

---

# FINAL LEGISLATIVE REPORT

2015

---

## North Carolina Sheriffs' Association



North Carolina Sheriffs' Association  
Telephone: (919) SHERIFF (743-7433)  
[www.ncsheriffs.org](http://www.ncsheriffs.org)

Revised: October 26, 2015





## **NORTH CAROLINA SHERIFFS' ASSOCIATION**

### **Final Legislative Report**

**2015**

---

---

The 2015 Session of the North Carolina General Assembly initially convened on January 14, 2015, then reconvened at noon on Wednesday, January 28, 2015 with the House of Representatives and Senate adjourning at 4:18 a.m. on September 30, 2015.

This Final Legislative Report of the North Carolina Sheriffs' Association summarizes bills of interest to Sheriffs, Sheriffs' Office personnel and other criminal justice professionals. Included in this Final Legislative Report are summaries of: (i) relevant provisions of the 2015 State Budget Bill and (ii) relevant bills enacted into law this Session.

For specific details about the legislative bills summarized below, please review the actual legislation. Copies of any of the legislation introduced or considered by this year's General Assembly are available on the General Assembly's website: [www.ncleg.net](http://www.ncleg.net). You may also receive one copy of any bill, free of charge, by calling the General Assembly's Printed Bills Office at 919-733-5648. They will need to know if it is a House Bill or Senate Bill and the bill number; for example, Senate Bill 8.

### **STATE BUDGET ACT HOUSE BILL 97**

Of particular interest to the sheriffs of North Carolina and the criminal justice community are the following items:

- Transfers \$2 million annually from the North Carolina Education Lottery to the Alcohol Law Enforcement Branch of the State Bureau of Investigation, for gambling enforcement activities.
- Directs that a review be conducted by the General Assembly on the Division of Adult Correction Inmate Road Squads and Litter Crews program. The review is intended to assist the General Assembly in determining whether to continue, reduce, or eliminate funding for the program.
- Requires the State Chief Information Officer (CIO) to establish an Internet website to provide information on budget expenditures for each State agency and to coordinate with counties, cities, and local education agencies to help these entities post their respective local budgets and spending data on Internet websites.
- Requires the State CIO, in coordination with the Criminal Justice Information Network (CJIN) Board of Directors, to develop and implement a plan to provide a standardized, statewide two-factor authentication system to bolster information technology security.

- Restructures the Office of Information Technology Services in North Carolina as the Department of Information Technology (Department), a single unified cabinet-level department of the Office of the Governor. The State CIO will serve as the head of the Department.
  - i. Gives the Department the authority to charge State agencies and local governmental entities for their services. Among other transfers, the North Carolina 911 Board and the Criminal Justice Information Network (CJIN) are transferred under the Department. The Department is required to provide information technology support to local governmental entities. The Department will also establish procedures to permit local governmental entities to use cooperative purchasing agreements established through the Department to purchase information technology. When purchasing under these agreements, local governmental entities are not required to comply with competitive bidding requirements.
  - ii. Makes it a Class 1 misdemeanor for any person to use the policies or procedures of the Department to purchase property or services for private use. Any managerial staff of the Department who receives any gifts or anything of value from any person or corporation that may be awarded a contract to supply services or property to the Department would be guilty of a Class F felony.
  - iii. Prohibits State agencies, counties and cities from purchasing computer equipment or televisions from any manufacturer that the State CIO has determined is not in compliance with the standards for such manufacturers as set forth by the Department of Environment and Natural Resources (such as labeling each item with a permanent label identifying the manufacturer of the device and meeting certain recycling requirements).
  - iv. Gives the State CIO authority for all telecommunications of State agencies. The State CIO will provide for the management and operation (either through State ownership or through commercial leasing of systems and services) of central telephone systems and telephone networks, including Voice over Internet Protocol and Commercial Mobile Radio Systems, satellite services, closed-circuit TV systems and microwave systems. The State CIO will also have the authority to perform frequency coordination and management for State agencies and local governments, including all public safety radio service frequencies.
  - v. With respect to criminal information, and to the extent allowed by federal law, the State CIO and the Government Data Analytics Center (GDAC) are considered criminal justice agencies as defined under the Criminal Justice Information Services (CJIS) security policy. The State CJIS Systems Agency (CSA) is required to ensure that the Criminal Justice Law Enforcement Automated Data Services (CJLEADS) entity receives access to federal criminal information.
- By March 1, 2017, each local board of education, in coordination with local law enforcement and emergency management agencies, is required to adopt a School Risk Management Plan (SRMP) relating to incidents of school violence for each school in its jurisdiction. As part of the SRMP, at least once annually, each local school administrative

unit is mandated to require each school under its control to hold a school-wide tabletop exercise (an exercise involving key personnel conducting simulated scenarios related to emergency planning) and drills that include a practice school lockdown in the event of an intruder on school grounds. Schools are “strongly encouraged” to include local law enforcement agencies and emergency management agencies in these exercises and drills.

- Requires the Department of Public Safety’s Division of Emergency Management and Center for Safer Schools to construct and maintain a statewide School Risk and Response Management System. The system will integrate and utilize existing data that supports school risk planning, exercises, monitoring, and emergency response via 911 dispatch.
- By July 1, 2016, the Department of Public Safety’s Division of Emergency Management and Center for Safer Schools, in conjunction with the Department of Public Instruction and the North Carolina 911 Board, are required to implement and maintain an anonymous safety tip line to receive student information on internal or external risks to the school population, school buildings or school-related activities and a statewide panic alarm system for the purposes of launching real-time 911 messaging to public safety answering points.
- Requires local school administrative units to provide local law enforcement agencies with either keys to the main entrance of all school buildings or emergency access to key storage devices including updating access to school buildings when changes are made to the locks of the main entrances or to key storage devices.
- Directs the Department of Health and Human Services (DHHS) to enhance their Child Protective Services Pilot Project by integrating CJLEADS data to build a more comprehensive view of the child and family, specifically by determining if the caretaker or someone living in the house is a sex offender or has a criminal history.
- Requires DHHS to work with the Department of Public Safety (DPS) to use DPS funds to match federal funds in order to purchase pharmaceuticals for the treatment of individuals in the custody of DPS who have been diagnosed with HIV/AIDS.
- Appropriates \$25,000 to DHHS to purchase opioid antagonists (overdose medication) to be distributed at no charge to North Carolina law enforcement agencies.
- Requires the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety to each appoint a subcommittee to study the intersection of justice and public safety and behavioral health. Included in the issues to be studied is the impact of mental illness and substance abuse on county law enforcement agencies, specifically the number of people with mental illness and substance abuse issues held in county jails and their impact on agency budgets and personnel.
- Redesignates the former juvenile detention facility known as “Samarkand Manor,” located in Moore County, as a law enforcement and corrections training facility assigned to the Office of the Secretary of DPS. The facility is renamed “Samarcond Training Academy.” \$1.1 million is provided in 2015-2016 and \$2 million is provided in 2016-2017 for start-up

and operating costs and \$109,656 is provided to purchase a use-of-force training simulator for the Academy.

- Allocates \$2.9 million to construct a state-of-the-art firing range at the Samarcand Training Academy. The firing range will be made available to train correction officers, probation and parole officers, State law enforcement officers, and local law enforcement officers.
- Expands the public records laws related to sensitive public security information to indicate that the following records would not be considered public:
  - i. Plans, schedules, or other documents that include information regarding patterns or practices associated with executive protection and security;
  - ii. Specific security information or detailed plans, patterns, or practices associated with prison operations; and
  - iii. Specific security information or detailed plans, patterns, or practices to prevent or respond to criminal, gang, or organized illegal activity.
- Clarifies the statutes related to the North Carolina State Bureau of Investigation (SBI) to indicate that the Director of the SBI serves as the chief executive officer of the organization and is solely responsible for all management functions.
- Prohibits the Department of Justice (DOJ) from hiring sworn law enforcement personnel to fill vacant positions in the North Carolina State Crime Laboratory. Current sworn personnel in State Crime Laboratory positions are allowed to remain in those positions, however, as these positions become vacant, they are required to be filled only with non-sworn personnel.
- Provides \$1.02 million for a market-based salary adjustment for Forensic Scientists working in the State Crime Laboratory. Funds are also provided to create six new technician positions at the State Crime Laboratory to handle non-scientific duties. \$750,000 is provided to allow the State Crime Laboratory to outsource forensic analysis services, including toxicology and DNA.
- Moves the State Capitol Police from under the Law Enforcement Division of the Department of Public Safety to be a section under the State Highway Patrol. House Bill 735, DPS Changes, provides that the Chief, special officers, and employees of the State Capitol Police Section are not considered members of the State Highway Patrol. House Bill 259, General Government Technical Corrections, provides that the relocation of the State Capitol Police as a section within the State Highway Patrol (SHP) does not affect the subject matter jurisdiction of those officers nor does it entitle them to SHP statutory salary increases.
- Eliminates the position of Commissioner of the Law Enforcement Division of the Department of Public Safety.

- Allocates \$2.5 million for 2015-2016 and another \$2.5 million in 2016-2017 to be used to provide matching grants to local law enforcement agencies to purchase and place into service body-worn cameras, and also for training and related expenses. The maximum grant allowed cannot exceed \$100,000 and recipient law enforcement agencies are required to provide \$2 in local funds for every \$1 of grant funds received. In addition, the agencies are required to have appropriate policies and procedures in place governing the operation of body-worn cameras and the proper storage of images recorded with those cameras.
- Requires that any seized or forfeited assets transferred to DOJ or to DPS pursuant to applicable federal law must be reported to the General Assembly and credited to the budget of the department and shall result in an increase of law enforcement resources for the department. Additionally, any use of these assets is prohibited without the prior approval of the General Assembly.
- Requires DPS to report annually, no later than March 1, to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the progress of the State's Voice Interoperability Plan for Emergency Response (VIPER) system.
- Requires the State Highway Patrol, in conjunction with the State Bureau of Investigation and the Governor's Crime Commission, to develop recommendations concerning the establishment of priorities and needed improvements with respect to gang prevention, and to report those recommendations to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.
- Removes the requirement that the Asheville Regional State Bureau of Investigation/Alcohol Law Enforcement office be operational by July 1, 2015.
- Allows DPS to use any available funds to pay \$40 per day as reimbursement to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system. This is commonly referred to as "jail backlog."
- Allows DPS to continue to contract with The Center for Community Transitions, Inc. for the purchase of prison beds for minimum security female inmates.
- Allows DPS to consult with the county or municipality where a closed prison facility, youth detention center, or youth development center is located about the possibility of converting the facility to another use. DPS may also consult with elected State and local officials, State and federal agencies, or private for-profit or nonprofit firms. Priority is given for converting the facility to criminal justice use. DPS can also use available funds to reopen and convert closed facilities for use as treatment and behavior modification facilities for offenders serving a period of confinement in response to violation (CRV).
- Requires DPS to reimburse healthcare providers providing medical services to inmates and juvenile offenders outside the correctional or juvenile facility the lesser amount of either a rate of 70% of the provider's then-current prevailing charge or two times the then-current Medicaid rate for any given service, with limited exceptions.

- Requires the North Carolina Sheriffs' Association (NCSA) to report monthly to the Office of State Budget and Management and the Fiscal Research Division on the Statewide Misdemeanant Confinement Program (Program). These reports will include:
  - i. The daily population of inmates in the Program;
  - ii. The cost of housing prisoners under the Program;
  - iii. The cost of transporting prisoners under the Program;
  - iv. Personnel costs;
  - v. Inmate medical care costs;
  - vi. The number of counties that volunteer to house inmates under the Program; and
  - vii. The administrative costs paid to NCSA and to DPS.
  
