



HOUSE BILL 371: Terror Claims/Damages/Liability for Support

2015-2016 General Assembly

Committee:	Senate Judiciary I	Date:	July 23, 2015
Introduced by:	Reps. Whitmire, Cleveland, Stevens	Prepared by:	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 371 would permit any person whose property or person is injured by a terrorist to bring a civil action and, if successful, to recover three times his or her actual damages or \$10,000, whichever is greater, together with court costs and attorney's fees.

CURRENT LAW: Under current law, a person who sustains personal injury or property damage intentionally caused by another has a cause of action for compensatory damages. The claim is subject to a three-year statute of limitations under G.S. 1-52.

A plaintiff who proves by clear and convincing evidence that the injury for which compensatory damages was awarded resulted from the defendant's willful and wanton conduct may also recover punitive damages. G.S. 1D-15. "Willful and wanton conduct" is defined as "the conscious and intentional disregard of and indifference to the rights and safety of others, which the defendant knows or should know is reasonably likely to result in injury, damage, or other harm." G.S. 1D-5(7). Punitive damages may be awarded in an amount up to three times the amount of compensatory damages or \$250,000, whichever is greater. G.S. 1D-25(b).

Under G.S. 14-10.1, a person commits the crime of "terrorism" if he or she commits an "act of violence" with the intent to do either of the following:

- (1) Intimidate the civilian population at large, or an identifiable group of the civilian population; or
- (2) Influence, through intimidation, the conduct or activities of the government of the United States, a state, or any unit of local government.

"Act of violence" as used in G.S. 14-10.1 includes homicide, manslaughter, any felony offense that includes an assault or use of force or violence against any person, any felony offense that includes a threat or use of any explosive or incendiary device, or any offense that includes a threat or use of an nuclear, biological, or chemical weapon of mass destruction.

BILL ANALYSIS: Section 1 of the bill would enact new G.S. 1-539.2D, under which any person whose property or person is injured by a "terrorist" would be entitled to sue for and recover damages from the terrorist.

"Terrorist" is defined as a person who commits an "act of terror" or who in support of or in conspiracy with others to commit an act of terror.

An "act of terror" is defined as an activity having all of the following characteristics:

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

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 3 7 1 - S M R N - 7 4 E 2 - V 2 *

House Bill 371

Page 2

- Appears intended to intimidate or coerce a civilian population, to influence government policy by intimidation or coercion, or to affect government conduct by mass destruction, assassination, or kidnapping.
- Occurs primarily within this State.

Any person prevailing in an action under this section would be entitled to recover three times the actual damages sustained or \$10,000, whichever is greater, together with court costs and attorneys' fees in the trial and appellate courts. This new cause of action would be subject to a five-year limitations period.

Section 2 of the bill amends G.S. 14-10.1 by adding a new subsection (e) providing that 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 under G.S. 1-539.2D.

EFFECTIVE DATE: Effective October 1, 2015, and applies to acts committed on or after that date.

Bill Patterson and Erika Churchill substantially contributed to this summary.