

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 869
HOUSE BILL 321

1 AN ACT TO REVISE AND CLARIFY THE LAW RELATING TO RIOTS AND CIVIL
2 DISORDERS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Chapter 14 of the General Statutes of North Carolina is amended to add
7 a new article as follows:

8 "Article 36A.

9 "Riots and Civil Disorders.

10 "**Sec. 14-288.1. Definitions.** Unless the context clearly requires otherwise, the definitions in
11 this Section apply throughout this Article:

12 "Chairman of the Board of County Commissioners: The chairman of the board of county
13 commissioners or, in case of his absence or disability, the person authorized to act in his stead.
14 Unless the governing body of the county has specified who is to act in lieu of the chairman with
15 respect to a particular power or duty set out in this Article, the term 'chairman of the board of
16 county commissioners' shall apply to the person generally authorized to act in lieu of the
17 chairman.

18 "Dangerous Weapon or Substance: Any deadly weapon, ammunition, explosive, incendiary
19 device, or any instrument or substance designed for a use that carries a threat of serious bodily
20 injury or destruction of property; or any instrument or substance that is capable of being used to
21 inflict serious bodily injury, when the circumstances indicate a probability that such instrument
22 or substance will be so used; or any part or ingredient in any instrument or substance included
23 above, when the circumstances indicate a probability that such part or ingredient will be so
24 used.

25 "Declared State of Emergency: A state of emergency found and proclaimed by the
26 Governor under the authority of Section 14-288.15, by any mayor or other municipal official or
27 officials under the authority of Section 14-288.12, by any chairman of the board of
28 commissioners of any county or other county official or officials under the authority of Section
29 14-288.13, by any chairman of the board of county commissioners acting under the authority of
30 Section 14-288.14, by any chief executive official or acting chief executive official of any
31 county or municipality acting under the authority of any other applicable statute or provision of
32 the common law to preserve the public peace in a state of emergency, or by any executive
33 official or military commanding officer of the United States or the State of North Carolina who
34 becomes primarily responsible under applicable law for the preservation of the public peace
35 within any part of North Carolina.

36 "Disorderly Conduct: As denned in Section 14-288.4(a).

37 "Law Enforcement Officer: Any officer of the State of North Carolina or any of its political
38 subdivisions authorized to make arrests; any other person authorized under the laws of North
39 Carolina to make arrests and either acting within his territorial jurisdiction or in an area in
40 which he has been lawfully called to duty by the Governor or any mayor or chairman of the
41 board of county commissioners; any member of the armed forces of the United States, the
42 North Carolina National Guard, or the State Defense Militia called to duty in a state of
43 emergency in North Carolina and made responsible for enforcing the laws of North Carolina or

1 preserving the public peace; or any officer of the United States authorized to make arrests
2 without warrant and assigned to duties that include preserving the public peace in North
3 Carolina.

4 "Mayor: The mayor or other chief executive official of a municipality or, in case of his
5 absence or disability, the person authorized to act in his stead. Unless the governing body of the
6 municipality has specified who is to act in lieu of the mayor with respect to a particular power
7 or duty set out in this Article, the word 'mayor' shall apply to the person generally authorized to
8 act in lieu of the mayor.

9 "Municipality: Any active incorporated city or town, but not including any sanitary district
10 or other municipal corporation that is not a city or town. An 'active' municipality is one which
11 has conducted the most recent election required by its charter or the general law, whichever is
12 applicable, and which has the authority to enact general police-power ordinances.

13 "Public Disturbance: Any annoying, disturbing, or alarming act or condition exceeding the
14 bounds of social toleration normal for the time and place in question which occurs in a public
15 place or which occurs in, affects persons in, or is likely to affect persons in a place to which the
16 public or a substantial group has access. The places covered by this definition shall include, but
17 not be limited to, highways, transport facilities, schools, prisons, apartment houses, places of
18 business or amusement, or any neighborhood.

19 "Riot: As defined in Section 14-288.2(a).

20 "State of Emergency: The condition that exists whenever, during times of public crisis,
21 disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable
22 to maintain public order or afford adequate protection for lives or property, or whenever the
23 occurrence of any such condition is imminent.

24 "**Sec. 14-288.2. Riot; inciting to riot; punishments.** (a) A riot is a public disturbance
25 involving an assemblage of three or more persons which by disorderly and violent conduct, or
26 the imminent threat of disorderly and violent conduct, results in injury or damage to persons or
27 property or creates a clear and present danger of injury or damage to persons or property.

28 "(b) Any person who wilfully engages in a riot is guilty of a misdemeanor punishable as
29 provided in Section 14-3(a).

