

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 307

AMENDMENT NO. A4  
(to be filled in by  
Principal Clerk)

H307-ATCe-23 [v.10]

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Amends Title [YES]  
Third Edition

Date \_\_\_\_\_, 2025

Senator Mohammed

1 moves to amend the bill on page 1, line 12, by inserting the following immediately after the word  
2 "SUPERVISION;"

3  
4 "TO PROHIBIT THE USE OF A DECEASED CRIME VICTIM'S NAME, IMAGE, OR  
5 LIKENESS IN POLITICAL ADVERTISEMENTS;"

6  
7 and on page 16, lines 47-48, by inserting the following between those lines:

8  
9 "USE OF A DECEASED CRIME VICTIM'S NAME, IMAGE, OR LIKENESS IN  
10 POLITICAL ADVERTISEMENTS

11 SECTION 8.5(a) Article 22A of Chapter 163 of the General Statutes is amended by  
12 adding a new Part to read:

13 "Part 1B. Prohibition on Use of a Deceased Crime Victim's Name, Image, or Likeness.

14 "§ 163-278.39G. Prohibition on use of a deceased crime victim's name, image, or likeness  
15 in political advertising.

16 (a) Definitions. –

17 (1) Deceased crime victim. – An individual whose proximate cause of death was  
18 an alleged crime.

19 (2) Immediate family member. – A spouse, child, sibling, parent, grandparent, or  
20 grandchild of the deceased crime victim. This term includes stepparents,  
21 stepchildren, stepsiblings, and adoptive relationships.

22 (3) Name, image, or likeness. – Any written, visual, or auditory attribute of a  
23 deceased crime victim that serves to identify that victim to an ordinary,  
24 reasonable reader, viewer, or listener, regardless of the medium that captures  
25 the attribute.

26 (4) Political advertising. – An advertisement made by any of the following:

27 a. Any person or entity regulated by or required to file reports to the State  
28 Board of Elections or the Federal Elections Commission.

29 b. Any organization exempt from taxation under sections 501(c)(3) or  
30 501(c)(4) of the United States Internal Revenue Code.

31 (b) In accordance with the recognition in the State Constitution that crime victims shall  
32 be treated with dignity and respect, it is further declared to be the public policy of this State that



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1 a deceased crime victim's immediate family members have the right to protect that victim's name,  
2 image, or likeness.

3 (c) It is unlawful for any person or other entity to use the name, image, or likeness of a  
4 deceased crime victim in political advertising.

5 (d) In addition to any other remedies at law or in equity, the immediate family member  
6 of a deceased crime victim shall have a civil cause of action for any violation of this section and  
7 is entitled to recover any of the following:

8 (1) Damages to be computed at the rate of the higher of (i) ten thousand dollars  
9 (\$10,000) per day for each day of the violation or (ii) actual damages.

10 (2) Reasonable attorneys' fees and other litigation costs reasonably incurred.

11 (e) In addition to damages awarded as provided in subsection (d) of this section, if the  
12 political advertisement solicited contributions, the court shall order the person or entity that used  
13 the deceased crime victim's name, image, or likeness in the political advertisement to donate the  
14 contributions received as a result of the political advertisement to the Crime Victims  
15 Compensation Fund.

16 (f) Nothing in this section shall create any liability for acts by the publisher, owner, agent  
17 or employee of a newspaper, periodical, radio station, television station, cable-television system  
18 or other advertising medium arising out of the publication or dissemination of any advertisement  
19 governed by this section, when the publisher, owner, agent or employee did not know that the  
20 advertisement violated the requirements of this section."

21 **SECTION 8.5.(b)** This section becomes effective October 1, 2025, and applies to  
22 advertisements published on or after that date."

SIGNED \_\_\_\_\_  
Amendment Sponsor

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

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

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and vote information, is available in the  
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