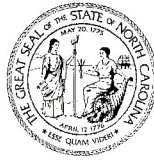


# TABLED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 1 of 8

Amends Title [YES]  
Fourth Edition

Date May 15, 2024

Senator Chandler

1 moves to amend the bill on page 1, line 17, by inserting the following at the end of the line and  
2 before the period:

3  
4 "AND TO EXCLUDE HATE GROUPS FROM MASK EXEMPTIONS AND TO INCREASE  
5 THE SCOPE AND PUNISHMENT OF HATE CRIMES; TO REQUIRE THE STATE  
6 BUREAU OF INVESTIGATION TO CREATE AND MAINTAIN A HATE CRIMES  
7 STATISTICS DATABASE; AND TO REQUIRE THE NORTH CAROLINA CRIMINAL  
8 JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE  
9 NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS  
10 COMMISSION TO DEVELOP AND PROVIDE LAW ENFORCEMENT OFFICERS  
11 WITH TRAINING ON IDENTIFYING, RESPONDING TO, AND REPORTING HATE  
12 CRIMES";

13  
14 and on page 1, line 31, through page 2, line 7, by rewriting the lines to read:

15  
16 "(5) Any person or persons, as members or members elect of a society, order or  
17 organization, other than any hate group, engaged in any parade, ritual,  
18 initiation, ceremony, celebration or requirement of such society, order or  
19 organization, and wearing or using any manner of costume, paraphernalia,  
20 disguise, facial makeup, hood, implement or device, whether the identity of  
21 such person or persons is concealed or not, on any public or private street,  
22 road, way or property, or in any public or private building, provided  
23 permission shall have been first obtained therefor by a representative of such  
24 society, order or organization from the governing body of the municipality in  
25 which the same takes place, or, if not in a municipality, from the board of  
26 county commissioners of the county in which the same takes place. For the  
27 purposes of this subdivision, the term "hate group" means an organization  
28 whose goals and activities are primarily or substantially based on a shared  
29 antipathy towards people of one or more other different races, religions,  
30 ethnicities, nationalities, national origins, genders, or sexual identities. The  
31 mere presence of bigoted members in a group or organization is not enough



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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 2 of 8

1 to qualify it as a hate group as the group itself must have some hate-based  
2 orientation or purpose."  
3

4 and on page 3, lines 47-48, by inserting the following between the lines:  
5

6 "SECTION 4.1.(a) G.S. 14-3 reads as rewritten:

7 "**§ 14-3. Punishment of misdemeanors, infamous offenses, offenses committed in secrecy**  
8 **and malice, or with deceit and intent to defraud, or with ethnic animosity as a**  
9 **hate crime.**

10 ...

11 (c) If any Class 2 or Class 3 misdemeanor is ~~committed~~ committed, in whole or in part,  
12 because of the ~~victim's actual or perceived~~ race, ethnicity, color, religion, nationality, ~~or~~ country  
13 of ~~origin, origin, gender, gender identity, gender expression, disability, or sexual orientation of~~  
14 the victim or a person or group associated with the victim, the offender shall be guilty of a Class  
15 1 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed because of the  
16 ~~victim's actual or perceived~~ race, ethnicity, color, religion, nationality, ~~or~~ country of ~~origin,~~  
17 origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim  
18 or a person or group associated with the victim, the offender shall be guilty of a Class H felony.

19 (d) In addition to any other remedies at law or in equity, a person who is injured or whose  
20 property is damaged as a result of conduct described under subsection (c) of this section, or an  
21 immediate family member of that person, may bring a civil action in any court of competent  
22 jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any  
23 reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought  
24 pursuant to this subsection, the burden of proof shall be the same as in other civil actions for  
25 similar relief. For purposes of this subsection, the term (i) "actual damages" includes damages  
26 for emotional distress and (ii) "immediate family member" means a child, sibling, parent,  
27 grandparent, or legal guardian of the victim.

