

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 237  
Committee Substitute Favorable 4/19/23  
Committee Substitute #2 Favorable 5/3/23  
PROPOSED SENATE COMMITTEE SUBSTITUTE H237-PCS10562-CE-38

Short Title: Unmasking Mobs and Criminals.

(Public)

Sponsors:

Referred to:

March 2, 2023

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PHYSICAL HEALTH AND SAFETY OF OTHERS EXEMPTION TO CERTAIN LAWS PROHIBITING WEARING MASKS; TO ENHANCE PUNISHMENT IF THE DEFENDANT WAS WEARING A MASK OR OTHER CLOTHING OR DEVICE TO CONCEAL OR ATTEMPT TO CONCEAL THE DEFENDANT'S IDENTITY; TO PROHIBIT GUBERNATORIAL EXECUTIVE ORDERS, SECRETARIAL DECLARATIONS, MUNICIPAL OR LOCAL GOVERNMENT PROHIBITIONS AND RESTRICTIONS, OR OTHER RULES OR REGULATIONS BY A POLITICAL SUBDIVISION OF THIS STATE FROM IMPOSING ADDITIONAL LIMITATIONS ON RELIGIOUS INSTITUTIONS THAT ARE NOT APPLICABLE TO BUSINESSES, NONPROFIT ORGANIZATIONS, OR OTHER PRIVATE ENTITIES AFFECTED BY THE SAME OR SIMILAR EMERGENCY; TO INCREASE THE PENALTY FOR IMPEDING A ROAD DURING A DEMONSTRATION OR OBSTRUCTING AN EMERGENCY VEHICLE FROM ACCESSING A ROAD AT ANY TIME; AND TO CREATE CIVIL LIABILITY FOR A DEMONSTRATION ORGANIZER OF A DEMONSTRATION THAT OBSTRUCTS AN EMERGENCY VEHICLE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 14-12.11 reads as rewritten:

"§ 14-12.11. Exemptions from provisions of Article.

(a) Any of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8, 14-12.9, 14-12.10 and 14-12.14:

- (1) Any person or persons wearing traditional holiday costumes in season.
- (2) Any person or persons engaged in trades and employment where a mask is worn for the purpose of ensuring the physical safety of the wearer, or because of the nature of the occupation, trade or profession.
- (3) Any person or persons using masks in theatrical productions including use in Mardi Gras celebrations and masquerade balls.
- (4) Persons wearing gas masks prescribed in civil defense drills and exercises or emergencies.
- (5) Any person or persons, as members or members elect of a society, order or organization, engaged in any parade, ritual, initiation, ceremony, celebration or requirement of such society, order or organization, and wearing or using any manner of costume, paraphernalia, disguise, facial makeup, hood,



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1 implement or device, whether the identity of such person or persons is  
2 concealed or not, on any public or private street, road, way or property, or in  
3 any public or private building, provided permission shall have been first  
4 obtained therefor by a representative of such society, order or organization  
5 from the governing body of the municipality in which the same takes place,  
6 or, if not in a municipality, from the board of county commissioners of the  
7 county in which the same takes place.

8 (6) ~~Any person wearing a mask for the purpose of ensuring the physical health or~~  
9 ~~safety of the wearer or others.~~

10 (a1) This Article shall not apply to any preliminary meetings held in good faith for the  
11 purpose of organizing, promoting or forming a labor union or a local organization or subdivision  
12 of any labor union nor shall the provisions of this Article apply to any meetings held by a labor  
13 union or organization already organized, operating and functioning and holding meetings for the  
14 purpose of transacting and carrying out functions, pursuits and affairs expressly pertaining to  
15 such labor union.

16 (b) Notwithstanding G.S. 14-12.7 and G.S. 14-12.8, a person may wear a mask for the  
17 purpose of protecting the person's head, face, or head and face, when operating a motorcycle, as  
18 defined in G.S. 20-4.01. A person wearing a mask when operating a motorcycle shall remove the  
19 mask during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when  
20 approached by a law enforcement officer.

21 ~~(c) Notwithstanding subdivision (a)(6) of this section, a person wearing a mask for the~~  
22 ~~purpose of ensuring the physical health or safety of the wearer or others shall remove the mask,~~  
23 ~~upon request by a law enforcement officer, in any of the following circumstances:~~

24 ~~(1) During a traffic stop, including a checkpoint or roadblock pursuant to~~  
25 ~~G.S. 20-16.3A.~~

26 ~~(2) When a law enforcement officer has reasonable suspicion or probable cause~~  
27 ~~during a criminal investigation."~~

28 **SECTION 1.(b)** This section is effective when it becomes law and applies to  
29 offenses committed on or after that date.