30 "(c) Any person who wilfully engages in a riot is guilty of a felony punishable by a fine
31 not to exceed ten thousand dollars (\$10,000.00) or imprisonment for not more than five years,
32 or both such fine and imprisonment, if:

33 (1) In the course and as a result of the riot there is property damage in excess of
34 fifteen hundred dollars (\$1,500.00) or serious bodily injury; or

35 (2) Such participant in the riot has in his possession any dangerous weapon or
36 substance.

37 "(d) Any person who wilfully incites or urges another to engage in a riot, so that as a
38 result of such inciting or urging a riot occurs or a clear and present danger of a riot is created, is
39 guilty of a misdemeanor punishable as provided in Section 14-3(a).

40 "(e) Any person who wilfully incites or urges another to engage in a riot, and such
41 inciting or urging is a contributing cause of a riot in which there is property damage in excess
42 of fifteen hundred dollars (\$1,500.00) or serious bodily injury, is guilty of a felony punishable
43 as provided in Section 14-2.

44 "**Sec. 14-288.3. Provisions of Article intended to supplement common law and other**
45 **statutes.** The provisions of this Article are intended to supersede and extend the coverage of
46 the common-law crimes of riot and inciting to riot. To the extent that such common-law
47 offenses may embrace situations not covered under the provisions of this Article, however,
48 criminal prosecutions may be brought for such crimes under the common law. All other
49 provisions of this Article are intended to be supplementary and additional to the common law
50 and other statutes of this State and, except as specifically indicated, shall not be construed to
51 abrogate, abolish, or supplant other provisions of law. In particular, this Article shall not be

1 deemed to abrogate, abolish, or supplant such common-law offenses as unlawful assembly,
2 rout, conspiracy to commit riot or other criminal offenses, false imprisonment, and going about
3 armed to the terror of the populace and other comparable public-nuisance offenses.

4 **"Sec. 14-288.4. Disorderly conduct.** (a) Disorderly conduct is a public disturbance caused by
5 any person who:

- 6 (1) Engages in fighting or in violent, threatening, or tumultuous behavior; or
- 7 (2) Makes any offensively coarse utterance, gesture, or display or uses abusive
8 language, in such manner as to alarm or disturb any person present or as to
9 provoke a breach of the peace; or
- 10 (3) Wilfully or wantonly creates a hazardous or physically offensive condition;
11 or
- 12 (4) Takes possession of, exercises control over, seizes, or occupies any building
13 or facility of any public or private educational institution without the specific
14 authority of the chief administrative officer of the institution, or his
15 authorized representative;
- 16 (5) Refuses to vacate any building or facility of any public or private
17 educational institution in obedience to:
 - 18 a. An order of the chief administrative officer of the institution, or his
19 authorized representative; or
 - 20 b. An order given by any fireman or public health officer acting within
21 the scope of his authority; or
 - 22 c. If a state of emergency is occurring or is imminent within the
23 institution, an order given by any law enforcement officer acting
24 within the scope of his authority; or
- 25 (6) Shall, after being forbidden to do so by the chief administrative officer, or
26 his authorized representative, of any public or private educational institution:
 - 27 a. Engage in any sitting, kneeling, lying down, or inclining so as to
28 obstruct the ingress or egress of any person entitled to the use of any
29 building or facility of the institution in its normal and intended use;
30 or
 - 31 b. Congregate, assemble, form groups or formations (whether organized
32 or not), block, or in any manner otherwise interfere with the
33 operation or functioning of any building or facility of the institution
34 so as to interfere with the customary or normal use of the building or
35 facility.

36 As used in this Section the term 'building or facility' includes the surrounding grounds and
37 premises of any building or facility used in connection with the operation or functioning of
38 such building or facility.

39 "(b) Any person who wilfully engages in disorderly conduct is guilty of a misdemeanor
40 punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more
41 than six months.

42 **"Sec. 14-288.5. Failure to disperse when commanded, misdemeanor: prima facie**
43 **evidence.** (a) Any law enforcement officer or public official responsible for keeping the peace
44 may issue a command to disperse in accordance with this Section if he reasonably believes that
45 a riot, or disorderly conduct by an assemblage of three or more persons, is occurring. The
46 command to disperse shall be given in a manner reasonably calculated to be communicated to
47 the assemblage.

48 "(b) Any person who fails to comply with a lawful command to disperse is guilty of a
49 misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or
50 imprisonment for not more than six months.

1 "(c) If any person remains at the scene of any riot, or disorderly conduct by an
2 assemblage of three or more persons, following a command to disperse and after a reasonable
3 time for dispersal has elapsed, it is prima facie evidence that the person so remaining is wilfully
4 engaging in the riot or disorderly conduct, as the case may be.