- Requires the NCSA to report annually to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program (Program). This annual report will include:
  - i. The revenue collected by the Program;
  - ii. The cost of housing prisoners by county under the Program;
  - iii. The cost of transporting prisoners by county under the Program;
  - iv. Personnel costs by county;
  - v. Inmate medical care costs by county;
  - vi. The number of counties that volunteer to house inmates in the Program; and
  - vii. The administrative costs paid to NCSA and to DPS.
  
- Requires DPS to report annually to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on county prisoners housed in the State Prison System for safekeeping. This report will include:
  - i. The number of safekeepers housed by DPS;



- ii. A list of the facilities where safekeepers are housed and the population of safekeepers by facility;
  - iii. The average length of stay by a safekeeper;
  - iv. The amount paid by counties for housing and extraordinary medical care of safekeepers; and
  - v. A list of the counties in arrears for safekeeper payments owed to DPS.
- Requires that if a county owes money to the Division of Adult Correction and Juvenile Justice (Division) for safekeeper reimbursements that is more than 120 days overdue, the NCSA is required to withhold Statewide Misdemeanant Confinement Program (SMCP) funds from the county and to send those SMCP funds to the Division until the overdue safekeeper reimbursements are satisfied.
  - Provides \$22.5 million per year to support the Statewide Misdemeanant Confinement Fund.
  - Directs the North Carolina Post-Release Supervision and Parole Commission (Commission), each fiscal year, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and DPS, to analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous year has served, compared to the time served by offenders under Structured Sentencing for comparable crimes. If the offender has served more time than he/she would have under Structured Sentencing, the Commission would have to reinitiate the parole review process.
  - Effective December 1, 2015, the list of crimes for which a law enforcement officer would be required to obtain a DNA sample upon a person's arrest is expanded. Currently, law enforcement officers are required to collect a DNA sample from arrestees for crimes such as murder, manslaughter, rape, sex offenses, kidnapping and armed robbery. Funding is provided to expand the list of offenses to include assault with a deadly weapon on executive, legislative, or court officers, castration and maiming, aggravated assaults on handicapped persons, patient abuse, discharging a firearm from within an enclosure, malicious injury or damage by use of explosives, assaulting a law enforcement agency animal, secret peeping, and felony child abuse.
  - Directs the Joint Legislative Oversight Committee on Justice and Public Safety to study extending the collection of DNA samples to persons arrested for any felony.
  - Allows district attorneys across the State to use grant funds previously appropriated to the Conference of District Attorneys to obtain toxicology analysis from other providers of toxicology analysis in addition to local hospitals.
  - Requires that whenever a criminal case is dismissed as a direct result of the delay in the analysis of evidence by the State Crime Laboratory, the district attorney for the district in which the case was dismissed must report that dismissal to the Conference of District

Attorneys (Conference). The Conference is then required to compile a report of these dismissals and report those dismissals quarterly to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

- Amends the amount of court costs collected in criminal cases as well as their use. The current collected court cost of \$18 in district court that goes to the Statewide Misdemeanant Confinement Fund in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety is eliminated. Criminal court costs currently collected in the district court of \$129.50 for support of the General Court of Justice are increased by \$18 to \$147.50. The \$50 criminal court cost for convictions in improper equipment offenses that are currently collected and given to the Statewide Misdemeanant Confinement Fund in the Division of Adult Correction and Juvenile Justice of the Department of Public Safety are rerouted from this fund and instead used for additional support of the General Court of Justice.
- Transfers both the Innocence Inquiry Commission and the Office of Indigent Defense Services to the Administrative Office of the Courts.
- Requires the Administrative Office of the Courts, in conjunction with the Office of Indigent Defense Services (OIDS) and the NCSA, to study and determine whether savings could be realized through the establishment of a system of fully automated kiosks in local confinement facilities to allow attorneys representing indigent defendants to consult with their clients remotely. A report is due to the General Assembly by February 1, 2016 and it must include recommendations for at least two pilot sites for the proposed system.
- Requires the Office of Administrative Hearings to identify office space for an administrative law judge to be located in the town of Waynesville. \$123,618 is allocated for this position.
- Transfers the authority to store, process and sell motor vehicles seized for impaired driving offenses and felony speeding to elude arrest offenses from the North Carolina Department of Public Instruction (DPI) to the State Surplus Property Agency (the North Carolina Department of Administration). The State Surplus Property Agency (Agency) is authorized to enter into a contract for a statewide service, or contract for regional services, to tow, store, maintain and sell motor vehicles seized for the above referenced crimes. Although House Bill 97 allowed the Agency to enter into specific contracts in certain regions of the State for towing and storing vehicles while performing the same work itself in other regions of the State, Senate Bill 119, GSC Technical Corrections 2015, removed this language. In addition to being given the authority to sell seized vehicles, the Agency is given the authority to sell all State-owned supplies, materials and equipment that are declared surplus.
- Makes numerous increases to the various fees and taxes on drivers licenses and motor vehicle registrations, effective January 1, 2016. Among these changes:

- i. The fee for a Class A, Class B, and Class C drivers license is increased from \$4 to \$5. The fee for a motorcycle endorsement is increased from \$1.75 to \$2.30 per year. **The total fee for a regular drivers license is the amount set out above multiplied by the number of years for which the license is issued.**
  - ii. A restoration fee for a revoked drivers license is increased from \$50 to \$65. The restoration fee for a revoked drivers license that was revoked for an impaired driving offense is increased from \$100 to \$130.
  - iii. The fee for a limited learners permit or a limited provisional license is increased from \$15 to \$20.
  - iv. The duplicate drivers license fee is increased from \$10 to \$13. An application for a certificate of title is increased from \$40 to \$52 and the fees for other duplicate or replacement certificates or registration cards are all increased from \$15 to \$20.
- Effective October 1, 2015, no person is allowed to sell or operate on the highways of the State any motor vehicle manufactured after December 31, 1955, and on or before December 31, 1970, unless it is equipped with a stop lamp on the rear of the vehicle. Session Law 2015-31 requires that for any vehicle manufactured after December 31, 1970, it must be equipped with two stop lamps, one on each side of the rear of the vehicle. Motorcycles require only a single stop lamp on the rear of the vehicle.
  - Authorizes an NCSA special registration plate to be issued December 17, 2015 (90 days after the bill became law) by the Division of Motor Vehicles for an additional fee of \$30, with \$20 of that amount transferred quarterly to the Association to be used for support of the Association's operating expenses.
  - Increases the salaries for all entry-level positions within the State Highway Patrol and the salaries of all sworn members of the State Highway Patrol by 3%. Additional funds are also allocated for an experience-based step pay increase for State Highway Patrol troopers, effective January 1, 2016.
  - Allows DPS to use funds available to complete an SBI/State Highway Patrol perimeter fence. (The bill does not specify the location of the fence.)
  - Provides \$150,000 per year to the State Highway Patrol to develop and coordinate use-of-force training for State law enforcement officers and \$109,656 for a use-of-force training simulator and associated equipment.
  - Increases funding by 153% for State Highway Patrol vehicles to fully fund the enforcement and support fleet vehicle replacement schedule.
  - Provides \$2.6 million in recurring funds and \$695,650 in nonrecurring funds to the State Highway Patrol to install cameras in the remaining enforcement fleet vehicles that do not already have them. These funds also allow the cameras to be replaced every five years.

- Provides \$1.86 million in each fiscal year of the biennium to increase the number of TASC (Treatment Alternatives for Safer Communities) case managers who provide substance abuse assessment and referral services to criminal offenders who are maintained in the community instead of sentenced to prison or those who have been released from prison and are under supervision of a probation officer.
- Provides \$20 million in the Justice and Public Safety budget for a \$750 one-time bonus for State employees.
- Provides funds to the Governor's Crime Commission for grants to law enforcement agencies for salaries, training, and equipment for Internet Crimes Against Children Task Force affiliate investigators and forensic analysts to utilize technology and data analysis to locate and rescue children at risk of exploitation.
- Provides \$2 million in recurring funds to replace 75 vehicles per year for the SBI.
- Allocates funds to the SBI for replacement of the Statewide Automated Fingerprint Identification System (SAFIS). However, House Bill 735, DPS Changes, amends House Bill 97 to prohibit the allocation of funds to the SBI to update SAFIS and instead provides that the DPS can use up to \$3 million in overrealized receipts during the 2015-2017 fiscal biennium for replacement of the SAFIS.
- Allocates \$120,000 to the SBI for Operation Medicine Drop, a program that conducts events for citizens to bring unused or expired medications to a central location for safe disposal.
- Provides funding to open 72 additional beds at the Central Prison Mental Health Facility to enable the unit to operate at full capacity. Additionally, funds are provided to establish mental health behavior treatment units at eight close custody prisons.
- Provides \$700,000 in 2015-2016 and \$2.6 million in 2016-2017 for electronic monitoring equipment for offenders under supervision.
- Provides \$2 million per year to expand bed capacity for adjudicated delinquent juveniles in contracted and State-run facilities.
- Provides funds to the North Carolina Justice Academy to develop and provide use-of-force training to local law enforcement agencies, including the purchase of two use-of-force training simulators and the hiring of two new criminal justice training coordinator positions for community relations and use-of-force training.
- Provides funds for the hiring of a criminal justice training coordinator at the North Carolina Justice Academy to conduct basic and advanced training for the investigation of sexual assault and violence against women crimes.
- Provides funds for an experience-based step pay increase for Magistrates and Assistant and Deputy Clerks, effective January 1, 2016.

- Eliminates three special superior court judgeships at the end of the terms of the judges currently serving in office for a savings of \$300,000 in the first year and \$600,000 the following year.
- Creates six Assistant District Attorney positions to act as Special Assistant United States Attorneys (SAUSA) in offices covering all federal districts around the State.
- Provides funds to DPS to develop a Managed Access System to provide enhanced security technology to deter illegal access of cell phones by inmates in the State's prison system.
- Provides \$3.1 million per year to the ABC Commission for the Initiative to Reduce Underage Drinking.
- Creates the Prescription Drug Abuse Advisory Committee, to be housed in and staffed by DHHS. The Committee will be made up of representatives from numerous entities, to include the SBI and the Attorney General's Office.
- Renames the Department of Cultural Resources to the Department of Natural and Cultural Resources and the Department of Environment and Natural Resources to the Department of Environmental Quality.
- Provides that the State Bureau of Investigation (SBI) shall operate and manage the North Carolina Information Sharing and Analysis Center (ISAAC) that works with local, State and federal law enforcement agencies in the fight against terrorism and criminal activity by sharing information. The operation and management of ISAAC shall be under the sole direction and control of the Director of the SBI.
- Provides that the State Highway Patrol Colonel reports to the Secretary of the Department of Public Safety. It also removes the previous requirement that the Colonel also report to the Commissioner of the DPS Law Enforcement Division.
- Allocates funds for the operation of "FirstNet," a public safety broadband wireless network for emergency responders.
- Allocates funds appropriated for the Law Enforcement Information Exchange to the Criminal Justice Information Network (CJIN) Board of Directors to be used to map the records management systems of law enforcement agencies in the State to allow these agencies to interface with the Law Enforcement Information Exchange. The CJIN Board shall explore the feasibility of sharing data between the Law Enforcement Information Exchange and the Criminal Justice Law Enforcement Automated Data System (CJLEADS).
- Provides that each county department of social services may use up to 2% of child care subsidy funds allocated to the county from the Department of Health and Human Services for fraud detection and investigation initiatives.

