

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-47
SENATE BILL 58

AN ACT TO INCREASE THE PUNISHMENT FOR PROPERTY CRIMES COMMITTED AGAINST UTILITIES, INCLUDING FACILITIES INVOLVED IN THE TRANSMISSION OF TELEPHONE, BROADBAND, BROADCAST, OR CABLE TELECOMMUNICATIONS SERVICES AND FACILITIES INVOLVED IN THE PRODUCTION, STORAGE, TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY, FUEL, OR ANOTHER FORM OR SOURCE OF ENERGY.

The General Assembly of North Carolina enacts:

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

"§ 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."

SECTION 1.5. Chapter 1D of the General Statutes is amended by adding a new section to read:

"§ 1D-27. Injuring energy facility; exemption from cap.

G.S. 1D-25(b) shall not apply to a claim for punitive damages for injury or harm arising from actions of the defendant that constitute a violation of G.S. 14-150.2(b)."

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

"§ 14-159.12. First degree trespass.

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

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

...

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

- (1) The offense is committed on the premises of any of the following:
 - a. ~~A facility that is owned or operated by an electric power supplier as defined in G.S. 62-133.8(a)(3) and that is either an electric generation facility, a transmission substation, a transmission switching station, a transmission switching structure, or a control center used to manage transmission operations or electrical power generating at multiple plant locations.~~
 - b. Any facility used or available for use in the collection, treatment, testing, storing, pumping, or distribution of water for a public water system.
 - c. ~~Any facility, including any liquefied natural gas storage facility or propane air facility, that is owned or operated by a natural gas local distribution company, natural gas pipeline carrier operating under a certificate of public convenience and necessity from the Utilities Commission, municipal corporation operating a municipally owned gas distribution system, or regional natural gas district organized and operated pursuant to Article 28 of Chapter 160A of the General Statutes used for transmission, distribution, measurement, testing, regulating, compression, control, or storage of natural gas.~~
 - d. Any facility used or operated for agricultural activities, as that term is defined in G.S. 106-581.1.
 - e. An energy facility, as that term is defined by G.S. 14-150.2.
 - f. A facility owned by a public utility, as that term is defined under G.S. 62-3, or a unit of local government, used for the treatment of

wastewater, including sewage, industrial waste, or other wastes of a liquid nature.

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

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

(1) The offense is committed with the intent to disrupt the normal operation of any of the facilities described in subdivision (1) of subsection (c) of this 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, broadband, broadcast, or cable telecommunications companies.

If any person shall willfully injure, ~~destroy~~destroy, or pull down any ~~telegraph, telephone, telephone, broadband, broadcast, 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, cable telecommunications, or electrical power service~~telephone, broadband, broadcast, or cable telecommunications, or any ~~equipment~~apparatus, equipment, or fixture related to broadcast or 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. 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 6. This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 15th day of June, 2023.

s/ Timothy D. Moffitt
Presiding Officer of the Senate

s/ Jeff Zenger
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 2:05 p.m. this 19th day of June, 2023