5 **"Sec. 14-288.6. Looting; trespass during emergency.** (a) Any person who enters upon the
6 premises of another without legal justification when the usual security of property is not
7 effective due to the occurrence or aftermath of riot, insurrection, invasion, storm, fire,
8 explosion, flood, collapse, or other disaster or calamity is guilty of the misdemeanor of trespass
9 during emergency and is punishable as provided in Section 14-3(a).

10 "(b) Any person who commits the crime of trespass during emergency and, without legal
11 justification, obtains or exerts control over, damages, ransacks, or destroys the property of
12 another is guilty of the felony of looting and is punishable by a fine not to exceed ten thousand
13 dollars (\$10,000.00) or imprisonment for not more than five years, or both such fine and
14 imprisonment.

15 **"Sec. 14-288.7. Transporting dangerous weapon or substance during emergency;
16 possessing off premises; exceptions.** (a) Except as otherwise provided in this Section, it is
17 unlawful for any person to transport or possess off his own premises any dangerous weapon or
18 substance in any area:

19 (1) In which a declared state of emergency exists; or

20 (2) Within the immediate vicinity of which a riot is occurring.

21 "(b) This Section does not apply to persons exempted from the provisions of Section 14-
22 269 with respect to any activities lawfully engaged in while carrying out their duties.

23 "(c) Any person who violates any provision of this Section is guilty of a misdemeanor
24 punishable as provided in Section 14-3(a).

25 **"Sec. 14-288.8. Manufacture, assembly, possession, storage, transportation, sale,
26 purchase, delivery, or acquisition of weapon of mass death and destruction: exceptions.**

27 (a) Except as otherwise provided in this Section, it is unlawful for any person to manufacture,
28 assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give
29 to another, or acquire any weapon of mass death and destruction.

30 "(b) This Section does not apply to:

31 (1) Persons exempted from the provisions of Section 14-269 with respect to any
32 activities lawfully engaged in while carrying out their duties.

33 (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or
34 destructive devices validly licensed under the laws of the United States or
35 the State of North Carolina, while lawfully engaged in activities authorized
36 under their licenses.

37 (3) Persons under contract with the United States, the State of North Carolina, or
38 any agency of either government, with respect to any activities lawfully
39 engaged in under their contracts.

40 (4) Inventors, designers, ordnance consultants and researchers, chemists,
41 physicists, and other persons lawfully engaged in pursuits designed to
42 enlarge knowledge or to facilitate the creation, development, or manufacture
43 of weapons of mass death and destruction intended for use in a manner
44 consistent with the laws of the United States and the State of North Carolina.

45 "(c) The term 'weapon of mass death and destruction' includes:

46 (1) Any explosive, incendiary, or poison gas:

47 a. Bomb; or

48 b. Grenade; or

49 c. Rocket having a propellant charge of more than four ounces; or

50 d. Missile having an explosive or incendiary charge of more than one-
51 quarter ounce; or

- 1 e. Mine; or
- 2 f. Device similar to any of the devices described above; or
- 3 (2) Any type of weapon (other than a shotgun or a shotgun shell of a type
- 4 particularly suitable for sporting purposes) which will, or which may be
- 5 readily converted to, expel a projectile by the action of an explosive or other
- 6 propellant, and which has any barrel with a bore of more than one-half inch
- 7 in diameter; or
- 8 (3) Any machine gun, sawed-off shotgun, or other weapon designed for rapid
- 9 fire or inflicting widely-dispersed injury or damage (other than a weapon of
- 10 a type particularly suitable for sporting purposes); or
- 11 (4) Any combination of parts either designed or intended for use in converting
- 12 any device into any weapon described above and from which a weapon of
- 13 mass death and destruction may readily be assembled.

14 The term 'weapon of mass death and destruction' does not include any device which is neither
15 designed nor redesigned for use as a weapon; any device, although originally designed for use
16 as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or
17 similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant
18 to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or
19 any other device which the Secretary of the Treasury finds is not likely to be used as a weapon,
20 is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in
21 accordance with Chapter 44 of Title 18 of the United States Code.

22 "(d) Any person who violates any provision of this Section is guilty of a misdemeanor
23 punishable as provided in Section 14-3(a).

24 "**Sec. 14-288.9. Assault on emergency personnel: punishments.** (a) An assault upon
25 emergency personnel is an assault upon any person coming within the definition of 'emergency
26 personnel' which is committed in an area:

27 (1) In which a declared state of emergency exists;

28 (2) Within the immediate vicinity of which a riot is occurring or is imminent.

29 "(b) The term 'emergency personnel' includes law enforcement officers, firemen,
30 ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in
31 providing essential services during the emergency.

