



2023-2024 General Assembly

SENATE BILL 607: Regulatory Reform Act of 2024, Sec. 9: Increase Penalty Property Crimes Against Critical Infrastructure

Committee:
Introduced by:
Analysis of: Sec. 9 of S.L. 2024-45

Date: August 26, 2024
Prepared by: Susan Sitze
Staff Attorney

OVERVIEW: *Section 9 of S.L. 2024-45 increases the penalties for property crimes committed against critical infrastructure and makes conforming changes to existing statutes as follows:*

- *Amends the statute governing contamination of a public water system to include injury to the system, include wastewater treatment facilities, require a \$250,000 fine, and authorize civil recovery by any person injured by reason of damage to a public water system or wastewater treatment facility.*
- *Increases the punishment for injury to property of a public utility from a Class 1 misdemeanor to a Class C felony and authorizes civil recovery by any person injured by reason of damage to a public utility.*
- *Creates a Class C felony, including a required \$250,000 fine, for injuring a manufacturing facility and authorizes civil recovery by any person whose property or person is injured by reason of violation of this offense.*

This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

CURRENT LAW AND BILL ANALYSIS:

Section 9. (a) amends G.S. 14-159.1, which provides a Class C felony for contaminating a public water system, as follows:

- Adds language prohibiting injury to a public water system.
- Extends coverage under the statute to wastewater treatment facilities (in addition to public water systems).
- Provides that punishment for violation of the statute must include a fine of \$250,000.
- Authorizes any person injured by reason of damage to a public water system or wastewater treatment system to sue for and recover treble damages, punitive damages, costs, and attorneys' fees from the person who committed the violation, and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation.

Section 9.(b) repeals G.S. 143-152, which provided a Class 1 misdemeanor for injury to a public water system.

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Senate Bill 607

Page 2

Section 9.(c) amends G.S. 62-323, which prohibits willful injury to property of a public utility, as follows:

- Increases the punishment from a Class 1 misdemeanor to a Class C felony.
- Authorizes any person injured by reason of damage to property of a public utility to sue for and recover treble damages, punitive damages, costs, and attorneys' fees from the person who committed the violation, and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation.

Section 9.(d) enacts a new G.S. 14-150.3 as follows:

- Creates a Class C felony, including a required \$250,000 fine, for any person to knowingly and willfully destroy, injure, or otherwise damage, or attempt to destroy, injure, or otherwise damage, a manufacturing facility.
- Authorizes any person injured by reason of damage to a manufacturing facility to sue for and recover treble damages, punitive damages, costs, and attorneys' fees from the person who committed the violation, and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation.

Section 9.(e) amends G.S. 1D-27 to exempt punitive damages that can be recovered from a person committing damage to a public water system, wastewater treatment facility, or manufacturing facility from the cap on such damages established under G.S. 1D-25 (three times the amount of compensatory damages or \$250,000, whichever is greater).

EFFECTIVE DATE: This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

**Kyle Evans, Jennifer McGinnis, Chris Saunders, and Aaron McGlothlin, Staff Attorneys, substantially contributed to this summary.*