- Increases the autopsy fee charged if, in the opinion of the medical examiner investigating the case or of the Chief Medical Examiner, it is advisable and in the public interest that an autopsy or other study be made or, if an autopsy or other study is requested by the district attorney of the county or by any superior court judge. The fee is increased from \$1,250 to \$2,800, effective October 1, 2015, to be paid as follows:
  - i. The county in which the deceased resided shall pay a fee of \$1,750 and the State shall pay the remaining balance of \$1,050.
  - ii. If the death or fatal injury occurred outside the county in which the deceased resided, the State shall pay the entire fee in the amount of \$2,800.
- Directs that funds appropriated to the Department of Health and Human Services be used to continue the Department's community paramedic mobile crisis management program to divert behavioral health consumers from emergency departments by implementing a pilot of 13 programs across the State.
- Creates the Animal Shelter Support Fund in the Department of Agriculture and Consumer Services (Department). The Fund consists of appropriations by the General Assembly or contributions and grants from public or private sources. The Fund will be used by the Animal Welfare Section of the Department to reimburse local governments for expenses related to their operation of a registered animal shelter due to the denial, suspension, or revocation of the shelter's registration or an unforeseen catastrophic disaster at an animal shelter. Local governments eligible for reimbursements from the Fund may receive them only for the "direct operational costs" of the animal shelter following one of the events described above. Direct operational costs include veterinary services, sanitation services and needs, animal sustenance and supplies, and temporary housing and sheltering. Counties and cities would not be reimbursed for administrative costs or capital expenditures for facilities and equipment.
- Directs the Administrative Office of the Courts to maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs and to report those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year.
- Provides funds to begin implementation of custody-level pay for correctional officers, custody supervisors, and prison facility administrators. No earlier than January 1, 2016, the Department of Public Safety will begin adjusting Correctional Officer salaries, including the salaries of correctional food service officers and managers, based on the custody level of the correctional facility.
- Allocates funds to develop and operate a psychiatric bed registry to provide real-time information on the number of child, adolescent, and adult beds available at each licensed inpatient facility in the State.

- Clarifies the Division of Motor Vehicles' (DMV) authority, effective January 1, 2016, to impose penalties for allowing automobile insurance to lapse. Under current law, when an insurance company cancels an automobile policy or it ends, the insurance company notifies DMV. DMV sends a letter to the registered owner requiring a certification of insurance. In order to avoid the penalty for a lapse in insurance, the owner of the vehicle must certify within 10 days to DMV that the owner (a) has insurance on the vehicle, (b) the vehicle has not been involved in a crash, and (c) the owner has not driven the vehicle without insurance. If the owner does not respond within 10 days, DMV assesses a penalty and revokes the registration until the owner files the certification, obtains insurance or sells the vehicle to another person. (Note: It is a Class 2 misdemeanor for an owner to fail to return revoked tags to DMV and revoked tags can be seized by a law enforcement officer per G.S. 20-45.) The new law requires the owner to certify that not only did he or she not drive the vehicle during a lapse in insurance but also did not "allow the vehicle to be operated" by another during any lapse of insurance. The new law requires the penalty to be paid within 30 days or DMV will withhold renewal of any vehicle registered in the owner's name until it is paid. The amount of the penalty did not change (\$50.00 for first lapse, \$100.00 for second, \$150.00 for subsequent lapses). Additionally under this new law, the penalty cannot be assessed when the sole owner of a vehicle dies and had insurance at the time of death.

## HOUSE BILLS

HOUSE BILL 6, Autocycle Definition and Regulation, amends G.S. 20-4.01 and defines a new type of motor vehicle called an "autocycle." An autocycle is a three-wheeled motorcycle that has a steering wheel, pedals, seat safety belts for each occupant, antilock brakes, air bag protection, completely enclosed seating that does not require the operator to straddle or sit astride, and is otherwise manufactured to comply with federal safety requirements for motorcycles. The operator of an autocycle is required to have a Class C regular drivers license and is not required to have a motorcycle endorsement. An autocycle is not considered a motorcycle in the sense that the operator is not required to wear a helmet or to turn the autocycle's headlight when operated.  
Effective: October 1, 2015

HOUSE BILL 8, Court of Appeals Election Modifications, amends G.S. 163-323 to require a candidate for judge of the North Carolina Court of Appeals to indicate his or her affiliated political party on their notice of candidacy.  
Effective: When it becomes law, unless vetoed by Governor McCrory

HOUSE BILL 39, Labor/Up Amusement Device Penalties, amends G.S. 95-111.13 to increase the amount of a civil penalty that could be imposed by the North Carolina Department of Labor on persons operating amusement devices without certificates, without liability insurance, without submitting required reports, that are unsafe, while impaired, or otherwise in violation of the rules regulating their operation. The punishment for a willful violation of the rules governing the operation of amusement devices that results in the serious injury or death of a person is a Class E felony, which includes a fine.

The bill also directs the Department of Labor to study the need for regulation of zip-line operations. Specific issues that the study would include are the number of zip-line operations in the State, the number and nature of reported accidents and injuries involving zip-lines in the

State over the last five years, and the types of liability insurance coverage recommended for zip-line operations.

Effective: December 1, 2015

HOUSE BILL 58, [Certain Counties Sheriff/Food Purchases](#), provides that specific counties (Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham and Wake) sheriff's offices can contract for the purchase of food and food services supplies for the county's detention facility without being subject to certain State purchase and contract laws [G.S. 143-129 and G.S. 143-131(a)] which require local governments to obtain competitive bids before awarding certain types of contracts.

Effective: July 20, 2015

HOUSE BILL 59, [Clarify Report Admissibility](#), clarifies that if a prosecutor serves a defendant or defense counsel with proper notice that the State intends to introduce the results of a report and the defendant or defense counsel does not object in writing at least five business days prior to the proceeding, the report will be admissible. The reports subject to this "notice and demand" statute include forensic reports, remote testimony by an analyst, chemical analysis, and chain of custody documents.

Effective: July 31, 2015

HOUSE BILL 71, [Clarify County Comm Oath Filing](#), modifies G.S. 153A-26 to clarify that the oath of office prescribed by Article VI, Sec. 7 of the North Carolina Constitution taken by a person elected or appointed to a county office must be filed with the "clerk to the board of commissioners." This requirement would apply to the Office of Sheriff.

Previously, the statutory provision specified that the oath be filed with the "clerk." Despite the definitions section stating that "clerk" meant "clerk to the board of commissioners," this legislation was designed to further clarify that the reference to "clerk" does not mean "clerk of court."

Effective: October 1, 2015

HOUSE BILL 79, [Contempt for 50C/Scope of Stay for Appeals](#), amends G.S. 50C-10 to make a violation of a 50C civil no contact order punishable by civil or criminal contempt.

Effective: October 1, 2015

HOUSE BILL 82, [Execution/Nonsecure Custody Order/Child Abuse](#), modifies G.S. 7B-504 to allow a court, if it finds that abuse, neglect, or dependency exists or if a less intrusive remedy is unavailable, to issue a nonsecure custody order authorizing a law enforcement officer to enter private property in order to take physical custody of a juvenile. Officers may make forcible entry at any hour if specifically authorized by the court.

Effective: June 2, 2015

HOUSE BILL 91, [Study Misuse of Handicapped Parking Placards](#), requires the Division of Motor Vehicles (DMV) to study ways to decrease the misuse of windshield placards issued to handicapped persons. DMV is to study the cost, feasibility, and advisability of (i) requiring the inclusion of more personally identifying information on the windshield placard, including a picture of the handicapped person who was issued the placard, (ii) linking the windshield placard to the handicapped person's drivers license or special identification card, and (iii) linking the



windshield placard to the license plate issued to the handicapped person or the owner of the vehicle in which the handicapped person is or will be transported. DMV is to report its findings and recommendations to the Joint Legislative Transportation Oversight Committee on or before January 15, 2016.

Effective: May 14, 2015

HOUSE BILL 102, Utility Vehicles/Move-Over Changes, modifies G.S. 20-171.23 to include “utility vehicles” and allows law enforcement, fire, rescue and emergency medical personnel to operate agency owned utility vehicles, as well as all-terrain vehicles defined in G.S. 14-159.3, on a highway under certain circumstances. A "utility vehicle" is a motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart or a riding lawn mower. A common utility vehicle is a "Gator."

This bill also allows municipal and county employees statewide to operate government owned all-terrain and utility vehicles on highways with a 35 mph speed limit or less. Previously the law was limited to specific municipalities and counties listed in the law.

Finally, effective October 1, 2015 G.S. 20-157(f) is modified to add public service vehicles being used in the collection of refuse, solid waste, or recycling to the “move over” law. When a vehicle collecting refuse, solid waste, or recycling is operating a flashing amber light, a motorist must move over.

Effective: May 21, 2015

HOUSE BILL 113, Protect Our Students Act, increases the criminal penalties for the commission of certain sex offenses committed against a student by particular school personnel. Currently, if a teacher, school administrator, student teacher, school safety officer, coach, or any other school personnel who is at least 4 years older than the victim, engages in sexual intercourse or a sexual act with a student, that person is guilty of a Class G felony. Effective December 1, 2015, G.S. 14-27.7(b) is modified to provide that if the defendant is a school employee other than the ones listed above, and is less than four years older than the victim, the defendant is guilty of a Class I felony if he or she engages in sexual intercourse or a sexual act with the student.

Also effective December 1, 2015, G.S. 14-202.4 (taking indecent liberties with a student) is modified to increase the penalty from a Class A1 misdemeanor to a Class I felony for any school personnel who is less than 4 years older than the victim and took indecent liberties with that student. This category of defendant does not include a teacher, school administrator, student teacher, school safety officer, or coach since they would be covered under the higher punishment listed above.

G.S. 14-208.15 is amended to provide that, if requested by a college or university, the sheriff of the county where the college or university is located has to provide a report containing the sex offender registry information on any individual who stated that they were a student or employee, or expected to become a student or employee, of that college or university. Further, the Department of Public Safety must provide each sheriff with the ability to generate the report from the statewide sex offender registry. This report is provided electronically without charge,

and the college or university can also receive a written report upon payment of reasonable copying and mailing costs.

Effective: December 1, 2015

HOUSE BILL 130, Davie County/Food for Detention Facilities, provides that Davie County and the Sheriff may enter into a contract with the local board of education to provide meals for inmates in the county's detention facility. Meals provided under the contract must meet the minimum standards established by the Secretary of Health and Human Services as provided in G.S. 153A-221 and Subchapter 14J of Title 10A of the North Carolina Administrative Code. The contract would not be subject to the provisions of Article 8 of Chapter 143 of the General Statutes (Public Contracts).

Effective: May 18, 2015

HOUSE BILL 134, Soliciting Prostitution/Immunity for Minors, expands G.S. 14-205.1 to provide that a minor (someone under the age of 18) who is suspected of or charged with soliciting as a prostitute is immune from criminal prosecution. Instead, the minor is to be taken into temporary protective custody as an "undisciplined juvenile." A law enforcement officer who takes a minor into custody for soliciting as a prostitute has to report the suspected violation to the director of the Department of Social Services (DSS) in the county where the minor lives or is found. The director of DSS has to start an investigation into child abuse or child neglect within 24 hours of the report.