32 "(c) Any person who commits an assault upon emergency personnel is guilty of a
33 misdemeanor punishable as provided in Section 14-3(a). Any person who commits an assault
34 upon emergency personnel with or through the use of any dangerous weapon or substance is
35 guilty of a felony punishable by a fine not to exceed ten thousand dollars (\$10,000.00) or
36 imprisonment for not more than five years, or both such fine and imprisonment.

37 "**Sec. 14-288.10. Frisk of persons during violent disorders; frisk of curfew violators.** (a)
38 Any law enforcement officer may frisk any person in order to discover any dangerous weapon
39 or substance when he has reasonable grounds to believe that the person is or may become
40 unlawfully involved in an existing riot and when the person is close enough to such riot that he
41 could become immediately involved in the riot. The officer may also at that time inspect for the
42 same purpose the contents of any personal belongings that the person has in his possession.

43 "(b) Any law enforcement officer may frisk any person he finds violating the provisions
44 of a curfew proclaimed under the authority of Sections 14-288.12, 14-288.13, 14-288.14, or 14-
45 288.15 or any other applicable statutes or provisions of the common law in order to discover
46 whether the person possesses any dangerous weapon or substance. The officer may also at that
47 time inspect for the same purpose the contents of any personal belongings that the person has in
48 his possession.

49 "**Sec. 14-288.11. Warrants to inspect vehicles in riot areas or approaching municipalities**
50 **during emergencies.** (a) Notwithstanding the provisions of Article 4 of Chapter 15, any law
51 enforcement officer may, under the conditions specified in this Section, obtain a warrant

1 authorizing inspection of vehicles under the conditions and for the purpose specified in
2 subsection (b).

3 "(b) The inspection shall be for the purpose of discovering any dangerous weapon or
4 substance likely to be used by one who is or may become unlawfully involved in a riot. The
5 warrant may be sought to inspect:

6 (1) All vehicles entering or approaching a municipality in which a state of
7 emergency exists; or

8 (2) All vehicles which might reasonably be regarded as being within or
9 approaching the immediate vicinity of an existing riot.

10 "(c) The warrant may be issued by any judge or justice of the General Court of Justice.

11 "(d) The issuing official shall issue the warrant only when he has determined that the one
12 seeking the warrant has been specifically authorized to do so by the head of the law
13 enforcement agency of which the affiant is a member, and:

14 (1) If the warrant is being sought for the inspection of vehicles entering or
15 approaching a municipality, that a state of emergency exists within the
16 municipality; or

17 (2) If the warrant being sought is for the inspection of vehicles within or
18 approaching the immediate vicinity of a riot, that a riot is occurring within
19 that area.

20 Facts indicating the basis of these determinations must be stated in an affidavit and signed by
21 the affiant under oath or affirmation.

22 "(e) The warrant must be signed by the issuing official and must bear the hour and date
23 of its issuance.

24 "(f) The warrant must indicate whether it is for the inspection of vehicles entering or
25 approaching a municipality or whether it is for the inspection of vehicles within or approaching
26 the immediate vicinity of a riot. In either case, it must also specify with reasonable precision
27 the area within which it may be exercised.

28 "(g) The warrant shall become invalid twenty-four hours following its issuance and must
29 bear a notation to that effect.

30 "(h) Warrants authorized under this Section shall not be regarded as search warrants for
31 the purposes of application of Article 4 of Chapter 15.

32 "(i) Nothing in this Section is intended to prevent warrantless frisks, searches, and
33 inspections to the extent that they may be constitutional and consistent with common law and
34 governing statutes.

35 "**Sec. 14-288.12. Powers of municipalities to enact ordinances to deal with states of**
36 **emergency.** (a) The governing body of any municipality may enact ordinances designed to
37 permit the imposition of prohibitions and restrictions during a state of emergency.

38 "(b) The ordinances authorized by this Section may permit prohibitions and restrictions:

39 (1) Of movements of people in public places;

40 (2) Of the operation of offices, business establishments, and other places to or
41 from which people may travel or at which they may congregate;

42 (3) Upon the possession, transportation, sale, purchase, and consumption of
43 intoxicating liquors;

44 (4) Upon the possession, transportation, sale, purchase, storage, and use of
45 dangerous weapons and substances, and gasoline; and

46 (5) Upon other activities or conditions the control of which may be reasonably
47 necessary to maintain order and protect lives or property during the state of
48 emergency.

49 The ordinances may delegate to the mayor of the municipality the authority to determine and
50 proclaim the existence of a state of emergency, and to impose those authorized prohibitions and
51 restrictions appropriate at a particular time.

1 "(c) This Section is intended to supplement and confirm the powers conferred by
2 Sections 160-52, 160-2001(7), and all other general and local laws authorizing municipalities to
3 enact ordinances for the protection of the public health and safety in times of riot or other grave
4 civil disturbance or emergency.

