

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1406

Short Title: Make Terrorism a Crime. (Public)

Sponsors: Representatives Killian, Neumann (Primary Sponsors); Faison, Langdon, Lucas, and Moore.

Referred to: Judiciary I, if favorable, Appropriations.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM.
3 The General Assembly of North Carolina enacts:

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

6 "Article 36C.

7 "Terrorism.

8 **"§ 14-288.25. Definitions.**

9 The following definitions shall apply in this Article:

10 (1) Act of terrorism. – An act of violence committed with the intent to
11 intimidate the civilian population at large or to influence, through
12 intimidation, the conduct or activities of the government of the United
13 States, a state, a county, or a city.

14 (2) Act of violence. – Any act that constitutes a violent felony as that term is
15 defined in G.S. 14-7.7.

16 (3) Base offense. – An act of violence committed with the intent required to
17 commit an act of terrorism.

18 (4) Closed community compound. – A community with limited public access
19 reputed to be bound together by a common purpose or ideology. As used in
20 this subdivision, the term 'limited public access' means access only by
21 private roads or paths or by public roads but where the community as a
22 practical matter limits public access.

23 (4) Community. – A group of residences or dwelling structures located on
24 common land or contiguous parcels.

25 (5) Continuing criminal enterprise. – As defined in G.S. 14-7.20(c).

26 **"§ 14-288.26. Acts of terrorism prohibited; penalty.**

27 (a) Any person who commits or conspires to commit, or aids and abets the commission
28 of an act of terrorism, is guilty of a Class B1 felony if the base offense of such act or terrorism
29 is a Class B1 or Class A felony. A violation of this subsection is a separate offense from the
30 base offense and shall not merge with other offenses.

31 (b) Any person who commits or conspires to commit, or aids and abets the commission
32 of an act of terrorism, is guilty of a Class C felony if the base offense of such act or terrorism is
33 a Class B2 felony or a lesser offense. A violation of this subsection is a separate offense from
34 the base offense and shall not merge with other offenses.



1 (c) Any person who solicits, invites, recruits, encourages, or otherwise causes or
2 attempts to cause another to participate in an act, or acts, of terrorism is guilty of a Class D
3 felony.

4 **"§ 14-288.27. Aiding and abetting training for acts of terrorism prohibited; penalty.**

5 Any person who recklessly assists, provides land or other resources, or otherwise aides the
6 training of one or more persons intending to commit an act of terrorism in this State or
7 anywhere else shall be guilty of aiding and abetting acts of terrorism in violation of
8 G.S. 14-288.26.

9 **"§ 14-288.28. Probable cause for searching closed community compound.**

10 The following factors taken singly or together may constitute probable cause for search and
11 seizure of the evidence of criminal activity related to unlawful paramilitary activity, acts of
12 terrorism, a continuing criminal enterprise, authorizing the search of each structure within a
13 closed community compound:

- 14 (1) Evidence of two or more criminal acts on separate occasions by two or more
15 persons who are residents of or visitors to a closed community compound
16 when each criminal act involves one or more of the following: weapons,
17 drugs, theft, carjacking, vandalism, robbery, kidnapping, acts of terrorism
18 (including aiding and abetting), paramilitary activity, fraud (including
19 welfare fraud) under any State or federal law, other crimes of violence, other
20 crimes involving theft or dishonesty.
- 21 (2) The presence of persons who are not lawfully present in the United States.
- 22 (3) Neighbor reports of frequent gunfire or explosions from a closed community
23 compound.
- 24 (4) Reports from other law enforcement agencies that fugitives are being
25 harbored in a closed community compound.
- 26 (5) Having a history of harboring known fugitives, whether or not charged or
27 convicted of an offense.
- 28 (6) Any other factors which may justify a search and seizure.

29 **"§ 14-288.29. Seizure of property in connection with or derived from terrorism;**
30 **forfeiture.**

31 All real and personal property of every kind used or intended for use in the course of,
32 derived from, or realized through a violation of this Article shall be subject to lawful seizure
33 and forfeiture to the State as set forth in G.S. 14-2.3 and G.S. 14-7.20. However, the forfeiture
34 of any real or personal property shall be subordinate to any security interest in the property
35 taken by a lender in good faith as collateral for the extension of credit and recorded as provided
36 by law, and no real or personal property shall be forfeited under this section against an owner
37 who made a bona fide purchase of the property without knowledge of a violation of this
38 Article."

39 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
40 offenses committed on or after that date.