30 **SECTION 2.(a)** Article 81B of Chapter 15A of the General Statutes is amended by  
31 adding a new section to read:

32 "**§ 15A-1340.16G. Enhanced sentence if defendant is convicted of a misdemeanor or felony**  
33 **and the defendant was wearing a mask or other clothing or device to conceal or**  
34 **attempt to conceal the defendant's identity.**

35 (a) If a person is convicted of a misdemeanor or felony and it is found as provided in this  
36 section that the person wore a mask or other clothing or device that concealed or attempted to  
37 conceal the person's identity at the time of the offense, then the person is guilty of a misdemeanor  
38 or felony that is one class higher than the underlying misdemeanor or felony for which the person  
39 was convicted. Notwithstanding any provision of this Article to the contrary, the court shall  
40 impose a sentence of imprisonment for a person convicted of an offense enhanced under this  
41 section if, after enhancement, the class of offense and prior record level permit active punishment  
42 as a sentence disposition.

43 (b) An indictment or information for the offense shall allege in that indictment or  
44 information or in a separate indictment or information the facts that qualify the offense for an  
45 enhancement under this section. One pleading is sufficient for all offenses that are tried at a single  
46 trial.

47 (c) The State shall prove the issues set out in subsection (a) of this section beyond a  
48 reasonable doubt during the same trial in which the defendant is tried for the offense unless the  
49 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest to  
50 the offense but pleads not guilty to the issues laid out in subsection (a) of this section, then a jury  
51 shall be impaneled to determine the issues.

1        (d) Subsection (a) of this section does not apply if the evidence of wearing a mask or  
2 other clothing or device to conceal or attempt to conceal the person's identity is needed to prove  
3 an element of the underlying misdemeanor or felony."

4        **SECTION 2.(b)** This section is effective when it becomes law and applies to  
5 offenses committed on or after that date.

6        **SECTION 3.(a)** G.S. 166A-19.2 reads as rewritten:

7 **"§ 166A-19.2. Limitations.**

8        (a) Nothing in this Article shall be construed to do any of the following:

9            (1) Interfere with dissemination of news or comment on public affairs; but any  
10            communications facility or organization, including, but not limited to, radio  
11            and television stations, wire services, and newspapers may be requested to  
12            transmit or print public service messages furnishing information or  
13            instructions in connection with an emergency, disaster, or war.

14            (2) Limit, modify, or abridge the authority of the Governor to declare martial law  
15            or exercise any other powers vested in the Governor under the North Carolina  
16            Constitution, statutes, or common law of this State independent of, or in  
17            conjunction with, any provisions of this Article.

18        (b) No religious institution shall be subject to an executive order, secretarial declaration,  
19 municipal or local government prohibition or restriction, or a rule or regulation by a political  
20 subdivision of this State that distinguishes between religious institutions and other public or  
21 private for-profit or nonprofit entities that are subject to or affected by the same or similar  
22 emergency in a way that imposes additional limitations on the religious institution. For the  
23 purposes of this subsection, the term "religious institution" has the same meaning as in  
24 G.S. 131F-2."

25        **SECTION 3.(b)** This section becomes effective October 1, 2024, and applies to  
26 executive orders, declarations, prohibitions, restrictions, rules, or regulations in effect on or after  
27 that date.

28        **SECTION 4.(a)** G.S. 20-174.1 reads as rewritten:

29 **"§ 20-174.1. Standing, sitting or lying upon highways or streets ~~prohibited~~prohibited;**  
30 **obstruction of emergency vehicles; civil liability.**

31        (a) ~~No person shall willfully stand, sit, or lie~~ A person who willfully stands, sits, or lies  
32 upon the highway or street in such a manner as to impede the regular flow of ~~traffie~~traffic is  
33 guilty of a Class 2 misdemeanor.

34        (b) ~~Violation of this section is a Class 2 misdemeanor.~~

35        (c) A person who violates subsection (a) of this section while participating in a  
36 demonstration intended to prohibit or impede the use of the highway or street is guilty of a Class  
37 A1 misdemeanor for a first offense and a Class H felony for a second or subsequent offense.

38        (d) A person who violates subsection (a) of this section and obstructs an emergency  
39 vehicle, as defined in G.S. 14-34.1A, from accessing the highway or street is guilty of a Class  
40 A1 misdemeanor.

41        (e) Any person who organizes a demonstration that prohibits or impedes the use of a  
42 highway or street is civilly liable for injury to or death of any person resulting from delays caused  
43 by the obstruction of an emergency vehicle in violation of subsection (d) of this section. An  
44 action may be brought under this subsection regardless of whether a criminal action is brought  
45 or a criminal conviction is obtained for the conduct alleged in the civil action."

46        **SECTION 4.(b)** This section becomes effective December 1, 2024, and applies to  
47 offenses committed and causes of action arising on or after that date.

48        **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
49 law.