5 "(d) Any ordinance of a type authorized by this Section promulgated prior to the
6 effective date of this Section shall, if otherwise valid, continue in full force and effect without
7 re-enactment.

8 "(e) Any person who violates any provision of an ordinance or a proclamation enacted or
9 proclaimed under the authority of this Section is guilty of a misdemeanor punishable as
10 provided in Section 14-4.

11 **"Sec. 14-288.13. Powers of counties to enact ordinances to deal with states of emergency.**

12 (a) The governing body of any county may enact ordinances designed to permit the imposition
13 of prohibitions and restrictions during a state of emergency.

14 "(b) The ordinances authorized by this Section may permit the same prohibitions and
15 restrictions to be imposed as enumerated in Section 14-288.12(b). The ordinances may delegate
16 to the chairman of the board of county commissioners the authority to determine and proclaim
17 the existence of a state of emergency, and to impose those authorized prohibitions and
18 restrictions appropriate at a particular time.

19 "(c) No ordinance enacted by a county under the authority of this Section shall apply
20 within the corporate limits of any municipality, or within any area of the county over which the
21 municipality has jurisdiction to enact general police-power ordinances, unless the municipality
22 by resolution consents to its application.

23 "(d) Any person who violates any provision of an ordinance or a proclamation enacted or
24 proclaimed under the authority of this Section is guilty of a misdemeanor punishable as
25 provided in Section 14-4.

26 **"Sec. 14-288.14. Power of chairman of board of county commissioners to extend
27 emergency restrictions imposed in municipality.**

28 (a) The chairman of the board of
29 commissioners of any county who has been requested to do so by a mayor may by
30 proclamation extend the effect of any one or more of the prohibitions and restrictions imposed
31 in that mayor's municipality pursuant to the authority granted in Section 14-288.12. The
32 chairman may extend such prohibitions and restrictions to any area within his county in which
33 he determines it to be necessary to assist in controlling the state of emergency within the
34 municipality. No prohibition or restriction extended by proclamation by the chairman under the
35 authority of this Section shall apply within the limits of any other municipality, or within any
36 area of the county over which the municipality has jurisdiction to enact general police-power
37 ordinances, unless that other municipality by resolution consents to its application.

38 "(b) Whenever any chairman of the board of county commissioners extends the effect of
39 municipal prohibitions and restrictions under the authority of this Section to any area of the
40 county, it shall be deemed that a state of emergency has been validly found and declared with
41 respect to such area of the county.

42 "(c) Any chairman of a board of county commissioners extending prohibitions and
43 restrictions under the authority of this Section must take reasonable steps to give notice of its
44 terms to those likely to be affected. The chairman of the board of commissioners shall proclaim
45 the termination of any prohibitions and restrictions extended under the authority of this Section
46 upon:

- 47 (1) His determination that they are no longer necessary; or
- 48 (2) The determination of the board of county commissioners that they are no
49 longer necessary; or
- 50 (3) The termination of the prohibitions and restrictions within the municipality.

51 "(d) The powers authorized under this Section may be exercised whether or not the
52 county has enacted ordinances under the authority of Section 14-288.13. Exercise of this

1 authority shall not preclude the imposition of prohibitions and restrictions under any ordinances
2 enacted by the county under the authority of Section 14-288.13.

3 "(e) Any person who violates any provision of any prohibition or restriction extended by
4 proclamation under the authority of this Section is guilty of a misdemeanor punishable by a
5 fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than thirty days.

6 "**Sec. 14-288.15. Authority of Governor to exercise control in emergencies.** (a) When the
7 Governor determines that a state of emergency exists in any part of North Carolina, he may
8 exercise the powers conferred by this Section if he further finds that local control of the
9 emergency is insufficient to assure adequate protection for lives and property.

10 "(b) Local control shall be deemed insufficient only if:

- 11 (1) Needed control cannot be imposed locally because local authorities
12 responsible for preservation of the public peace have not enacted appropriate
13 ordinances or issued appropriate proclamations as authorized by Sections
14 14-288.12, 14-288.13, or 14-288.14; or
- 15 (2) Local authorities have not taken implementing steps under such ordinances
16 or proclamations, if enacted or proclaimed, for effectual control of the
17 emergency that has arisen; or
- 18 (3) The area in which the state of emergency exists has spread across local
19 jurisdictional boundaries and the legal control measures of the jurisdictions
20 are conflicting or uncoordinated to the extent that efforts to protect life and
21 property are, or unquestionably will be, severely hampered; or
- 22 (4) The scale of the emergency is so great that it exceeds the capability of local
23 authorities to cope with it.