28 (e) In addition to any other remedies at law or in equity, a person who has been convicted  
29 of or who has pleaded guilty or no contest to having engaged in conduct in violation of subsection  
30 (c) of this section may be ordered to participate in a restorative justice session with the victim of  
31 the offense if the victim requests a restorative justice session. If restorative justice under this  
32 subsection is ordered, the court shall select a member of a local Human Relations Commission,  
33 an attorney, a mediator, or an alternative dispute resolution professional who has training in racial  
34 equity education to conduct the restorative justice session. All costs of a restorative justice  
35 session ordered under this subsection shall be paid by the defendant."

36 SECTION 4.1.(b) G.S. 14-401.14 reads as rewritten:

37 "~~§ 14-401.14. Ethnic intimidation; teaching any technique to be used for ethnic~~  
38 ~~intimidation.~~**Intimidation by hate crime; teaching any technique to be used in**  
39 **the commission of a hate crime.**

40 (a) If a person shall, because of the actual or perceived race, ethnicity, color, religion,  
41 nationality, ~~or~~ country of ~~origin,~~ origin, gender, gender identity, gender expression, disability, or  
42 sexual orientation of another person or a person or group associated with that person, assault



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 3 of 8

1 ~~another~~ that person, or damage or deface the property of ~~another~~ that person, or threaten to do  
2 any such act, ~~he~~ the person shall be guilty of a Class 1 misdemeanor.

3 ...  
4 (c) In addition to any other remedies at law or in equity, a person who is injured or whose  
5 property is damaged as a result of conduct described under subsection (a) of this section, or an  
6 immediate family member of that person, may bring a civil action in any court of competent  
7 jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any  
8 reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought  
9 pursuant to this subsection, the burden of proof shall be the same as in other civil actions for  
10 similar relief. For purposes of this subsection, the term (i) "actual damages" includes damages  
11 for emotional distress and (ii) "immediate family member" means a child, sibling, parent,  
12 grandparent, or legal guardian of the victim.

13 (d) In addition to any other remedies at law or in equity, a person who has been convicted  
14 of or who has pleaded guilty or no contest to having engaged in conduct in violation of subsection  
15 (a) of this section may be ordered to participate in a restorative justice session with the victim of  
16 the offense if the victim requests a restorative justice session. If restorative justice under this  
17 subsection is ordered, the court shall select a member of a local Human Relations Commission,  
18 an attorney, a mediator, or an alternative dispute resolution professional who has training in racial  
19 equity education to conduct the restorative justice session. All costs of a restorative justice  
20 session ordered under this subsection shall be paid by the defendant."

21 **SECTION 4.1.(c)** G.S. 15A-1340.16(d)(17) reads as rewritten:

22 "(17) The offense for which the defendant stands convicted was committed ~~against~~  
23 ~~a victim~~ because of the victim's actual or perceived race, ethnicity, color,  
24 religion, nationality, or country of origin, origin, gender, gender identity,  
25 gender expression, disability, or sexual orientation of the victim or a person  
26 or group associated with the victim."

27 **SECTION 4.1.(d)** Article 8 of Chapter 14 of the General Statutes is amended by  
28 adding a new section to read:

29 "**§ 14-34.11. Felonious assault as a hate crime.**

30 (a) The following definitions apply in this section:

31 (1) Gender identity. – Actual or perceived gender-related characteristics.

32 (2) Serious bodily injury. – Bodily injury that creates a substantial risk of death  
33 or that causes serious permanent disfigurement, coma, a permanent or  
34 protracted condition that causes extreme pain, or permanent or protracted loss  
35 or impairment of the function of any bodily member or organ or that results  
36 in prolonged hospitalization.

37 (b) Anyone who, in whole or in part, because of the actual or perceived race, ethnicity,  
38 color, religion, nationality, country of origin, gender, gender identity, gender expression,  
39 disability, or sexual orientation of another person or a person or group associated with that  
40 person, commits an assault and inflicts serious bodily injury or attempts to commit an assault  
41 with the intent to inflict serious bodily injury is guilty of committing the offense of felonious  
42 assault as a hate crime.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 4 of 8

1       (c)    Except as provided otherwise by this section, an offense committed under this section  
2 is a Class F felony.

