



HOUSE BILL 138: Damage Jail & Prison Fire Sprinkler/Penalty.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 6, 2019
Introduced by:	Reps. Shepard, McNeill, C. Smith, Cleveland	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H138-CSSA-3		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 138 would increase the punishment for willfully interfering with, damaging, defacing, molesting, or injuring any part or portion of a fire-alarm, fire-detection, smoke-detection, or fire-extinguishing system in a prison or local confinement facility to a Class H felony.*

CURRENT LAW: G.S. 14-286 creates a Class 2 misdemeanor for initiating a false fire alarm, damaging a portable fire extinguisher, or damaging a fire-alarm or fire-extinguishing system. The current statute applies to any alarm or system, no matter where located.

BILL ANALYSIS: The PCS for House Bill 138 would increase the penalty to a Class H felony for anyone who damages, defaces, molests, or injures any part or portion of a fire-alarm, fire-detection, smoke-detection, or fire-extinguishing system in a prison or local confinement facility. All other violations of the statute would remain a Class 2 misdemeanor.

A Class 2 misdemeanor is punishable by an absolute minimum of 1 day community punishment to an absolute maximum of 60 days active, depending on the defendant's prior record level, and a fine of up to \$1,000.

A Class H felony is punishable by an absolute minimum of 4 months community punishment to an absolute maximum of 39 months active, depending on the defendant's prior record level.

EFFECTIVE DATE: This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
919-733-2578