24 "(c) The Governor when acting under the authority of this Section may:

- 25 (1) By proclamation impose prohibitions and restrictions in all areas affected by
26 the state of emergency; and
- 27 (2) Give to all participating State and local agencies and officers such directions
28 as may be necessary to assure coordination among them. These directions
29 may include the designation of the officer or agency responsible for
30 directing and controlling the participation of all public agencies and officers
31 in the emergency. The Governor may make this designation in any manner
32 which, in his discretion, seems most likely to be effective. Any law
33 enforcement officer participating in the control of a state of emergency in
34 which the Governor is exercising control under this Section shall have the
35 same power and authority as a sheriff throughout the territory to which he is
36 assigned.

37 "(d) The Governor in his discretion, as appropriate to deal with the emergency then
38 occurring or likely to occur, may impose any one or more or all of the types of prohibitions and
39 restrictions enumerated in Section 14-288.12(b), and may amend or rescind any prohibitions
40 and restrictions imposed by local authorities.

41 "(e) Any person who violates any provision of a proclamation of the Governor issued
42 under the authority of this Section is guilty of a misdemeanor punishable by a fine not to
43 exceed five hundred dollars (\$500.00) or imprisonment for not more than six months.

44 "**Sec. 14-288.16. Effective time, publication, amendment, and rescision of proclamations.**
45 (a) This Section applies to proclamations issued under the authority of Sections 14-288.12, 14-
46 288.13, 14-288.14, and 14-288.15, and any other applicable statutes and provisions of the
47 common law.

48 "(b) All prohibitions and restrictions imposed by proclamation shall take effect
49 immediately upon publication of the proclamation in the area affected unless the proclamation
50 sets a later time. For the purpose of requiring compliance, publication may consist of reports of
51 the substance of the prohibitions and restrictions in the mass communications media serving the

1 affected area or other effective methods of disseminating the necessary information quickly. As
2 soon as practicable, however, appropriate distribution of the full text of any proclamation shall
3 be made. This subsection shall not be governed by the provisions of Section 1-597.

4 "(c) Prohibitions and restrictions may be extended as to time or area, amended, or
5 rescinded by proclamation. Prohibitions and restrictions imposed by proclamation under the
6 authority of Sections 14-288.12, 14-288.13, and 14-288.14 shall expire five days after their last
7 imposition unless sooner terminated under Section 14-288.14(c)(3), by proclamation, or by the
8 governing body of the county or municipality in question. Prohibitions and restrictions imposed
9 by proclamation of the Governor shall expire five days after their last imposition unless sooner
10 terminated by proclamation of the Governor.

11 **"Sec. 14-288.17. Municipal and county ordinances may be made immediately effective if**
12 **state of emergency exists or is imminent.** (a) Notwithstanding any other provision of law,
13 whether general or special, relating to the promulgation or publication of ordinances by any
14 municipality or county, this Section shall control with respect to any ordinances authorized by
15 Sections 14-288.11 and 14-288.12.

16 "(b) Upon proclamation by the mayor or chairman of the board of county commissioners
17 that a state of emergency exists within the municipality or the county, or is imminent, any
18 ordinance enacted under the authority of this Article shall take effect immediately unless the
19 ordinance sets a later time. If the effect of this Section is to cause an ordinance to go into effect
20 sooner than it otherwise could under the law applicable to the municipality or county, the
21 mayor or chairman of the board of county commissioners, as the case may be, shall take steps
22 to cause reports of the substance of any such ordinance to be disseminated in a fashion that
23 such substance will likely be communicated to the public in general, or to those who may be
24 particularly affected by the ordinance if it does not affect the public generally. As soon as
25 practicable thereafter, appropriate distribution or publication of the full text of any such
26 ordinance shall be made.

27 **"Sec. 14-288.18. Injunction to cope with emergencies at public and private educational**
28 **institutions.** (a) The chief administrative officer, or his authorized representative, of any public
29 or private educational institution may apply to any superior court judge for injunctive relief if a
30 state of emergency exists or is imminent within his institution. For the purposes of this Section,
31 the superintendent of any city or county administrative school unit shall be deemed the chief
32 administrative officer of any public elementary or secondary school within his unit.

33 "(b) Upon a finding by a superior court judge, to whom application has been made under
34 the provisions of this Section, that a state of emergency exists or is imminent within a public or
35 private educational institution by reason of riot, disorderly conduct by three or more persons, or
36 the imminent threat of riot, the judge may issue an injunction containing provisions appropriate
37 to cope with the emergency then occurring or threatening. The injunction may be addressed to
38 named persons or named or described groups of persons as to whom there is satisfactory cause
39 for believing that they are contributing to the existing or imminent state of emergency, and
40 ordering such persons or groups of persons to take or refrain or desist from taking such various
41 actions as the judge finds it appropriate to include in his order."