3       (d)    An offense committed under this section is a Class E felony if either of the following  
4 applies:

5           (1)   Death results from the offense.

6           (2)   The offense includes a violation or attempted violation of any of the  
7 following:

8           a.    G.S. 14-39 (Kidnapping).

9           b.    G.S. 14-27.21 (First-degree forcible rape).

10          c.    G.S. 14-27.22 (Second-degree forcible rape).

11          d.    G.S. 14-27.26 (First-degree forcible sexual offense).

12          e.    G.S. 14-27.27 (Second-degree forcible sexual offense).

13       (e)    In addition to any other remedies at law or in equity, a person who is injured or whose  
14 property is damaged as a result of conduct described under subsection (b) of this section, or an  
15 immediate family member of that person, may bring a civil action in any court of competent  
16 jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any  
17 reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought  
18 pursuant to this subsection, the burden of proof shall be the same as in other civil actions for  
19 similar relief. For purposes of this subsection, the term (i) "actual damages" includes damages  
20 for emotional distress and (ii) "immediate family member" means a child, sibling, parent,  
21 grandparent, or legal guardian of the victim.

22       (f)    In addition to any other remedies at law or in equity, a person who has been convicted  
23 of or who has pleaded guilty or no contest to having engaged in conduct in violation of subsection  
24 (b) of this section may be ordered to participate in a restorative justice session with the victim of  
25 the offense if the victim requests a restorative justice session. If restorative justice under this  
26 subsection is ordered, the court shall select a member of a local Human Relations Commission,  
27 an attorney, a mediator, or an alternative dispute resolution professional who has training in racial  
28 equity education to conduct the restorative justice session. All costs of a restorative justice  
29 session ordered under this subsection shall be paid by the defendant."

30       **SECTION 4.1.(e)** This section becomes effective December 1, 2024, and applies to  
31 offenses committed on or after that date.

32       **SECTION 4.2.(a)** Article 13 of Chapter 143B of the General Statutes is amended by  
33 adding a new section to read:

34 **"§ 143B-1208.15. Hate crime statistics.**

35       (a)    Establishment. – The State Bureau of Investigation shall collect, analyze, and  
36 disseminate information regarding the commission of offenses punishable under G.S. 14-3(c),  
37 14-401.14, or 14-34.11. The information collected, analyzed, and disseminated by the State  
38 Bureau of Investigation shall include all of the following:

39           (1)   The total number of offenses committed for each type.

40           (2)   Personal protected characteristics of the person who committed the offense  
41 and the victim from each offense.

42           (3)   The disposition of each offense.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 5 of 8

1       (b) Report by Law Enforcement Agencies. – By no later than the fifteenth day of each  
2 month, all State and local law enforcement agencies shall report information to the State Bureau  
3 of Investigation on offenses committed in the law enforcement agency's jurisdiction that the law  
4 enforcement agency determines to meet the criteria set forth in subsection (a) of this section. A  
5 report shall include (i) any information about the offenses required by the State Bureau of  
6 Investigation and (ii) only the offenses committed during the month prior to the date the report  
7 is submitted. The State Bureau of Investigation shall set the format in which reports are to be  
8 submitted under this subsection.

9       (c) Report by the State Bureau of Investigation. – By January 15 of each year, the State  
10 Bureau of Investigation shall submit to the General Assembly a report on the information the  
11 State Bureau of Investigation collected and analyzed under subsection (a) of this section during  
12 the calendar year prior to the date the report is submitted. Additionally, the State Bureau of  
13 Investigation shall publish a copy of the report required under this subsection on its website.

14       (d) Requests for Information. – Upon request of a local law enforcement agency, a unit  
15 of local government, or a State agency, the State Bureau of Investigation shall share any  
16 information collected and analyzed under subsection (a) of this section with the requesting local  
17 law enforcement agency, unit of local government, or State agency."