Effective: August 5, 2015

HOUSE BILL 148, Insurance Required for Mopeds, requires owners of mopeds to have an insurance policy showing financial responsibility for the moped. Mopeds are not required to have certificates of title.

In the 2014 Legislative Session, House Bill 1145 was passed. This bill became effective July 1, 2015 and amended G.S. 20-53.4 to require mopeds to be registered with the Division of Motor Vehicles (DMV). The owner of the moped shall pay the same base fee and be issued the same type of registration card and plate issued for a motorcycle. In order to be registered with the DMV and operated upon a highway or public vehicular area, a moped must have a manufacturer's certificate of origin and be designed and manufactured for use on highways or public vehicular areas.

Effective: July 1, 2016

HOUSE BILL 154, Local Governments in State Health Plan, amends G.S. 135-48.47 to allow units of local government to enroll their employees and dependents in the State Health Plan for Teachers and State Employees (Plan). In order to participate, a unit of local government is required to pass a valid resolution expressing the local government's desire to participate in the Plan, enter into a memorandum of understanding with the Plan, and provide at least 90 days' notice to the Plan prior to entry. All of these requirements must be completed at least 60 days prior to entry.

The Plan is required to admit any local government unit that meets the administrative and legal requirements necessary, regardless of the claims experience of the local government unit or the financial impact on the Plan. Local governments are allowed to participate until the number of employees and dependents enrolled in the Plan reaches 10,000, after which time no additional

local governments may join the plan. Any local government electing to participate must have less than 1,000 employees and dependents enrolled in health coverage at the time the local government provides notice to the Plan of its desire to participate.

Effective: June 24, 2015

HOUSE BILL 173, Omnibus Criminal Law Bill, makes various changes to the criminal laws for the purpose of improving the efficiency of the trial courts, to include:

- Amends G.S. 7A-304(a)(6), effective December 1, 2015, to extend the period of time within which a defendant must pay a fine, penalty, or cost from 20 days to 40 days of the date specified in the court's judgment.
- Amends G.S. 7A-146(11) to allow a chief district court judge to designate certain magistrates to appoint counsel and accept waivers of counsel (previously the law did not allow acceptance of waiver of counsel) and removes the requirement that the designation was limited to magistrates who are licensed attorneys.
- Modifies G.S. 14-444 to allow the chief district court judge to designate certain magistrates to accept guilty pleas in cases involving a charge of intoxicated and disruptive in public.
- Amends G.S. 15A-1347 to provide that if a defendant appeals an activation of a sentence following a probation violation finding in the district or superior court, probation supervision continues under the same conditions until the termination date of the supervision period or disposition of the appeal, whichever occurs first.
- Amends G.S. 15A-2005 which prohibits imposition of the death penalty on a "mentally retarded" defendant. The term "mentally retarded" has been removed and replaced with the term "intellectual disability." This and other changes were made to conform our State law with the decisions of the Supreme Court of the United States in *Hall v. Florida*, 134 S. Ct. 1986 (2014), and *Brumfield v. Cain*, 135 S. Ct. 2269 (2015).
- Amends G.S. 15A-150 to provide that the Director of the Administrative Office of the Courts may enter into an agreement with State and local agencies (sheriff, chief of police, Division of Motor Vehicles, Division of Adult Correction, Department of Public Safety, etc.) for the electronic or facsimile transmission of information related to expunctions and conditional discharges under various statutes.
- Amends G.S. 15A-534(d3), effective October 1, 2015, to provide that, after conditions for pretrial release are determined for a defendant who is charged with an offense and who is currently on pretrial release for a prior offense, a judicial official would be allowed (instead of required) to double the amount of the defendant's most recent bond, with a minimum amount set at \$1,000.
- Amends the statute, effective October 1, 2015, that provides that a custodial agency must preserve physical evidence that is reasonably likely to contain biological evidence collected in the course of a criminal investigation or prosecution. G.S. 15A-268(a5) is

amended to provide that a duty to preserve evidence may not be waived by a defendant without a court hearing, “which may include any other hearing associated with the disposition of the case.” G.S. 15A-268(a6) is amended to provide that at any time after collection of evidence and before or at the time of disposition of the case at the trial court level, if the evidence collected is of a size, bulk, or physical character to render retention impracticable or should be returned to its rightful owner, the State may petition the court for retention of samples of the biological evidence instead of the actual physical evidence.

- Modifies G.S. 58-71-71, effective October 1, 2015, to require that pre-licensing education and continuing education for runners and bail bondsmen must be provided by an “approved provider” instead of the North Carolina Bail Agents Association. An approved provider is defined in G.S. 58-71-1(1a) as a person or entity whose certificate of authority to provide either bail bond continuing education or pre-licensing courses in the State was in effect on May 15, 2015, and remains in effect currently. Additionally, these courses are not authorized to be offered online only.

Effective: September 23, 2015

HOUSE BILL 184, Change DCR Process for Unclaimed Property.-AB, enacts new G.S. 132-11 to set a time limitation on the confidentiality of public records. The statute provides that all restrictions on access to public records expire 100 years after the creation of the record. However, no provision of newly enacted G.S. 132-11 authorizes or requires the opening of any record: 1) ordered sealed by a state or federal court, except as provided by that court; 2) prohibited from being disclosed under federal law, rule, or regulation; 3) containing federal social security numbers; 4) belonging to any juvenile, probationer, parolee, post release, or prison inmate including medical and mental health records; or 5) containing detailed plans and drawings of public buildings and infrastructure facilities. The custodian of the record is the Department of Cultural Resources or other agency in actual possession of the record.

Effective: August 18, 2015, and applies to any public record in existence at the time of, or created after the effective date

HOUSE BILL 199, Certain Cities/Donate Service Animals, amends Section 33(c) of the Charter of the City of Raleigh, Chapter 1184 of the 1949 Session Laws, as amended by S.L. 1991-312, S.L. 1993-649, S.L. 1995-323, and S.L. 2005-157, to allow the city of Raleigh to donate retired animals, that were used by the police department or any other city agency, to the police officer or employee who had normal custody and control of the animal during its service to the city.

This legislation also allows cities and towns in Mecklenburg County to donate retired animals, used by the police department or any other municipal agency, to the police officer or employee who had normal custody and control of the animal during its service to the municipality.

Effective: August 4, 2015

HOUSE BILL 215, Procedure for Waiver of Jury Trial, amends G.S. 15A-1201 to only allow a defendant to waive a jury trial in the circumstance where more than one defendant is tried at the same proceeding, if all the defendants waive their respective rights to a jury trial. Additionally, the judge who decides on the defendant’s request to waive a jury trial must be the same judge who actually presides over the defendant’s bench trial. A defendant can revoke his or her waiver of a jury trial one time as a matter of right within 10 business days of the defendant’s initial

notice of his or her intent to waive his or her right to a jury trial so long as the defendant does so in open court with the district attorney present, or in writing to both the district attorney and the judge. In all other circumstances, the defendant can only revoke his or her waiver of a jury trial if the judge finds the revocation would not cause unreasonable hardship or delay to the State.

Effective: October 1, 2015, unless vetoed by Governor McCrory

HOUSE BILL 222, Retention Elections/Supreme Court, enacts new Article 1A of Chapter 7A of the General Statutes providing that justices on the Supreme Court of North Carolina who have been appointed to office (but not elected) would, at the next election for that office, be subject to an election by ballot at which other candidates could run for election to the office. However, if the justice has been previously elected to office then their next election would be a retention election at which only their name would be placed on the ballot and the voters would be allowed to vote either for or against retention of that justice for a new term of office. If the voters approve the retention of the justice, they would be retained for another 8-year term. If the voters fail to approve the retention of the justice, the office would become vacant and be filled by appointment pursuant to current law.

Effective: June 11, 2015

HOUSE BILL 224, AOC Omnibus Changes, makes the following changes to Administrative Office of the Courts (AOC) procedures:

- Amends G.S. 7A-343.1 to allow State agencies to opt out of receiving copies of the appellate division reports;
- Amends G.S. 15A-151(a), which governs when confidential information from a file may be disclosed, to list G.S. 15A-145.6 (certain prostitution offenses) as another type of expunction which may be released to law enforcement for employment purposes; and
- Amends G.S. 15A-1342(a1) to clarify that a court may order supervised probation for any conditional discharge or deferred prosecution.

Effective: July 1, 2015

HOUSE BILL 229, Church Tax Exemption/Driving Privileges, amends G.S. 20-179.3 to provide that for limited driving privileges issued on or after October 1, 2015, the court is authorized to allow a person holding a limited driving privilege to drive to and from religious worship. This authorization includes high risk drivers who are required to have the ignition interlock system.

Effective: August 5, 2015

HOUSE BILL 232, Study/Update Bicycle Safety Laws, requires the Department of Transportation (DOT) to study the bicycle laws including the following: (1) how faster-moving vehicles may safely overtake bicycles on roadways where sight distance may be inhibited; (2) whether bicyclists on a roadway should be required to ride single file or allowed to ride two or more abreast; (3) whether bicyclists should be required to carry a form of identification; and (4) any other issues determined relevant by DOT. A working group is established which must include a law enforcement officer, a municipal government employee who may be a law enforcement officer and a county government employee who may be a county law enforcement officer as well as other interested persons including representatives of bicycle, trucking and

agricultural industry representatives. DOT must report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee on or before December 31, 2015.

Effective: June 2, 2015

HOUSE BILL 236, Certain Counties/Purchasing Exemption, allows the counties of Beaufort, Chowan, Currituck, Dare, Granville, Pasquotank, Stanly and Washington to contract for the purchase of food and food services supplies for the county's detention facilities without being subject to certain State purchase and contract laws [G.S. 143-129 and G.S. 143-131(a)] which require local governments to obtain competitive bids before awarding certain types of contracts.

Effective: July 20, 2015

HOUSE BILL 268, Amend Transportation Laws, amends G.S. 20-161(f) to authorize the Department of Transportation (DOT), with the concurrence of the investigating law enforcement officer, to remove vehicles, cargo or other items from the roadway if traffic is blocked or a hazard is created. G.S. 20-161(f) still authorizes investigating officers, with the concurrence of the DOT, to have obstructions cleared. The purpose of the new law is to allow DOT to use its equipment to clear roadway obstructions quickly. Protection from civil liability applies to both DOT and the investigating officer.

Effective: August 25, 2015

HOUSE BILL 272, Appointments Bill 2015, makes appointments to various boards and commissions, upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, to include the following:

- Appoints Sheriff James "Alan" Norman of Cleveland County and reappoints W. M. "Marc" Nichols (retired North Carolina State Highway Patrol Major) to the North Carolina Sheriffs' Education and Training Standards Commission for terms expiring on June 30, 2017;
- Reappoints R. Steven Johnson of Wake County (retired North Carolina Justice Academy instructor and current NCSA part-time staff member) and Angela L. Williams of Guilford County, and appoints Richard W. Parks of Nash County (Rocky Mount police officer), David L. Dail of Caswell County, Ron Parrish of Alamance County (current Gibsonville Police Chief, retired Alcohol Law Enforcement agent, and former Major with the Alamance County Sheriff's Office), Richard Epley of Burke County (former Sheriff), Teresa Jardon of Caldwell County, and Michael Slagle of Mitchell County to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2017;
- Reappoints Sheriff Graham H. Atkinson of Surry County to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2019;
- Appoints Ronnie D. Edwards of Henderson County and Norlan Graves of Halifax County to the Criminal Justice Information Network (CJIN) Governing Board for terms expiring on June 30, 2019;

- Appoints Marcus Benson of New Hanover County, William J. Fletcher, Jr., of Wilkes County, David C. Arndt of Surry County, Clyde R. Cook, Jr., of Wake County, Richard Epley of Burke County (former Sheriff), William Macrae of Wake County, and Eric Weaver of Wake County to the Private Protective Services Board for terms expiring on June 30, 2018;
- Appoints Mary Lopez Carter of Orange County, Erica S. Gallion of Harnett County, the Honorable Robert M. Wilkins of Randolph County, Cathy Cloninger of Gaston County, Nathaniel C. Parker of Wake County, Pamela T. Thompson of Alamance County, and Rekha J. Parikh of Wake County to the Domestic Violence Commission for terms expiring on August 31, 2017; and
- Appoints Gregory F. Hauser of Mecklenburg County to the 911 Board for a term expiring on December 31, 2018, to fill the unexpired term of Johnny T. Cole.

