



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

2019-2020 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Reps. Shepard, McNeill, C. Smith, Cleveland	<b>Prepared by:</b>	Bill Patterson
<b>Analysis of:</b>	Second Edition		Committee Co-Counsel

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**OVERVIEW:** 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:** 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.

*\*Susan Sitze, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.*

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