42 **Sec. 2.** G.S. 153-9 is amended to add a new subdivision at the end of that Section as
43 follows:

44 "(60) The board of commissioners of any county may enact ordinances dealing
45 with states of emergency as authorized by Section 14-288.13, and the
46 chairman of the board of commissioners of any county may issue
47 proclamations imposing prohibitions and restrictions in emergencies under
48 the authority of Section 14-288.14 and, to the extent authorized in
49 ordinances dealing with states of emergency, under the authority of Section
50 14-288.13."

1 **Sec. 3.** G.S. 160-200 is amended to add a new subdivision at the end of that Section
2 as follows:

3 "(45) The governing body of any municipality is authorized to enact ordinances
4 dealing with states of emergency as authorized by Section 14-288.12."

5 **Sec. 4.** Chapter 18 of the General Statutes of North Carolina is amended to add a
6 new section as follows:

7 "**Sec. 18-38.1. Authority of the Governor to direct closing of A.B.C. stores.** When the
8 Governor finds that a state of emergency, as defined in Section 14-288.1, exists anywhere
9 within the State, he may order the closing of county and municipal liquor stores in all or any
10 portion of the State for the period of the emergency. His order shall be directed to the Chairman
11 of the State Board of Alcoholic Control. The express authority granted by this Section is not
12 intended to limit any other authority, express or implied, to order the closing of these stores."

13 **Sec. 5.** Chapter 18 of the General Statutes of North Carolina is amended to add a
14 new section as follows:

15 "**Sec. 18-129.1. Authority of the Governor to limit sale of nine and malt beverages.** When
16 the Governor finds that a state of emergency, as defined in Section 14-288.1, exists anywhere
17 within the State, he may order the cessation of all sale or transfer, manufacture, or bottling of
18 malt beverages or wine in all or any portion of the State for the period of the emergency. His
19 order shall be directed to the Chairman of the State Board of Alcoholic Control. The express
20 authority granted by this Section is not intended to limit any other authority, express or implied,
21 to order cessation of these activities."

22 **Sec. 6.** Article 13 of Chapter 14 of the General Statutes of North Carolina is
23 rewritten to read as follows:

24 "Article 13.
25 "Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material.

26 "**Sec. 14-49. Malicious use of explosive or incendiary; attempt; punishment.** (a) Any
27 person who wilfully and maliciously injures or attempts to injure another by the use of any
28 explosive or incendiary device or material is guilty of a felony.

29 "(b) Any person who wilfully and maliciously damages or attempts to damage any real
30 or personal property of any kind or nature belonging to another by the use of any explosive or
31 incendiary device or material is guilty of a felony.

32 "(c) Any person who violates any provision of this Section is punishable by
33 imprisonment in the State's prison for not less than five nor more than thirty years.

34 "**Sec. 14-49.1. Malicious damage of occupied property by use of explosive or incendiary;**
35 **attempt; punishment.** Any person who wilfully and maliciously damages or attempts to damage
36 any real or personal property of any kind or nature, being at the time occupied by another, by
37 the use of any explosive or incendiary device or material is guilty of a felony punishable by
38 imprisonment in the State's prison for not less than ten years nor more than imprisonment for
39 life.

40 "**Sec. 14-50. Conspiracy to injure or damage by use of explosive or incendiary;**
41 **punishment.** (a) Any person who conspires with another wilfully and maliciously to injure
42 another by the use of any explosive or incendiary device or material is guilty of a felony.

43 "(b) Any person who conspires with another wilfully and maliciously to damage any real
44 or personal property of any kind or nature belonging to another by the use of any explosive or
45 incendiary device or material is guilty of a felony.

46 "(c) Any person who violates any provision of this Section is punishable by
47 imprisonment in the State's prison for not more than fifteen years.

48 "**Sec. 14-50.1. Explosive or incendiary device or material defined.** As used in this Article,
49 'explosive or incendiary device or material' means nitroglycerine, dynamite, gunpowder, other
50 high explosive, incendiary bomb or grenade, other destructive incendiary device, or any other
51 destructive incendiary or explosive device, compound, or formulation; any instrument or

1 substance capable of being used for destructive explosive or incendiary purposes against
2 persons or property, when the circumstances indicate some probability that such instrument or
3 substance will be so used; or any explosive or incendiary part or ingredient in any instrument or
4 substance included above, when the circumstances indicate some probability that such part or
5 ingredient will be so used."