Effective: September 29, 2015

HOUSE BILL 273, Clarify Cond. Discharge Law/No DWI Expunge, amends G.S. 15A-1341(a) to clarify that a person charged with driving while impaired (DWI) pursuant to G.S. 20-138.1 is not eligible for deferred prosecution or conditional discharge. In addition, G.S. 15A-145.5 is amended to provide that a misdemeanor or felony DWI conviction cannot be expunged. Finally, G.S. 20-38.7(c) is amended to provide that a new sentencing hearing in a misdemeanor DWI case need not be held when a defendant withdraws his/her appeal to superior court or remands to district court when the prosecutor certifies in writing that the State has no new sentencing factors to offer.

Effective: December 1, 2015

HOUSE BILL 284, Civil Contempt/Jury Duty, amends G.S. 9-6 to provide that a full-time student at an out-of-state post-secondary educational institution (including a trade or professional school) who is taking classes or exams when called for jury duty shall be excused from jury service. When seeking this exemption, the student must provide documentation showing enrollment in such an institution. A request for this exemption may be made by filing a signed statement with the chief district court judge, or his or her designee, at least five days prior to the date the person is summoned to appear.

Effective: August 11, 2015

HOUSE BILL 294, Prohibit Cell Phone/Delinquent Juvenile, amends G.S. 14-258.1 to expand the prohibition on providing cell phones to inmates to include delinquent juveniles in the custody of the Division of Juvenile Justice. Knowingly providing a cell phone or other wireless communication device, or a component of such a device, to a delinquent juvenile in the custody of the Division of Juvenile Justice is a Class H felony. This applies to delinquent juveniles in youth development centers and detention facilities and also those being transported to and from such facilities.

Effective: December 1, 2015

HOUSE BILL 295, Juvenile Media Release, amends G.S. 7B-3102 to allow the Deputy Commissioner of the Division of Juvenile Justice (or his/her designee) to determine whether,

based upon the level of threat posed by a juvenile who has escaped from custody, it is appropriate to release a statement regarding the level of concern for the juvenile's self or for others.

Effective: May 29, 2015

HOUSE BILL 297, End Marketing/Sale Unborn Children Body Parts, creates new G.S. 14-46.1 which provides that it is a Class I felony for someone to sell the remains of an unborn child resulting from an abortion or a miscarriage, or any aborted or miscarried material. The word "sell" means the transfer from one person to another in exchange for any consideration whatsoever. The term does not include payment for services such as incineration, burial, cremation, or other pathological services.

Effective: October 1, 2015, and applies to offenses committed on or after that date

HOUSE BILL 312, Certain Counties Sheriff/Food Purchases, allows the counties of Cherokee, Haywood, Henderson, Iredell, Jones, Lincoln, Madison, Orange, Transylvania and Yancey to contract for the purchase of food and food services supplies for the county's detention facilities without being subject to certain State purchase and contract laws [G.S. 143-129 and G.S. 143-131(a)] which require local governments to obtain competitive bids before awarding certain types of contracts.

Effective: July 23, 2015

HOUSE BILL 313, Promotion Grievances/City of Statesville, amends Section 5.14.1 of Article V of the Charter of the City of Statesville, being Chapter 289 of the 1977 Session Laws, as amended by Chapter 799 of the 1981 Session Laws, S.L. 1998-79 and Section 1 of S.L. 2007-238 to require that a civil service board hear grievances related to the promotion of members of the fire and police departments in the City of Statesville.

Effective: May 21, 2015

HOUSE BILL 315, Sheriff & Landlord/Tenant-Writs of Poss. Chg., amends G.S. 42-36.2(a) to require the sheriff to return a writ of possession of real property unexecuted upon receiving a statement from the landlord that the landlord does not want to eject the tenant because the tenant has paid all court costs charged to the tenant and has satisfied the tenant's debts with the landlord.

G.S. 7A-311(b) is amended to provide that all civil process fees have to be collected in advance, except for suits *in forma pauperis* (as currently provided for in the law) or those fees contingent on sales prices or statutory commissions. G.S. 1-474 is also amended to require the sheriff, when an order for claim and delivery is issued, to collect a fee deposit from the plaintiff to offset the reasonable and necessary fees and expenses for taking and storing any property seized under that order.

Effective: October 1, 2015

HOUSE BILL 318, Protect North Carolina Workers Act, enacts new G.S. 143-133.3 to provide that no board or governing body of the State, a county, or a city can enter into a contract unless the contractor and subcontractors under the contract comply with requirements of Article 2 of Chapter 64 of the General Statutes (Verification to Work Authorization). A county could satisfy this requirement if it includes a provision in all contracts it enters into that requires contractors and subcontractors to use E-verify.



New G.S. 15A-306 is enacted to provide that the following documents are not acceptable for use in determining a person's actual identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government official:

- A matricula consular (embassy identification card) or other similar document, other than a valid passport, issued by a consulate or embassy of another country; or
- An identity document issued or created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for this purpose by the General Assembly.

No local government or law enforcement agency would be allowed to establish the acceptability of any of those documents as a form of identification to be used to determine the identity or residency of any person.

However, Senate Bill 119, GSC Technical Corrections 2015, amends G.S. 15A-306 to provide that identity documents issued or created by any person, organization, county, city, or other local government, could be used by a law enforcement officer to assist in determining the identity or residency of a person when they are the only documents providing an indication of identity or residency available to the law enforcement officer at the time.

No city or county has the authority to enact a policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws. No city or county has the authority to prohibit law enforcement officials or agencies from gathering information regarding a person's citizenship or immigration status, or to direct law enforcement officials or agencies not to gather citizenship or immigration information. Additionally, no city or county can prohibit this type of citizenship or immigration status information from being shared with federal law enforcement agencies.

Effective: October 1, 2015, unless vetoed by Governor McCrory

HOUSE BILL 341, Controlled Substances/NBOMe & Other Drugs, modifies G.S. 90-89 to add the controlled substances of Acetyl Fentanyl, Methoxetamine, and various NBOMe compounds to the list of Schedule I controlled substances. The bill also modifies G.S. 90-90(3) to include Methylphenidate salts, isomers, and salts of its isomers on the list of Schedule II controlled substances. Additionally, G.S. 90-94 was modified to add several synthetic cannabinoids (marijuana) and to delete Tetramethylcyclopropanoylindoles from the list of Schedule VI controlled substances.

Effective: December 1, 2015, and applies to offenses committed on or after that date

HOUSE BILL 346, Counties/Public Trust Areas, creates new G.S. 153A-145.3, which gives counties the right to enforce county ordinances in "public trust areas" such as beaches. These ordinances can define, prevent, restrict, or regulate behavior in order to maintain the health, safety, and welfare of the public or to prevent any unreasonable restriction on the public's use of such space. Counties may enforce ordinances on beaches within their jurisdiction to the same extent they enforce ordinances elsewhere in the county's jurisdictional boundaries. This change does not limit the existing powers of the State, county, or other authorities already granted under North Carolina law nor can it limit the right of the public to have free use of the beaches. This

change also does not limit the ownership rights of property owners and does not apply to the removal of permanent residential or commercial structures or their appurtenances from beaches.  
Effective: June 11, 2015

HOUSE BILL 350, Restore Driving Privileges/Competency, adds new G.S. 20-17.1A to require the Division of Motor Vehicles (DMV) to restore the drivers license of a person who is determined to have been restored to competency after receiving notice from the clerk of court in which the determination is made. The DMV is not required to restore the drivers license of a person if: (1) the person's drivers license was revoked because of a conviction or other act requiring revocation and (2) the person has not met the requirements for restoration of the person's drivers license.

G.S. 35A-1130(d) is amended to require the clerk of court to send the DMV a certified copy of an order that makes the determination that an individual has been restored to competency.  
Effective: October 1, 2015

HOUSE BILL 352, Standard of Proof/Public Safety Dispatchers, establishes the level of proof that is required to be shown in a civil lawsuit against telecommunicators and dispatchers in order for a plaintiff to prevail in the lawsuit. New Article 7 of Chapter 99E of the General Statutes provides that a person acting in the capacity of a 911 or public safety telecommunicator or dispatcher at a Public Safety Answering Point (PSAP) who is sued in a civil action arising from the performance of his/her duties is entitled to the standard of proof of "clear and convincing evidence" in a court of law. The standard of proof of "clear and convincing evidence" generally means the evidence is more likely to be true than not. This standard of proof is higher than a "preponderance of the evidence" standard used in most civil trials and less than the "beyond a reasonable doubt" standard used in criminal trials.  
Effective: June 11, 2015

HOUSE BILL 364, Clarify Laws on Exec. Orders and Appointments, modifies G.S. 143B-394.15(c) and G.S. 143B-1100 to prohibit members of the General Assembly from serving on the Domestic Violence Commission and the Governor's Crime Commission and replaces them with members of the public.  
Effective: April 27, 2015

HOUSE BILL 371, Terror Claims/Damages/Liability for Support, creates new G.S. 1-539.2D which allows any person whose property or person is injured by terrorists to sue for and recover damages from the terrorist. A terrorist is defined as a person who commits an act of terror, including a person who acts as an accessory before or after the fact, aids or abets, solicits, or conspires to commit an act of terror or who lends material support to an act or terror. Any such lawsuit must be started within five years from the date of injury.

This bill also amends G.S. 14-269(b), effective August 18, 2015, to provide that the prohibition on carrying concealed weapons does not apply to certain members of the North Carolina National Guard. In order to be exempt from the prohibition on carrying concealed weapons, the National Guard member must be designated in writing by the North Carolina Adjutant General to carry weapons, have a valid concealed handgun permit, and the National Guard member must be acting in the discharge of his or her official duties.  
Effective: October 1, 2015

HOUSE BILL 373, Elections, establishes procedures for the 2016 election primaries, to include the presidential primary. All North Carolina primary elections in 2016 will be held on the same date as the 2016 presidential primary, March 15, 2016. The filing period will be open on December 1, 2015 and close on December 21, 2015. No person is eligible to file as a candidate in a party primary unless the person has been affiliated with the party for at least 75 days. If a second primary is required, it will be held on May 24, 2016, if any of the offices for which a second primary is required are candidates for the office of United States Senate or the United States House of Representatives. Otherwise, the second primary will be held on May 3, 2016. These provisions only apply to the 2016 primary elections.  
Effective: September 30, 2015

HOUSE BILL 383, Clarify Statutory Scheme/Sex Offenses, renames and renumbers various sex offenses in the General Statutes to make them more easily distinguishable from each other (as recommended by the North Carolina Court of Appeals in the criminal case of State v. Hicks, No. COA 14-57, 17 February 2015). For example, first degree rape and first degree sexual offense are separated from second degree rape and second degree sexual offense. Additionally, this bill makes numerous substantive changes to various sexual offenses. For example:

- The crime of statutory rape of a person who is 15 years of age or younger (G.S. 14-27.25), provides that to be guilty of statutory rape of a person who is 15 years of age or younger, the defendant would have to be at least 12 years old and at least six years older than the victim. Under these circumstances the defendant would be guilty of a Class B1 felony. The defendant is guilty of a Class C felony if the defendant is at least 12 years old and more than four but less than six years older than the victim.
- The crime of statutory sex offense with a person who is 15 years of age or younger (G.S. 14-27.30), makes the same age changes as set forth above for statutory rape of a person who is 15 years of age or younger.

