

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**HOUSE BILL 356**

Short Title:   Restore Injured Monument/Prosecution. (Public)

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Sponsors:   Representatives Speciale, Kidwell, Pittman, and Brody (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

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Referred to:   Education - Universities, if favorable, Judiciary, if favorable, Rules, Calendar, and  
Operations of the House

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March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO RESTORE ANY OBJECT OF REMEMBRANCE THAT IS INJURED BY A MEMBER OR MEMBERS OF THE PUBLIC AND TO AUTHORIZE THE ATTORNEY GENERAL TO PROSECUTE VIOLATIONS OF STATE LAW IN CAUSING INJURY TO THE OBJECT OF REMEMBRANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-132 reads as rewritten:

**"§ 14-132. Disorderly conduct in and injuries to public buildings and facilities.**

(a) It is a misdemeanor if any person shall:

- (1) Make any rude or riotous noise, or be guilty of any disorderly conduct, in or near any public building or facility; or
- (2) Unlawfully write or scribble on, mark, deface, besmear, or injure the walls of any public building or facility, or any statue or monument situated in any public ~~place;~~place, including moving or removing the statue or monument from its location; or
- (3) Commit any nuisance in or near any public building or facility.

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

(c) The term "public building or facility" as used in this section includes any building or facility which is:

- (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or
- (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.
- (3) Designated by the Director of the State Bureau of Investigation in accordance with G.S. 143B-987.

The term "building or facility" as used in this section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.



1 (d) Unless the conduct is covered under some other provision of law providing greater  
2 punishment, any person who commits a violation of subdivision (2) of subsection (a) of this  
3 section involving a monument subject to the provisions of G.S. 100-2.1 is guilty of a Class A1  
4 misdemeanor, which shall include (i) a fine of not less than five hundred dollars (\$500.00) and  
5 not more than one thousand dollars (\$1,000) and (ii) restitution for the damage caused to the  
6 monument and any costs incurred by the owner of the monument for repairing or otherwise  
7 restoring the monument. Unless the conduct is covered under some other provision of law  
8 providing greater punishment, any person who ~~violates any provision~~ commits any other  
9 violation of this section is guilty of a Class 2 misdemeanor. The Attorney General of North  
10 Carolina, or the Attorney General's designee, shall have concurrent jurisdiction with the district  
11 attorneys of this State to prosecute violations of subdivision (2) of subsection (a) of this section  
12 involving a monument subject to the provisions of G.S. 100-2.1."

13 **SECTION 2.** G.S. 100-2.1 reads as rewritten:

14 "**§ 100-2.1. Protection of monuments, memorials, and works of art.**

15 (a) Approval Required. – Except as otherwise provided in ~~subsection~~ subsections (b) and  
16 (b1) of this section, a monument, memorial, or work of art owned by the State may not be  
17 removed, relocated, or altered in any way without the approval of the North Carolina Historical  
18 Commission.

19 (b) Limitations on Removal. – An object of remembrance located on public property may  
20 not be permanently removed and may only be relocated, whether temporarily or permanently,  
21 under the circumstances listed in this subsection and subject to the limitations in this subsection.  
22 An object of remembrance that is temporarily relocated shall be returned to its original location  
23 within 90 days of completion of the project that required its temporary removal. An object of  
24 remembrance that is permanently relocated shall be relocated to a site of similar prominence,  
25 honor, visibility, availability, and access that are within the boundaries of the jurisdiction from  
26 which it was relocated. An object of remembrance may not be relocated to a museum, cemetery,  
27 or mausoleum unless it was originally placed at such a location. As used in this section, the term  
28 "object of remembrance" means a monument, memorial, plaque, statue, marker, or display of a  
29 permanent character that commemorates an event, a person, or military service that is part of  
30 North Carolina's history. The circumstances under which an object of remembrance may be  
31 relocated are either of the following:

- 32 (1) When appropriate measures are required by the State or a political subdivision  
33 of the State to preserve the object.  
34 (2) When necessary for construction, renovation, or reconfiguration of buildings,  
35 open spaces, parking, or transportation projects.

36 (b1) Restoration Due to Injury by the Public. – In the event an object of remembrance  
37 subject to the limitations on removal in subsection (b) of this section is injured in violation of  
38 G.S. 14-132 by a member or members of the public, the State or a political subdivision of the  
39 State with custody of the object of remembrance shall restore the object to its original condition  
40 and location, as soon as practicable, but no later than 90 days from the date of the injury. The  
41 State or political subdivision of the State may apply to the North Carolina Historical Commission  
42 for an extension of this time period if it is impossible to restore the object of remembrance to its  
43 original location within 90 days because of the extent of injury or removal of the object by a  
44 member or members of the public. The Commission shall only grant an extension so that the  
45 State or political subdivision of the State may properly restore the object of remembrance to its  
46 original location and condition.

47 A law enforcement officer or agency with jurisdiction over the location of an object of  
48 remembrance shall take all necessary measures in responding to a threat or action by any person  
49 to unlawfully injure the object of remembrance in violation of G.S. 14-132 and shall execute an  
50 arrest of that person for the purposes of prosecution by the district attorney or the Attorney  
51 General pursuant to G.S. 14-132(d). In addition, the State or political subdivision of the State

1 with custody of the object of remembrance shall pursue a civil action, if necessary, against any  
2 person responsible for injury to the object for the cost of repairing or otherwise restoring the  
3 object.

4 (c) Exceptions. – This section does not apply to the following:

5 (1) Highway markers set up by the Board of Transportation in cooperation with  
6 the Department of Environmental Quality and the Department of Natural and  
7 Cultural Resources as provided by Chapter 197 of the Public Laws of 1935.

8 (2) An object of remembrance owned by a private party that is located on public  
9 property and that is the subject of a legal agreement between the private party  
10 and the State or a political subdivision of the State governing the removal or  
11 relocation of the object.

12 (3) An object of remembrance for which a building inspector or similar official  
13 has determined poses a threat to public safety because of an unsafe or  
14 dangerous condition."

15 **SECTION 3.** This act is effective December 1, 2019, and applies to offenses  
16 committed on or after that date.