

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 918
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30400-LHa-132 (04/06)

Short Title: Post Crime On Social Media/Enhanced Sentence. (Public)

Sponsors: Representative Pierce.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT AN ENHANCED PENALTY SHALL BE IMPOSED ON
3 ANY PERSON CONVICTED OF A VIOLENT FELONY WHO INTENTIONALLY
4 POSTS A CLIP DEPICTING THE COMMISSION OF THE FELONY ON THE
5 INTERNET AND TO APPROPRIATE FUNDS TO BE USED BY THE NORTH
6 CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO ESTABLISH A
7 RESOURCE PROSECUTOR POSITION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Article 81B of Chapter 15A of the General Statutes is amended by
10 adding a new section to read:

11 "**§ 15A-1340.16E. Enhanced sentence if defendant is convicted of a violent felony and the**
12 **defendant intentionally posts the crime on the Internet or other similar**
13 **communications media.**

14 (a) The following definitions apply in this section:

15 (1) Internet. – The term includes social media and other similar applications or
16 communications media.

17 (2) Violent felony. – A Class A, B1, B2, C, D, or E felony.

18 (b) If a person is convicted of a violent felony and it is found as provided in this section
19 that the person intentionally posted a clip depicting the commission of the felony on the
20 Internet, then the person shall have the minimum term of imprisonment to which the person is
21 sentenced for that felony increased by 24 months. The maximum term of imprisonment shall be
22 the maximum term that corresponds to the minimum term after it is increased by 24 months, as
23 specified in G.S. 15A-1340.17(e) and (e1).

24 (c) An indictment or information for the felony shall allege in that indictment or
25 information the facts set out in subsection (b) of this section. The pleading is sufficient if it
26 alleges that the defendant intentionally posted a clip of the commission of the felony on the
27 Internet. One pleading is sufficient for all felonies that are tried at a single trial.

28 (d) The State shall prove the issues set out in subsection (b) of this section beyond a
29 reasonable doubt during the same trial in which the defendant is tried for the felony unless the
30 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest
31 to the felony but pleads not guilty to the issues set out in subsection (b) of this section, then a
32 jury shall be impaneled to determine the issues."

33 SECTION 2. There is appropriated from the General Fund to the Administrative
34 Office of the Courts the sum of one hundred twenty thousand one hundred ninety-one dollars
35 (\$120,191) for the 2017-2018 fiscal year to be allocated to the North Carolina Conference of
36 District Attorneys to establish and support a resource prosecutor position that would serve as a



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1 State resource regarding the prosecution of violent crimes intentionally posted on the Internet,
2 including social media and similar applications.
3 **SECTION 3.** Section 1 of this act becomes effective December 1, 2017, and
4 applies to offenses committed on or after that date. The remainder of this act becomes effective
5 July 1, 2017.