A complete list of the reworked and remodified sex offenses, and their elements, is found in Appendix A of this publication.  
Effective: December 1, 2015

HOUSE BILL 397, Clarify Protections/Exploitation of Elders, amends G.S. 14-112.3 to direct local law enforcement to use seized or frozen assets of those convicted of exploiting an older or disabled adult to satisfy a defendant's restitution obligation as ordered by the court. Personal property or financial assets in the defendant's possession must be seized and held until final disposition is ordered by the court. For assets held by financial institutions, law enforcement must serve the order regarding those assets on the institution in possession of the assets and return service to the clerk. In the case of real property, a written notice of the seizure must be filed with the clerk where the property is located. For all of the above actions, a return of service should be filed with the clerk and include an inventory of items seized. For assets held by a financial institution, law enforcement should list the institution with possession of the funds and the amount of the funds. This inventory should also list any real property held within the county if a written notice has been filed there. The property may be stored and moved (placed under seal, moved to a separate location, or turned over to the N.C. Department of Justice for storage) at the discretion of the law enforcement agency having custody.

If the case is dismissed by either the State or by the court, or if a prosecution ends in an acquittal, the costs of seizing, freezing, or storing these assets cannot be recovered from the defendant and must be borne by the agency. For defendants who are convicted or plead no contest to such charges, the law enforcement agency must ensure that the assets seized are used to satisfy restitution owed pursuant to the court's order. The proceeds from any sale, transfer, or conversion shall be distributed to the clerk by the law enforcement agency. The clerk will distribute the funds according to the court's order, which includes compensation to the law enforcement agency for costs associated with the seizure, storage, and sale of assets. If the assets are not sufficient to cover the costs incurred by the agency, the court may order supplemental restitution as a part of the criminal judgment.

Effective: October 1, 2015

HOUSE BILL 405, Property Protection Act, creates new G.S. 99A-2, which allows a land owner or operator to recover damages when a person exceeds his/her authority by intentionally gaining access to nonpublic areas of the property. An act that "exceeds a person's authority" could include entering the nonpublic area of the property in a false attempt to gain employment or do business and capturing or removing documents, recording video or audio within the premises, knowingly placing a recording device on the premises to record images or data, conspiring in organized retail theft, or any other act that substantially interferes with ownership or possession of real property. Should any of these acts exceeding a person's authority be used to gather information and then that information is used to breach the person's duty of loyalty to the employer, the employer or owner may be entitled to damages.

Anyone who intentionally directs, assists, compensates, or induces someone to violate the above provisions shall be jointly liable. These provisions do not diminish the protections provided to employees under any "whistleblower" statutes nor do they apply to any government agency conducting an investigation.

Effective: January 1, 2016

HOUSE BILL 434, Handicap Placard/Med. Recertification, establishes that a person "certified as totally and permanently disabled at the time of the initial application or a prior renewal" is exempt from the five year medical recertification required to qualify for renewal of a removable windshield handicapped parking placard.

Effective: July 1, 2016

HOUSE BILL 446, Amend Statutes Governing Bail Bondsmen, amends G.S. 58-71-50(b)(1) to require bail bondsmen be 21 years of age in order to qualify for licensure. Additionally, G.S. 58-71-200 is amended to allow bail bondsmen to have access to both criminal and civil information held by the Administrative Office of the Courts (AOC). This section refers to general information held solely in the AOC systems maintained by the clerk.

Effective: August 5, 2015

HOUSE BILL 465, Women and Children's Protection Act of 2015, makes numerous changes to the General Statutes that would impact the criminal justice community. Among these changes:

- The crime of "statutory rape or sexual offense of a person who is 13, 14, or 15 years old" found at G.S. 14-27.7A, effective December 1, 2015, is modified to provide that it would be a Class B1 felony if an individual engages in vaginal intercourse or a sexual act with a

person who is 15 years of age or younger and the defendant is at least six years older than the person. This change in the law expands the coverage of this law to victims who are under the age of 13. Additionally, G.S. 14-27.7A(b) is modified, effective December 1, 2015, to provide that a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 15 years of age or younger and the defendant is more than four but less than six years older than the victim.

- The Administrative Office of the Courts is authorized to develop a program to allow for the electronic filing of petitions for domestic violence protective orders and civil no contact orders under Chapter 50B and Chapter 50C, respectively, of the North Carolina General Statutes.
- Hearings to consider ex parte relief (only one party is present before the court) for both domestic violence protective orders and civil no contact orders is allowed to be held via video conference proceedings. Hearings to consider permanent relief through these orders however cannot be held via video conference proceedings. These provisions are effective December 1, 2015.
- Effective December 1, 2015, G.S. 14-33(d) is amended to provide for an increased punishment for an individual who commits an assault on a person with whom the individual had a personal relationship and the assault took place “in the presence of a minor.” This amendment clarifies that the phrase “in the presence of a minor” means that the minor was in a position to see or hear the assault.
- Effective December 1, 2015, G.S. 14-208.18(c)(1) is amended to expand the area restrictions placed on registered sex offenders (for example, sex offenders are restricted from being on school grounds) to apply to any registered sex offender convicted of a rape or sex offense under federal law or in another state, if the federal or out-of-state crime is substantially similar to a rape or sex offense as defined in North Carolina law. Currently, these area restrictions only apply to sex offenders convicted of rape or sex offense under North Carolina law.
- G.S. 14-45.1 (when abortion not unlawful) is rewritten to provide that a doctor who advises or causes a miscarriage or abortion after the 16<sup>th</sup> week of a woman’s pregnancy has to record the method used by the doctor to determine the probable age of the unborn child, the measurements of the unborn child and an ultrasound image of the child that depicts the measurements. The doctor would provide this information to the Department of Health and Human Services (DHHS). Any doctor who procures or causes a miscarriage or abortion after the 20<sup>th</sup> week of a woman’s pregnancy is required to record the findings on which the doctor based a determination that continuing with pregnancy would threaten the life or health of the woman. This information is required to be provided to DHHS. This information maintained by DHHS is for statistical purposes only and the confidentiality of the patient is protected. These provisions are effective January 1, 2016 and apply to abortions performed on or after that date. Effective October 1, 2015, a doctor, prior to performing an abortion, has to provide the woman with various information concerning the abortion and alternatives to abortion at least 72 hours prior to

the procedure. Current law provides that this information has to be provided to the woman at least 24 hours prior to the abortion.

Effective: June 5, 2015

HOUSE BILL 495, OSHR Modernization/Technical Changes, amends G.S. 126-1.1 to provide that employees hired by a State agency, department, or university in a sworn law enforcement position who are required to complete a formal training program (for example, Basic Law Enforcement Training) prior to assuming law enforcement duties with the hiring agency, department, or university will become career State employees only after being employed by the agency, department, or university for 24 continuous months. This amendment is effective October 1, 2015 and applies to employees hired before, on, or after that date.

G.S. 126-24 is amended to expand the list of who can inspect or examine State employees' confidential personnel information. A potential State or local government supervisor, during the interview process, is able to review confidential personnel file information of a State employee only with regard to performance management documents. This amendment is effective October 1, 2015 and applies to employees separated on or after that date.

Effective: September 30, 2015

HOUSE BILL 512, Amend/Clarify Back-Up PSAP Requirements, amends G.S. 62A-46(e)(4a) to provide that by July 1, 2016, a Public Safety Answering Point (PSAP) must have a plan and means for 911 call-taking in the event 911 calls cannot be received and processed in the primary PSAP. If a PSAP has made substantial progress toward the implementation of a plan and means for a backup PSAP, the 911 Board can grant the PSAP an extension until July 1, 2017 to complete the implementation of the plan and means.

Effective: August 18, 2015

HOUSE BILL 529, NC Drivers License Restoration Act, provides that a person would be guilty of the Class 1 misdemeanor of aggravated driving while license revoked (DWLR) if the person's drivers license was originally revoked for an impaired driving offense [G.S. 20-28(a1)]. All other DWLR's are Class 3 misdemeanors. G.S. 20-28(a) and (a2).

Additionally, failure to appear or pay a fine, penalty, or cost for a motor vehicle offense while the person's drivers license was suspended or revoked would not be considered a motor vehicle moving offense. Only Class 1 DWLR's are considered moving violations for purposes of imposing an additional one year revocation per G.S. 20-24.1.

Effective: December 1, 2015

HOUSE BILL 552, Graffiti Vandalism, enacts G.S. 14-127.1 to create the new offense of graffiti vandalism, which is defined as the unlawful writing or scribbling on, painting, or defacing, the walls of (1) any real property (public or private); (2) any public building or facility as defined in G.S. 14-132; or (3) any statue or monument situated in any public place. A person convicted of this offense is guilty of a Class 1 misdemeanor.

It is a Class H felony if the defendant commits graffiti vandalism and has two or more prior graffiti vandalism convictions, if the current violation was committed after the second

conviction, and the violation resulting in the second conviction was committed after the first conviction.

Effective: December 1, 2015

HOUSE BILL 560, Assault Emergency Workers/Hospital Personnel, amends G.S. 14-34.6(a)(3) to provide that it is a Class I felony to assault and cause physical injury to hospital personnel and licensed healthcare providers who are providing or attempting to provide health care services to a patient in a hospital. The statute formally limited covered persons to “emergency department personnel: physicians, physician’s assistants, nurses, and licensed nurse practitioners.”

Effective: December 1, 2015

HOUSE BILL 562, Amend Firearm Laws, makes numerous changes to North Carolina’s firearms laws, to include changes in the way pistol purchase permits and concealed handgun permits are evaluated and processed. These changes are as follows:

- Effective July 1, 2015, a district attorney with a valid concealed handgun permit is permitted to carry a concealed weapon while in a courtroom. This provision allows a district attorney (but not an assistant district attorney) to carry not only a concealed handgun in the courtroom but also other concealed weapons, such as knives in the courtroom.
- Effective July 1, 2015, any person employed by the Department of Public Safety who has a valid concealed handgun permit, and has been designated in writing by the Secretary of the Department, is able to carry a concealed weapon (including firearms and other weapons) anywhere in North Carolina that sworn law enforcement officers can carry a concealed weapon.
- Effective July 1, 2015, an administrative law judge who has a valid concealed handgun permit is able to carry a concealed weapon (including firearms and other weapons) anywhere in North Carolina that sworn law enforcement officers can carry a concealed weapon.
- Effective July 1, 2015, individuals may carry an ordinary pocketknife [as defined in G.S. 14-269(d)] in the State Capitol Building or on the grounds of the State Capitol Building.
- Effective July 1, 2015, a concealed handgun permittee can possess a concealed handgun on his/her person while in a vehicle on school property so long as the person remains in a locked vehicle and only unlocks the vehicle to allow the entrance or exit of another person. The permittee is also able to have a concealed handgun in a closed (but not necessarily locked, i.e. glovebox) container within the vehicle or within a locked container securely affixed to the vehicle. It is lawful for a concealed handgun permittee to remove a handgun from a vehicle on school property if done so in response to a threatening situation in which deadly force is justified.
- Effective August 5, 2015, the Commissioner of Agriculture is authorized to prohibit the carrying of firearms on the State Fairgrounds during the State Fair. Individuals with valid

concealed handgun permits are allowed to secure their handguns in their locked vehicles in the parking lot of the fairgrounds.