18       **SECTION 4.2.(b)** The State Bureau of Investigation shall develop and implement  
19 guidelines for (i) the information required to be submitted by local law enforcement agencies  
20 under G.S. 143B-1208.15, as enacted by subsection (a) of this section, and (ii) the format in  
21 which the information is to be reported by local law enforcement agencies under G.S. 143B-  
22 1208.15. The State Bureau of Investigation shall publish the guidelines required under this  
23 subsection on its website no later than 60 days prior to the date the first report is required to be  
24 submitted under G.S. 143B-1208.15.

25       **SECTION 4.2.(c)** Notwithstanding any provision of G.S. 143B-1208.15, as enacted  
26 by subsection (a) of this section, to the contrary, the first report required under G.S. 143B-  
27 1208.15 shall be submitted by February 15, 2025, and the first report required under G.S. 143B-  
28 1208.15 shall be submitted and published by January 15, 2026.

29       **SECTION 4.2.(d)** There is appropriated from the General Fund to the State Bureau  
30 of Investigation the sum of one million eight hundred ninety thousand dollars (\$1,890,000) in  
31 nonrecurring funds for the 2024-2025 fiscal year to cover any costs incurred in establishing the  
32 hate crimes statistics database required under 143B-1208.15, as enacted by subsection (a) of this  
33 section.

34       **SECTION 4.2.(e)** There is appropriated from the General Fund to the State Bureau  
35 of Investigation the sum of five hundred thirty thousand dollars (\$530,000) in recurring funds for  
36 the 2024-2025 fiscal year to hire an additional employee to manage the hate crimes statistics  
37 database required under G.S. 143B-1208.15, as enacted by subsection (a) of this section.

38       **SECTION 4.2.(f)** Subsection (a) of this section becomes effective January 1, 2025.  
39 The remainder of this section becomes effective July 1, 2024.

40       **SECTION 4.3.(a)** G.S. 17C-2 is amended by adding a new subdivision to read:

41       "(5) Hate crime. – An offense committed, in whole or in part, because of the actual  
42 or perceived race, ethnicity, color, religion, nationality, country of origin,



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 6 of 8

1 gender, gender identity, gender expression, disability, or sexual orientation of  
2 the victim or a person or group associated with the victim."

3 **SECTION 4.3.(b)** Article 1 of Chapter 17C of the General Statutes is amended by  
4 adding a new section to read:

5 "**§ 17C-10.2. Required training for criminal justice officers on identifying, responding to,**  
6 **and reporting hate crimes.**

7 (a) Requirement. – In addition to powers conferred upon the Commission elsewhere in  
8 this Article, the Commission shall establish minimum educational and training standards for  
9 employment and continuing education for criminal justice officers in identifying, responding to,  
10 and reporting hate crimes. The educational and training standards required by this subsection  
11 shall include all of the following:

- 12 (1) Recognizing and understanding the nature and causes of hate crimes.  
13 (2) Interacting with and responding to individuals from diverse and historically  
14 marginalized communities.  
15 (3) Investigating hate crimes and reporting findings to the State Bureau of  
16 Investigation as required under G.S. 143B-1208.15.  
17 (4) Developing cultural competency skills.  
18 (5) Identifying, investigating, and responding to hate crimes against lesbian, gay,  
19 bisexual, transgender, queer, questioning, and plus (LGBTQ+) individuals.  
20 (6) Protecting the rights of individuals while enforcing hate crime laws.  
21 (7) Any other topics identified by the Commission as necessary for effective hate  
22 crime prevention and response.

23 (b) Compliance. – Criminal justice officers shall complete the training required under  
24 subsection (a) of this section no later than one year from the date of the officer's initial  
25 certification under this Article and annually thereafter. Each criminal justice agency shall ensure  
26 that all criminal justice officers employed by the agency are in compliance with the requirement  
27 set forth in this subsection.

28 (c) Reporting. – Beginning March 1, 2025, and annually thereafter, each criminal justice  
29 agency shall submit a report to the Commission listing (i) all criminal justice officers employed  
30 by the agency who have completed the training required by this section and (ii) all criminal justice  
31 officers employed by the agency who have not completed the training required by this section.  
32 The Commission shall set the format in which reports are to be submitted under this subsection.

