



2023-2024 General Assembly

HOUSE BILL 237: Various Criminal and Election Law Changes, Sec. 1: Mask Exemption Modifications

Committee:
Introduced by:
Analysis of: Sec. 1 of S.L. 2024-16

Date: August 23, 2024
Prepared by: Robert Ryan
Staff Attorney

OVERVIEW: *Section 1 of S.L. 2024-16 modifies the health and safety exemption from certain laws prohibiting the wearing of certain face coverings in public.*

This bill was vetoed by the Governor on June 21, 2024, and that veto was overridden by the General Assembly on June 27, 2024.

Section 1 of S.L. 2024-16 became effective June 27, 2024, and applies to offenses committed on or after that date.

CURRENT LAW AND BILL ANALYSIS:

G.S. 14-12.7 provides that: "No person or persons at least 16 years of age shall, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, be or appear upon any lane, walkway, alley, street, road, highway or other public way in this State." Pursuant to G.S. 14-12.15, a violation of this law is a Class 1 misdemeanor.

G.S. 14-12.8 provides that: "No person or persons shall in this State, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, or appear upon or within the public property of any municipality or county of the State, or of the State of North Carolina." Pursuant to G.S. 14-12.15, a violation of this law is a Class 1 misdemeanor.

G.S. 14-12.9 provides that: "No person or persons at least 16 years of age shall, while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, demand entrance or admission, enter or come upon or into, or be upon or in the premises, enclosure or house of any other person in any municipality or county of this State." Pursuant to G.S. 14-12.15, a violation of this law is a Class 1 misdemeanor.

G.S. 14-12.10 provides that: "No person or persons at least 16 years of age shall while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, hold any manner of meeting, or make any demonstration upon the private property of another unless such person or persons shall first obtain from the owner or occupier of the property his or her written permission to do so, which said written permission shall be recorded in the office of the register of deeds of the county in which said property is located before the beginning of such meeting or demonstration." Pursuant to G.S. 14-12.15, a violation of this law is a Class 1 misdemeanor.

G.S. 14-12.14 provides that: "It shall be unlawful for any person or persons, while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, to place or cause to be placed at or in any place in the State any exhibit of any kind whatsoever, with the intention of intimidating any person or persons, or of preventing them from doing any act which is lawful,

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or of causing them to do any act which is unlawful. For the purposes of this section, the term "exhibit" includes items such as a noose." Pursuant to G.S. 14-12.15, a violation of this law is a Class H felony.

G.S. 14-12.11 contains several exemptions from the above laws. G.S. 14-12.11(a)(6) provides that "any person wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others" is exempt from the above laws. However, G.S. 14-12.11(c) states that if a person wears a mask in public for health or safety reasons, a law enforcement officer can require the individual to remove the mask in the following circumstances:

- During a traffic stop, including a checkpoint or roadblock.
- When a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation.

Section 1.(a) of the act modifies G.S. 14-12.11(a)(6) by adding a provision that a person would need to wear a "medical or surgical grade" mask. Section 1.(a) also deletes the provision that a person could wear a mask for the purpose of "ensuring the physical health or safety of the wearer or others" and replaces it with a provision that a person can wear the medical or surgical grade mask for the purpose of "preventing the spread of contagious disease." Section 1.(a) also modifies G.S. 14-12.11(c) to change the criteria for when a person wearing a mask pursuant to subdivision (a)(6) would be required to remove the mask from the current criteria outlined above to the following criteria:

- Upon request by a law enforcement officer.
- Temporarily upon request by the owner or occupant of public or private property to allow for identification of the wearer.

Section 1.(b) of the act provides that nothing in section 1 shall be interpreted to conflict with the Americans with Disabilities Act, or any other applicable federal or State laws.

EFFECTIVE DATE: Section 1 of S.L. 2024-16 became effective June 27, 2024, and applies to offenses committed on or after that date.