Punishment. –] If any person shall willfully do or cause to be done any act or acts whatever whereby any building, construction or work of any public utility, or any engine, machine or structure or any matter or thing appertaining to the same, including hardware, software, or other digital infrastructure necessary for the operations of the public utility, shall be stopped, obstructed, impaired, weakened, injured or destroyed, he shall be guilty of a Class C felony.

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

(c) Civil Remedies. – Any person whose property or person is injured by reason of a violation of subsection (a) 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 subsection (a) 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.

(d) [Prohibition Regarding Treble Damages. –] The provisions of subsection (c) 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.

(e) [Applicability. –] The provisions of this section shall only apply to conduct resulting in injury to a public utility, or property thereof, not otherwise covered by G.S. 14-150.2, 14-154, or 14-159.1.

(f) [Exclusions. –] Nothing in this section shall apply to work or activity that is performed at or on a public utility by the owner or operator of the utility, or an agent of the owner or operator authorized to perform such work or activity by the owner or operator. (1871-2, c. 138, s. 39; Code, s. 1974; Rev., s. 3756; C.S., s. 3478; 1963, c. 1165, s. 1; 1993, c. 539, s. 488; 1994, Ex. Sess., c. 24, s. 14(c); 2024-45, s. 9(c).)