

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1295

Short Title: Ethnic Crimes/Civil Actions.

(Public)

Sponsors: Representative Michaux.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE ETHNIC INTIMIDATION A CRIME AND TO CREATE A
CIVIL ACTION FOR ETHNIC INTIMIDATION.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

"§ 14-32.3. Ethnic intimidation.

(a) Offense. A person commits the crime of ethnic intimidation if the person:

(1) Injures, tampers, or interferes with real or personal property of another
with the intent to cause damage or substantial inconvenience to
another person because of that person's race, religion, or ethnic
background;

(2) Intentionally subjects another person to offensive physical contact
because of that person's race, religion, or ethnic background; or

(3) Because of another person's race, religion, or ethnic background,
intentionally subjects that person to alarm by threatening (i) to inflict
serious physical injury to or commit a felony against that person or a
member of that person's family or (ii) to cause substantial damage to
the property of that person or of a member of that person's family.

(b) Punishment. A person who commits the crime of ethnic intimidation shall be
guilty of a misdemeanor punishable by imprisonment up to six months, a fine of up to
five thousand dollars (\$5,000), or both.

(c) Defense. It is an affirmative defense to a prosecution for ethnic intimidation
under G.S. 14-32.2(a)(3) that the defendant spoke or acted only in a critical, insulting,

1 or deprecatory way and the defendant's words or actions did not constitute a threat of
2 harm to a person or to the property of another person.

3 (d) Civil Liability. A person who is subjected to acts of ethnic intimidation may
4 institute a civil action for injunctive relief, damages, or both. A person who commits
5 the crime of ethnic intimidation shall be liable in a civil action for actual damages
6 resulting from the crime, reasonable attorney's fees, and, in the discretion of the court,
7 punitive damages."

8 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
9 acts committed on or after that date.