33 (d) Civil Action. – In addition to any other remedies at law or in equity, a person who is  
34 injured or whose property is damaged as a result of a criminal justice officer's failure to complete  
35 the training required by this section may bring a civil action in any court of competent jurisdiction  
36 to obtain appropriate relief, including actual damages, punitive damages, any reasonable  
37 attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant  
38 to this subsection, the burden of proof shall be the same as in other civil actions for similar relief."

39 **SECTION 4.3.(c)** G.S. 17E-2 is amended by adding a new subdivision to read:  
40 "(1b) Hate crime. – An offense committed, in whole or in part, because of the actual  
41 or perceived race, ethnicity, color, religion, nationality, country of origin,  
42 gender, gender identity, gender expression, disability, or sexual orientation of  
43 the victim or a person or group associated with the victim."



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

H237-ACEa-119 [v.1]

Page 7 of 8

1           **SECTION 4.3.(d)** Article 2 of Chapter 17E of the General Statutes is amended by  
2 adding a new section to read:

3       "§ 17E-7.1. Required training for justice officers on identifying, responding to, and  
4           reporting hate crimes.

5           (a) Requirement. – In addition to powers conferred upon the Commission elsewhere in  
6 this Article, the Commission shall establish minimum educational and training standards for  
7 employment and continuing education for criminal justice officers in identifying, responding to,  
8 and reporting hate crimes. The educational and training standards required by this subsection  
9 shall include all of the following:

- 10           (1) Recognizing and understanding the nature and causes of hate crimes.
- 11           (2) Interacting with and responding to individuals from diverse and historically  
12           marginalized communities.
- 13           (3) Investigating hate crimes and reporting findings to the State Bureau of  
14           Investigation as required under G.S. 143B-908.
- 15           (4) Developing cultural competency skills.
- 16           (5) Identifying, investigating, and responding to hate crimes against lesbian, gay,  
17           bisexual, transgender, queer, questioning, and plus (LGBTQ+) individuals.
- 18           (6) Protecting the rights of individuals while enforcing hate crime laws.
- 19           (7) Any other topics identified by the Commission as necessary for effective hate  
20           crime prevention and response.

21           (b) Compliance. – Justice officers shall complete the training required under subsection  
22 (a) of this section no later than one year from the date of the officer's initial certification under  
23 this Article and annually thereafter. Each sheriff shall ensure that all justice officers appointed or  
24 otherwise under the direct supervision and control of the sheriff are in compliance with the  
25 requirement set forth in this subsection.

26           (c) Reporting. – Beginning March 1, 2025, and annually thereafter, each sheriff shall  
27 submit a report to the Commission listing (i) all justice officers appointed or otherwise under the  
28 direct supervision and control of the sheriff who have completed the training required by this  
29 section and (ii) all justice officers appointed or otherwise under the direct supervision and control  
30 of the sheriff who have not completed the training required by this section. The Commission  
31 shall set the format in which reports are to be submitted under this subsection.

32           (d) Civil Action. – In addition to any other remedies at law or in equity, a person who is  
33 injured or whose property is damaged as a result of a justice officer's failure to complete the  
34 training required by this section may bring a civil action in any court of competent jurisdiction  
35 to obtain appropriate relief, including actual damages, punitive damages, any reasonable  
36 attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant  
37 to this subsection, the burden of proof shall be the same as in other civil actions for similar relief."

38           **SECTION 4.3.(e)** The North Carolina Criminal Justice Education and Training  
39 Standards Commission and the North Carolina Sheriffs' Education and Training Standards  
40 Commission shall adopt any rules necessary to implement the provisions of this section.

41           **SECTION 4.3.(f)** G.S. 17C-10.2(d) and G.S. 17E-7.1(d), as enacted by subsections  
42 (b) and (d) of this section, become effective October 1, 2024, and apply to violations committed  
43 on or after that date. The remainder of this section becomes effective July 1, 2024."


NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 237

**TABLED**

H237-ACEa-119 [v.1]

AMENDMENT NO. **A3**  
(to be filled in by  
Principal Clerk)

Page 8 of 8

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_