Individuals authorized to carry a firearm under G.S. 14-269(b)(1),(2),(3),(4) or (5) are allowed to carry a handgun on State Fairgrounds during the State Fair. Examples of these categories of individuals are sworn law enforcement officers, military members carrying firearms in the performance of their duties, and judges and district attorneys with valid concealed handgun permits.

The Department of Agriculture, in consultation with the Department of Public Safety and the North Carolina Sheriffs' Association, is required to study the best method to allow persons with concealed handgun permits to carry concealed handguns from the parking lot to the entrance of the State Fairgrounds and how best to secure those handguns near the entrance to the State Fair.

- A person who owns or operates a recreational shooting range in North Carolina is not able to be prosecuted criminally or sued civilly in any lawsuit related to noise or noise pollution resulting from the use of the shooting range, so long as the range is being operated in compliance with noise control laws in effect at the time the range began operating. These protections apply to any recreational shooting range, irrespective of when it began operating. This provision is effective July 1, 2015 but will not apply to any litigation pending as of that date.
- Prior to this bill, convicted felons, whose firearms rights had been restored by a district court judge, could possess handguns, shotguns, rifles, weapons of mass death and destruction (for example, suppressors and short barreled rifles or short barreled shotguns) but not automatic weapons. With this change in the law, convicted felons, whose firearms rights are restored, can possess automatic weapons in addition to the other weapons listed above. This provision is effective August 5, 2015 and applies to restorations of rights granted before, on, or after that date.
- Effective July 1, 2015, hunting is now allowed with short barreled rifles (rifles with a barrel length of less than 16 inches or an overall length of less than 26 inches) in addition to hunting with suppressors. All State and federal laws for the possession of these weapons must still be complied with.
- Effective January 1, 2016, clerks of superior court, within 48 hours of receiving notice of certain court orders, are required to forward firearms disqualifying orders and information to the National Instant Criminal Background Check System (NICS). Additionally, the Administrative Office of the Courts (AOC) is required to send unserved felony warrants, indictments, criminal summons, or orders for arrest to NICS within 48 hours of receiving notice of issuance. Sheriffs are required, within 48 hours after service by the sheriff (excluding Saturdays, Sundays and holidays) to send domestic violence protective orders to NICS.
- Effective October 1, 2015, arresting law enforcement agencies are required to fingerprint individuals arrested for certain misdemeanors (such as domestic violence related crimes,



impaired driving offenses and controlled substance violations) and to forward those fingerprints to the State Bureau of Investigation for the purpose of having them forwarded to NICS. However, House Bill 735, DPS Changes, amends House Bill 562 to remove the statement that this is being done for the purpose of the fingerprints being reported to NICS. The complete list of crimes for which an arrestee must be fingerprinted is found in Attachment B of this publication.

- Law enforcement officers are also required to provide as much as possible of the following information after an arrest to magistrates: the arrestee's name, address, drivers license number, date of birth, gender, race, social security number and domestic relationship to any victims.
- By May 31, 2019, AOC is required to send certain historical records to NICS, such as all involuntary commitment orders, convictions for misdemeanor possession of controlled substances and impaired driving convictions.
- Effective December 1, 2015, any person adversely affected by a city or county ordinance that unlawfully regulates the possession, transfer, sale, taxation, manufacture, transportation, or concealed carry of firearms would be allowed to bring a lawsuit against the city or county for damages the person suffered as a result of the ordinance. The court would be able to give the winning party to the lawsuit reasonable attorneys' fees and court costs.
- Effective July 1, 2015, the term "chief law enforcement officer" (CLEO) means any official designated as such by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) who would be eligible to provide any required certification on federal paperwork for the transfer or making of a firearm (for example, the transfer of an automatic weapon or suppressor).

Therefore, if designated by the BATFE, a chief of police or other official (in addition to a sheriff) can sign any necessary federal paperwork for the transfer of a weapon. The CLEO has to provide the certification within 15 days of the request if the applicant is not otherwise prohibited by State or federal law from receiving or possessing the firearm. Any denial by the CLEO can be appealed to the district court of the district where the request for certification is made.

- The misdemeanor crimes for which a concealed handgun permit must be denied as set out in G.S. 14-415.12(b)(8) has changed. Effective July 1, 2015 for all concealed handgun permit applications submitted on or after that date, an applicant for a North Carolina issued concealed handgun permit CAN receive a concealed handgun permit **if** three years has passed since the applicant's conviction for certain misdemeanor crimes.

If an applicant for a concealed handgun permit has been found guilty of or received a prayer for judgment continued or a suspended sentence for one of the crimes listed in paragraph 1 (a) through (t) of the document found at Appendix C of this publication, **AND THREE YEARS HAS PASSED PRIOR TO SUBMITTING THE APPLICATION**, the applicant CAN (if otherwise qualified) receive a concealed handgun permit.

- Effective July 1, 2015 for all concealed handgun permit applications submitted on or after that date, an applicant for a North Carolina concealed handgun permit IS permanently disqualified from receiving a concealed handgun permit if the applicant is or has been found guilty of or received a prayer for judgment continued or suspended sentence for the misdemeanor crimes listed in paragraph 2 of the document found at Appendix C of this publication.
- Effective December 1, 2015, the punishment for a concealed handgun permittee carrying a concealed handgun into an area that has been posted as prohibiting the carrying of concealed handguns is reduced from a Class 1 misdemeanor to an infraction and is punishable by a fine of up to \$500.
- Effective October 1, 2015 for all applications submitted for a concealed handgun permit on or after that date, sheriffs are not allowed to request employment information, character affidavits, additional background checks, photographs, or other information not specifically set out in the concealed handgun permit statutes. Also, concealed handgun permit applications must be made available by sheriffs to applicants both electronically and in paper form.
- Effective October 1, 2015 for all concealed handgun permit applications submitted on or after that date, sheriffs are required to submit the request for mental health records of applicants to any entity that may have the records within 10 days of the receipt of the concealed handgun permit application. Additionally, no person, company, or governmental entity can charge any fees to the applicant for mental health background checks and records.
- Effective August 5, 2015, an individual is eligible to receive a concealed handgun permit if the person is either a citizen of the United States or has been lawfully admitted for permanent residence in the United States.
- Effective December 1, 2015 for all pistol purchase permits issued on or after that date, the State Bureau of Investigation (SBI), in consultation with the North Carolina Sheriffs' Association, will create a uniform application for a pistol purchase permit and a uniform pistol purchase permit certificate that must be used by all sheriffs. Pistol purchase permits issued before this date remain valid until their expiration date and any person with such a permit can exchange it for an updated permit from the sheriff with no further application being required. Any permit issued in exchange will expire on the same date as the original permit. The SBI is required to make reasonable efforts to notify federally licensed firearms dealers in North Carolina of the new permit's appearance.
- Additionally, effective December 1, 2015 for all pistol purchase permits issued on or after that date, for purposes of determining an applicant's good moral character to receive a pistol purchase permit, the sheriff is only able to consider an applicant's conduct and criminal history for the five year period immediately preceding the date of the application. This five-year period only applies to a sheriff's evaluation of an applicant's good moral character. If a crime or condition occurs outside this five-year period, the

sheriff may consider it if the crime or condition is independently a disqualifier for a pistol purchase permit (for example, a felony conviction or involuntary commitment).

- Effective December 1, 2015, if a pistol purchase permit is denied, the denied applicant would be required to appeal the denial to the superior court.
- Also, effective December 1, 2015, applicants for a pistol purchase permit can be required to submit only the following items:
  - i. The permit application;
  - ii. \$5.00 for each permit requested;
  - iii. A government-issued identification;
  - iv. Proof of residency; and
  - v. A signed release that authorizes and requires any entity that has court orders concerning the mental health or capacity of the applicant to be disclosed to the sheriff.
- The Department of Public Safety, in consultation with the Office of Information Technology Services and the Federal Bureau of Investigation, will study the development of a system to allow a background check to be conducted in the private transfers of firearms. The study must consider methods that would allow a seller or transferor to access NICS, or another similar system that would give information to the seller or transferor regarding the purchaser or transferee's eligibility to purchase a pistol.

HOUSE BILL 566, Amend Eyewitness ID/Show-Up, amends G.S. 15A-284.52, the Eyewitness Identification Reform Act (EIRA), to clarify that law enforcement officers can be eye witnesses under this statute. A "show up" is defined as "a procedure in which an eyewitness is presented with a single live suspect for the purpose of determining whether the eyewitness is able to identify the perpetrator of a crime." The following minimum standards for "show ups" were established:

- A show-up shall only be done when a suspect matching the description of the perpetrator is located in close proximity in time and place to the crime, and only if there are exigent circumstances that require the immediate display of a suspect to an eyewitness.
- A show-up shall only be done using a live suspect, and shall not be conducted with a photograph.
- Investigators are to photograph the suspect to preserve a record of the suspect's appearance at the time of the show-up

The North Carolina Criminal Justice Education and Training Standards Commission shall develop standard procedures for "show ups."

Effective: December 1, 2015, with the exception of the standards to be adopted by the North Carolina Criminal Justice Education and Training Standards Commission, which shall be adopted by August 1, 2016 and apply to law enforcement on or after that date

HOUSE BILL 570, Facilitate Successful Reentry, modifies G.S. 15A-301.1 by adding two new provisions to direct a law enforcement agency, at the time an individual is taken into custody, to attempt to identify all outstanding warrants against the individual and notify the appropriate law enforcement agency of the location of the individual. Similarly, prior to the entry of any order of the court in a criminal case, the court is required to attempt to identify all outstanding warrants against the individual and notify the appropriate law enforcement agency of the location of the individual.

The bill also enacts new G.S. 148-10.5 to direct the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to work with law enforcement, the district attorneys' offices, and the courts to develop a process, both at intake and before release of an inmate, to identify all outstanding warrants on the inmate. An inmate would have to be notified of any outstanding warrants that were discovered and of his/her right to counsel.

Effective: October 1, 2015

HOUSE BILL 574, Opossum Exclusion From Wildlife Laws, provides that State and local laws, rules, regulations, and ordinances related to the capture, captivity, treatment, or release of wildlife do not apply to opossums between the dates of December 29th and January 2nd.

Effective: June 11, 2015

HOUSE BILL 595, Military Experience/LEO Cert. Requirements, modifies Chapter 17C of the General Statutes to require the North Carolina Criminal Justice Education and Training Standards Commission (Commission) to waive an applicant's completion of Basic Law Enforcement Training (BLET) and issue probationary law enforcement officer certification to a current or former military police officer when the Commission determines that the applicant's training and experience is substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer. In order to issue this probationary certification, the Commission also has to find that the applicant completed a military police training program, was awarded a military police occupational specialty rating, and had performed military police duties for any of the branches of service (active duty, reserve, or National Guard) for not less than two of the five years preceding the date of the application.

