

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

HOUSE BILL 371
RATIFIED BILL

AN ACT CREATING A CIVIL CLAIM FOR RELIEF FOR DAMAGES SUSTAINED AS THE RESULT OF TERRORIST ACTS, AMENDING LAWS RELATED TO MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD CARRYING CONCEALED WEAPONS, AND TO PERMIT THE RULES REVIEW COMMISSION TO RETAIN PRIVATE COUNSEL UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 43 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-539.2D. Civil liability for acts of terror.

(a) The following definitions apply in this section:

(1) Act of terror. – An activity with all of the following characteristics:

a. Involves violent acts or acts dangerous to human life that violate federal or State law.

b. Appears to be intended (i) to intimidate or coerce a civilian population, (ii) to influence the policy of a government by intimidation or coercion, or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.

c. Occurs primarily within this State.

(2) Terrorist. – A person who commits an act of terror, including a person who acts as an accessory before or after the fact, aids or abets, solicits, or conspires to commit an act of terror or who lends material support to an act of terror.

(b) Any person whose property or person is injured by a terrorist may sue for and recover damages from the terrorist.

(c) Any person who files an action under this section is entitled to recover three times the actual damages sustained or fifty thousand dollars (\$50,000), whichever is greater, as well as court costs and attorneys' fees in the trial and appellate courts if the person prevails in the claim.

(d) The rights and remedies provided by this section are in addition to any other rights and remedies provided by law."

SECTION 1.5. G.S. 1-51 is amended by adding a new subdivision to read:

"(3) No suit, action, or proceeding shall be brought or maintained against a terrorist for damages under G.S. 1-539.2D unless such suit, action, or proceeding is commenced within five years from the date of the injury."

SECTION 2. G.S. 14-10.1 is amended by adding a new subsection to read:

"(e) Any person whose property or person is injured by reason of a violation of this section may sue for and recover treble damages, costs, and attorneys' fees pursuant to G.S. 1-539.2D."

SECTION 2.5. G.S. 14-269(b) reads as rewritten:

"(b) This prohibition shall not apply to the following persons:

...

(3a) A member of the North Carolina National Guard who has been designated in writing by the Adjutant General, State of North Carolina, who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, and is acting in the discharge of his or her official duties, provided that the member does not



carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the member's body.

...."

SECTION 2.7. G.S. 143B-30.1 is amended by adding a new subsection to read:

"(g) In the discretion of the Commission, G.S. 114-2.3 and G.S. 147-17 (a) through (c) shall not apply to the Commission if the Commission is being sued by another agency, institution, department, bureau, board, or commission of the State, whether such body is created by the Constitution or by statute. The chairman, upon approval of a majority of the Commission, may retain private counsel to represent the Commission to be paid with available State funds to defend such litigation either independently or in cooperation with the Department of Justice. If private counsel is to be so retained to represent the Commission, the chairman shall designate lead counsel who shall possess final decision-making authority with respect to the representation, counsel, or service for the Commission. Other counsel for the Commission shall, consistent with the Rules of Professional Conduct, cooperate with such designated lead counsel."

SECTION 3. Sections 1 and 2 of this act become effective October 1, 2015, and apply to acts committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of August, 2015.

s/ Louis M. Pate, Jr.
Deputy President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____, m. this _____ day of _____, 2015