

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 58
PROPOSED COMMITTEE SUBSTITUTE S58-PCS15075-RI-2

Short Title: Protect Critical Infrastructure.

(Public)

Sponsors:

Referred to:

February 2, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR PROPERTY CRIMES COMMITTED
3 AGAINST UTILITIES, INCLUDING FACILITIES INVOLVED IN THE
4 TRANSMISSION OF TELEPHONE, BROADBAND, OR CABLE
5 TELECOMMUNICATIONS SERVICES AND FACILITIES INVOLVED IN THE
6 PRODUCTION, STORAGE, TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY,
7 FUEL, OR ANOTHER FORM OR SOURCE OF ENERGY.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Article 22 of Chapter 14 of the General Statutes is amended by adding
10 a new section to read:

11 "**§ 14-150.2. Injuring energy facility.**

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

- 17 (1) Facility in operation, under construction, or otherwise not functioning; and
18 (2) Line, wire, pipe, or other property or equipment used as part of the normal
19 operation of the facility.

20 (b) Offense. – It is unlawful to knowingly and willfully destroy, injure, or otherwise
21 damage, or attempt to destroy, injure, or otherwise damage, an energy facility.

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

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

28 (e) Civil Liability. – Any person whose property or person is injured by reason of a
29 violation of this section may sue for and recover treble damages, costs, and attorneys' fees from
30 the person who committed the violation of this section and any person who acts as an accessory
31 before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation
32 of this section. The rights and remedies provided by this subsection are in addition to any other
33 rights and remedies provided by law. For purposes of this subsection, the term "damages"
34 includes actual and consequential damages."

35 SECTION 2. G.S. 14-159.12 reads as rewritten:

36 "**§ 14-159.12. First degree trespass.**



* S 5 8 - P C S 1 5 0 7 5 - R I - 2 *

1 (a) Offense. – A person commits the offense of first degree trespass if, without
2 authorization, ~~he~~ ~~the person~~ enters or ~~remains; remains on or in any of the following:~~

- 3 (1) ~~On~~ ~~The~~ premises of another so enclosed or secured as to demonstrate clearly
4 an intent to keep out ~~intruders; intruders.~~
5 (2) ~~In a~~ ~~The~~ building of ~~another; or another.~~
6 (3) ~~On the~~ ~~The~~ lands of the Eastern Band of Cherokee Indians after the person has
7 been excluded by a resolution passed by the Eastern Band of Cherokee Indian
8 Tribal Council.

9 ...
10 (c) Except as otherwise provided in subsection (d) of this section, a violation of
11 subsection (a) of this section is a Class ~~A1 misdemeanor~~ I felony if all of the following
12 circumstances exist:

- 13 (1) The offense is committed on the premises of any of the following:
14 a. ~~A facility that is owned or operated by an electric power supplier as~~
15 ~~defined in G.S. 62-133.8(a)(3) and that is either an electric generation~~
16 ~~facility, a transmission substation, a transmission switching station, a~~
17 ~~transmission switching structure, or a control center used to manage~~
18 ~~transmission operations or electrical power generating at multiple~~
19 ~~plant locations.~~
20 b. Any facility used or available for use in the collection, treatment,
21 testing, storing, pumping, or distribution of water for a public water
22 system.
23 c. ~~Any facility, including any liquefied natural gas storage facility or~~
24 ~~propane air facility, that is owned or operated by a natural gas local~~
25 ~~distribution company, natural gas pipeline carrier operating under a~~
26 ~~certificate of public convenience and necessity from the Utilities~~
27 ~~Commission, municipal corporation operating a municipally owned~~
28 ~~gas distribution system, or regional natural gas district organized and~~
29 ~~operated pursuant to Article 28 of Chapter 160A of the General~~
30 ~~Statutes used for transmission, distribution, measurement, testing,~~
31 ~~regulating, compression, control, or storage of natural gas.~~
32 d. Any facility used or operated for agricultural activities, as that term is
33 defined in G.S. 106-581.1.
34 e. Any facility involved in the production, storage, transmission, or
35 distribution of electricity, fuel, or another form or source of energy, or
36 research, development, or demonstration facilities related thereto,
37 regardless of whether the facility is under construction or is otherwise
38 not functioning.
39 f. A facility owned by a public utility, as that term is defined under
40 G.S. 62-3, or a unit of local government, used for the treatment of
41 wastewater, including sewage, industrial waste, or other wastes of a
42 liquid nature.

- 43 (2) The person actually entered a building, or it was necessary for the person to
44 climb over, go under, or otherwise surmount a fence or other barrier to reach
45 the facility.

46 (d) If, in addition to the circumstances set out in subsection (c) of this section, the
47 violation also includes any of the following elements, then the offense is a Class ~~H~~ G felony:

- 48 (1) The offense is committed with the intent to disrupt the normal operation of
49 any of the facilities described in subdivision (1) of subsection (c) of this
50 section.

(2) The offense involves an act that places either the offender or others on the premises at risk of serious bodily injury.

...."

SECTION 3. G.S. 14-154 reads as rewritten:

"§ 14-154. **Injuring wires and other fixtures of ~~telephone, telegraph, and electric power~~ telephone and broadband companies.**

If any person shall willfully injure, ~~destroy~~ destroy, or pull down any ~~telegraph, telephone, telephone, broadband, or cable telecommunications, or electric power transmission telecommunications~~ pedestal or pole, or any ~~telegraph, telephone, cable telecommunications, or electric power line, wire or fiber insulator, power supply, transformer, transmission or other apparatus, equipment~~ equipment, or fixture used in the transmission of ~~telegraph, telephone, eable telecommunications, or electrical power service~~ telephone, broadband, or cable telecommunications, or any ~~equipment~~ apparatus, equipment, or fixture related to wireless communications regulated by the Federal Communications Commission, that person shall be guilty of a Class ~~I-Felony~~ C felony."

SECTION 4. G.S. 14-152 and G.S. 14-156 are repealed.

SECTION 5. G.S. 62-323 reads as rewritten:

"§ 62-323. **Willful injury to property of public utility a ~~misdemeanor~~ felony.**

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 shall be stopped, obstructed, impaired, weakened, injured or destroyed, ~~he the person~~ shall be guilty of a Class ~~I-misdemeanor~~ C felony."

SECTION 6. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 7. This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.