6 **Sec. 7.** Article 8 of Chapter 14 of the General Statutes of North Carolina is
7 amended to rewrite G.S. 14-34.1, added by Chapter 341 of the 1969 Session Laws, as follows:

8 "**Sec. 14-34.1. Discharging firearm into occupied property.** Any person who wilfully or
9 wantonly discharges a firearm into or attempts to discharge a firearm into any building,
10 structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or
11 enclosure while it is occupied is guilty of a felony punishable as provided in Section 14-2."

12 **Sec. 7 1/2.** Article 22 of Chapter 14 of the General Statutes is amended to rewrite
13 G.S. 14-132 as follows:

14 "**Sec. 14-132. Disorderly conduct in and injuries to public buildings and facilities.** (a) It is
15 a misdemeanor if any person shall:

- 16 (1) Make any rude or riotous noise, or be guilty of any disorderly conduct, in or
17 near any public building or facility; or
- 18 (2) Unlawfully write or scribble on, mark, deface, besmear, or injure the walls
19 of any public building or facility, or any statue or monument situated in any
20 public place; or
- 21 (3) Commit any nuisance in or near any public building or facility.

22 "(b) Any person in charge of any public building or facility owned or controlled by the
23 State, any subdivision of the State, or any other public agency shall have authority to arrest
24 summarily and without warrant for a violation of this Section.

25 "(c) The term 'public building or facility' as used in this Section includes any building or
26 facility which is:

- 27 (1) One to which the public or a portion of the public has access and is owned or
28 controlled by the State, any subdivision of the State, any other public
29 agency, or any private institution or agency of a charitable, educational, or
30 eleemosynary; or
- 31 (2) Dedicated to the use of the general public for a purpose which is primarily
32 concerned with public recreation, cultural activities, and other events of a
33 public nature or character.

34 The term 'building or facility' as used in this Section also includes the surrounding grounds and
35 premises of any building or facility used in connection with the operation or functioning of
36 such building or facility.

37 "(d) Any person who violates any provision of this Section is guilty of a misdemeanor
38 punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more
39 than six months, or both."

40 **Sec. 8.** Article 4 of Chapter 15 of the General Statutes of North Carolina is
41 rewritten to read as follows:

42 "Article 4.

43 "Search Warrants.

44 "**Sec. 15-25. Search warrants for contraband, evidence, and instrumentalities of crime.** (a)
45 Any justice, judge, clerk, or assistant or deputy clerk of any court of record, any justice of the
46 peace, or any magistrate of the General Court of Justice may issue a warrant to search for any
47 contraband, evidence, or instrumentality of crime upon finding probable cause for the search.

48 "(b) Any search warrant issued by any Justice of the Supreme Court, Judge of the Court
49 of Appeals, or Judge of the Superior Court may be executed anywhere within the State. Any
50 search warrant issued by any other official of the General Court of Justice may be executed as
51 provided in Chapter 7A of the General Statutes. Any search warrant issued by any other

1 judicial official or officer of any other court may be executed only within the territorial
2 jurisdiction of such official or court.

3 "(c) The warrant may be executed by any law enforcement officer acting within his
4 territorial jurisdiction whose subject matter jurisdiction encompasses the crime with which the
5 object of the search is involved.

6 "(d) The search warrant shall be returnable as other criminal process is required to be.

7 "**Sec. 15-26. Contents of search warrant.** (a) The search warrant must describe with
8 reasonable certainty the person, premises, or other place to be searched and the contraband,
9 instrumentality, or evidence for which the search is to be made.

10 "(b) An affidavit signed under oath or affirmation by the affiant or affiants and
11 indicating the basis for the finding of probable cause must be a part of or attached to the
12 warrant.

13 "(c) The warrant must be signed by the issuing official and bear the date and hour of its
14 issuance above his signature.

15 "**Sec. 15-27. Exclusionary rule.** (a) No evidence obtained or facts discovered by means of an
16 illegal search shall be competent as evidence in any trial.

17 "(b) No search may be regarded as illegal solely because of technical deviations in a
18 search warrant from requirements not constitutionally required.

19 "**Sec. 15-27.1. Application of Article to all search warrants; exception as to inspection**
20 **warrants.** The requirements of this Article apply to search warrants issued for any purpose,
21 including those issued pursuant to Section 18-13, except that the contents of and procedure
22 relating to inspection warrants authorized under Article 4A of this Chapter and Section 14-
23 288.11 are to be governed by the provisions set out in the Sections relating to them."

24 **Sec. 9.** If any word, clause, sentence, paragraph, section, or other part of this Act
25 shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not
26 affect, impair, or invalidate the remainder thereof.

27 **Sec. 10.** All laws and clauses of laws in conflict with this Act are hereby repealed.

28 **Sec. 11.** This Act shall take effect upon its ratification.

29 In the General Assembly read three times and ratified, this the 19th day of June,
30 1969.