



SENATE BILL 362: Amend Rioting Statutes.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	September 2, 2020
Introduced by:	Sens. Wells, Perry	Prepared by:	Susan Sitze
Analysis of:	PCS to Third Edition S362-CSSAa-77		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for Senate Bill 362 would increase the penalties for damaging property or causing injury while rioting and assaulting emergency personnel during a riot or state of emergency, would allow recovery of treble damages for property damage or personal injury caused by rioting or looting, would require pretrial release conditions for rioting and looting offenses be determined by a judge, and would provide coronavirus relief funds for testing prisoners for Covid-19.*

BILL ANALYSIS:

Section 1 of the PCS would amend G.S. 14-288.2 (Rioting) as follows:

- Increase the penalty for engaging in a riot resulting in property damage in excess of \$1,500 or serious bodily injury to a Class G felony (was Class H felony)
- Allow the plaintiff in a civil suit for personal injury or damage to property due to violation of G.S. 14-288.2 to recover treble damages, court costs, and attorney fees from the violator.

Section 2 of the PCS would amend G.S. 14-288.6 (Looting) to allow the plaintiff in a civil suit for personal injury or damage to property due to violation of G.S. 14-288.6 to recover treble damages, court costs, and attorney fees from the violator.

Section 3 of the PCS would amend G.S. 14-288.9 (Assault on emergency personnel) as follows:

- Include members of the National Guard in the definition of "emergency personnel"
- Remove the requirement that assault cause physical injury
- Raise the penalty to a Class H felony (was Class I felony)

Section 4 of the PCS would enact a new G.S. 15A-534.8, which would require that conditions of pretrial release be set by a judge for any defendant charged with a violation of G.S. 14-288.2 (Rioting) or G.S. 14-288.6 (Looting.) If a judge has not acted within 48 hours of arrest, a magistrate shall determine conditions of pretrial release.

Section 5 of the PCS would appropriate \$100,000 from the Coronavirus Relief Fund to the Department of Public Safety for costs associated with testing prisoners for COVID-19

EFFECTIVE DATE: Sections 1 through 4 of this act become effective December 1, 2020, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

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