

# Stop HB 805

# PROTECT OUR FREEDOM TO PROTEST

North Carolina lawmakers have introduced a bill that will stifle free speech and discourage people from exercising their right to protest.

## WHAT TO KNOW

- This legislation is a response to the racial justice protests last year, and will be disproportionately used to prosecute Black protesters.
- North Carolina's current rioting law is vague and HB805 makes the law worse by setting much harsher criminal penalties.
- HB 805 would increase the likelihood that a person accused of rioting would spend up to two nights in jail before they could even have bail set.
- The bill also makes it much easier to get a serious felony charge for assault on an emergency worker during an emergency - this applies beyond protests.
- HB 805 provides room for biased, potentially self-serving police and prosecutors to discriminate when deciding if a protest has become a "riot," who is participating, and how they are participating.

## EXAMPLES

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A person attends a protest that law enforcement orders to disperse, but that person does not leave within a time frame set by the police, either after an order to disperse or after a curfew has begun. That person could be accused of rioting and **forced to spend up to two days in jail waiting to see a judge** before they can even have bond set and get out pre-trial. The vast majority of people arrested see a magistrate and can post bond within hours.

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Because Black people, communities, and neighborhoods are over-policed, Black people, and other people of color, are more likely to have criminal histories that increase the likelihood of much harsher penalties under HB805's provisions. Someone with just a few prior convictions may have to spend substantially more time in prison than someone with no record on the same charges. With higher felony charges, this legislation will also make it possible to prosecute 16 and 17 year old children as adults with felonies for rioting.

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