Any person certified as a probationary law enforcement officer based on his or her military police experience also has to successfully complete the employing agency's in service firearms training program prior to employment and has to also serve a one-year period of probation. During the one year period of probation, the person has to successfully complete the legal unit and 24 hours of training in the service of civil process in a Commission-accredited BLET course and successfully pass the State comprehensive examination.

The Commission is also required to issue certification to a former or current military police officer whose training and experience is not substantially equivalent to the minimum expectations for employment as a law enforcement officer if the applicant:

- Successfully completed a formal military basic training program and has been awarded a military police occupational specialty rating;
- Engaged in the active practice of military police officer duties for not less than two of the five years preceding the date of the application;
- Meets the minimum standards for being a law enforcement officer (age, background, etc.);
- Successfully completes the legal unit and 24 hours of training in the service of civil process in a Commission-accredited BLET course;
- Successfully completes any supplementary high liability training as deemed necessary by the Commission, not to exceed 180 hours; and
- Passes the State comprehensive BLET examination.

Additionally, membership of the Commission is expanded from 31 to 34 members to include the Director of the State Bureau of Investigation, the Commander of the State Highway Patrol, and a juvenile justice officer employed by the Section of Juvenile Justice.

Effective: June 3, 2015

HOUSE BILL 640, Outdoor Heritage Act, makes numerous changes to the State's wildlife laws. Among these changes:

- G.S. 113-276.3(d) is modified to add a third or subsequent violation of G.S. 14-159.6(a) [Trespass for purposes of hunting, etc., without written consent] to the list of offenses which results in a mandatory suspension of hunting privileges for a period of two years.
- The bill directs the Wildlife Resources Commission to review the provisions of Article 21B of Chapter 113 of the General Statutes that provide for the suspension of hunting privileges upon conviction of criminally negligent hunting and determine whether those provisions should be amended or expanded to provide increased protection to the public from negligent or reckless hunting. In developing its findings, the Wildlife Resources Commission must consult with organized hunting clubs and propose recommendations to address individuals who repeatedly violate club rules and regulations. They must also consult with public interest groups. The Wildlife Resources Commission must report its findings and recommendations to the 2015 General Assembly when it reconvenes in 2016.
- G.S. 103-2 is modified to allow any landowner or member of the landowner's family, or any person with written permission from the landowner, to hunt with the use of firearms on Sunday on the landowner's property, subject to the following limitations:
  - i. Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).

- ii. Hunting of migratory birds on Sunday is prohibited.
- iii. The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.
- iv. Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence not owned by the landowner, is prohibited.
- v. Hunting on Sunday in a county having a population greater than 700,000 people is prohibited. Currently, this provision applies only to Wake County and Mecklenburg County.

Any person who hunts on a Sunday in one of these prohibited manners is guilty of a Class 3 misdemeanor. These provisions do not apply to actions taken in defense of a person's property.

- Effective October 1, 2017, G.S. 153A-129 is modified to allow a county to prohibit, by ordinance, hunting on Sunday as allowed under newly enacted G.S. 103-2 provided the ordinance complies with all of the following:
  - i. The ordinance must be applicable from January 1 until December 31 of any year of effectiveness.
  - ii. The ordinance must allow for individuals hunting in an adjacent county with no restriction on Sunday hunting to retrieve any animal lawfully shot from the adjacent county.
  - iii. The ordinance must be applicable to the entire county.
- New G.S. 113-291.5A provides that any person, as an owner, lessee, occupant, or who is otherwise in control of the land, who gives permission to hunters to enter the land to retrieve hunting dogs that have strayed onto the land owes the hunter the same duty of care the person owes a trespasser.

Effective: October 1, 2015

HOUSE BILL 659, Controlled Substances/Update Precursor List, amends G.S. 90-95 to provide that it is unlawful for a person to possess a pseudoephedrine product if the person has a prior conviction for: 1) possession of methamphetamine; 2) possession with the intent to sell or deliver methamphetamine; 3) sell or deliver methamphetamine; 4) trafficking in methamphetamine; 5) possession of an immediate precursor chemical; or 6) manufacture of methamphetamine. The prior conviction can be from any jurisdiction within the United States.

This bill expands the list of immediate precursor chemicals that are unlawful for a person to possess with intent to manufacture or deliver methamphetamine. The new prohibited precursors include:

- Ammonium nitrate;
- Ammonium sulfate;
- Ether based starting fluids;
- Sources of lithium metal;
- Petroleum based organic solvents, such as camping fuels and lighter fluids;
- Sodium hydroxide; and
- Sources of sodium metal.

Additionally, the bill allows the Joint Legislative Commission on Justice and Public Safety to study the current State and federal law regarding the authority for State agencies to schedule controlled substances without legislative action and the procedure for that scheduling or rescheduling.

Effective: December 1, 2015, and applies to offenses committed on or after that date

HOUSE BILL 669, [Juvenile Law Changes/Abuse/Neglect/Dependency](#), makes various changes to the juvenile laws as they relate to abuse, neglect, and dependency.

- Court orders for nonsecure custody of juveniles are allowed to be entered ex parte (without all parties to the action being present in court). The county department of social services (DSS) is required to attempt to make telephone contact with counsel for the juvenile if the department has information in writing that a respondent juvenile is represented by counsel.
- When a juvenile is placed in the nonsecure custody of a county department of social services, the DSS director is allowed to arrange for, provide, or consent to routine medical and dental treatment and emergency medical or mental health care as well as testing and evaluation of that juvenile in exigent circumstances.
- Before seeking nonemergency medical or mental health treatment, or seeking prescriptions for psychotropic (mental health) medications, the director is required to obtain consent from the juvenile's parent, guardian, or custodian.
- If a court enters an order in an abuse, neglect, or dependency hearing to place the juvenile in the custody of a county DSS, the DSS does not have to make efforts to reunite the juvenile with his/her parents if the court finds the parent subjected the child to dangerous circumstances; the parental rights of the parent have been terminated; or the parent subjected the juvenile to various violent crimes.
- In any hearing to determine the appropriate option for an abused, neglected, or dependent juvenile, the court has the authority to:

- i. Dismiss the case;
  - ii. Require the juvenile be supervised in the juvenile's home by the DSS;
  - iii. Place the juvenile in the custody of a parent, relative, private agency, or some other suitable person;
  - iv. Appoint a guardian for the juvenile; or
  - v. Place the juvenile in the custody of the DSS.
- In determining if a juvenile should be placed in out-of-home care, a court has the authority to order the juvenile be examined by a physician, psychiatrist, psychologist, or other expert to determine the needs of the juvenile.
  - After this examination, the court is required to conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or other treatment, and who should pay the cost of the treatment.
  - The county manager, or designee of the chairman of the board of county commissioners, is required to be notified of the hearing and allowed to be heard. If the court finds the parent is unable to pay for the cost of treatment, the court is required to order the county to arrange for treatment of the juvenile and to pay for the cost of the treatment.
  - At a permanent planning hearing to establish a future plan for a juvenile who is 14 years of age or older and in the custody of the county DSS, the court is required to inquire and make findings about services to assist the juvenile in making a transition to adulthood and whether the juvenile has regular opportunities to engage in age or developmentally appropriate activities.
  - At least 90 days before the juvenile's 18th birthday, the court is required to inquire whether the juvenile has a copy of the juvenile's birth certificate, Social Security card, health insurance information, drivers license or other identification card, or any educational or medical records. The court is also required to determine what person or entity is appropriate to assist the juvenile in obtaining these documents before the juvenile's 18<sup>th</sup> birthday.

Effective: October 1, 2015, with the exception of the ex parte nonsecure custody order allowances/requirements which are effective July 2, 2015

HOUSE BILL 691, Assault on National Guard Member, added or amended statutes addressing assaults on members of the North Carolina National Guard. G.S. 14-34.7(a1) was added to make it a Class F felony to assault and inflict serious bodily injury to a member of the North Carolina National Guard while he or she is discharging or attempting to discharge official duties.

G.S. 14-34.7(c) was amended to make it a Class I felony to assault and inflict physical injury to a member of the North Carolina National Guard while he or she is discharging or attempting to discharge official duties.



G.S. 14-34.5 was amended to make it a Class E felony to assault a member of the North Carolina National Guard with a firearm while he or she is discharging or attempting to discharge official duties.

Effective: December 1, 2015

HOUSE BILL 712, Pilot Project/Used Needle Disposal, requires the State Bureau of Investigation (SBI), in consultation with the North Carolina Harm Reduction Coalition, to establish and implement a used needle and hypodermic syringe disposal pilot program. This program will offer the free disposal of used needles and hypodermic syringes to reduce the spread of HIV, AIDS, viral hepatitis and other blood-borne diseases. The SBI will select two counties to operate this pilot program. The SBI will collaborate with local health departments and local law enforcement agencies in these counties when operating this program. Any person participating in this pilot program cannot be charged with, or prosecuted for, possession of drug paraphernalia for any used needle or hypodermic syringes disposed of, or for residual amounts of controlled substances in the needles.

Effective: When it becomes law, unless vetoed by Governor McCrory

HOUSE BILL 730, Next Generation 911, amends G.S. 62A-47 to establish a Next Generation 911 Reserve Fund to fund the implementation of next generation 911 systems. A next generation 911 system is defined as an emergency communications system using Internet protocol or other technology to enable a user to reach a Public Safety Answering Point (PSAP) by dialing, texting, or using other technological means to send the digits “911.” The 911 Board will allocate 10% of the total service charges it collects on communications service connections in the State to the Fund.

G.S. 62A-53 is amended to provide that, except in cases of wanton or willful misconduct, a communications service provider, and a 911 system provider or next generation 911 system provider (to include their employees, vendors, and agents) are not liable for damages in a civil action resulting from death or injury to any person, or from damage to property, in connection with the operation of the 911 system. This limitation on liability would also cover the release of subscriber information related to emergency calls or emergency services.

Effective: January 1, 2016

HOUSE BILL 735, DPS Changes, allows the costs of storing and maintaining public information to be added to the fee to be charged by DPS for the disbursement of information from the SBI at the request of a citizen.

Effective: July 1, 2015

HOUSE BILL 765, Regulatory Reform Act of 2015, makes various administrative and regulatory changes of interest to criminal justice agencies, including the following:

- Repeals obsolete statutes that make it a crime to use profane or indecent language on public highways (G.S. 14-197) or to refuse to relinquish a party telephone line in an emergency (G.S. 14-401.8).
- Adds new G.S. 93B-8.2 to provide that no occupational licensing board (for example, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs’ Education and Training Standards Commission) is allowed to

contract with or employ a person licensed by the board to serve as an investigator or inspector if the licensee is actively practicing in the profession or occupation and is in competition with other members of the profession or occupation over which the board has jurisdiction. Additionally, the bill provides that nothing in the statute prevents a board from employing licensees who are not otherwise employed in the same profession or occupation as investigators or inspectors or contracting with licensees of the board to serve as an expert witness or consultant in cases where special knowledge and experience is required, as long as the board limits the duties and authority of the expert or consultant to serving as an information resource to the board.

- Amends G.S. 14-56, effective December 1, 2015 unless House Bill 765 is vetoed by Governor McCrory, to provide that any person who enters or attempts to enter any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind would not be criminally or civilly liable for doing so if one or more of the following circumstances exist:
  - i. The person acts in good faith to access a person inside to provide first aid or emergency health care treatment, or because the person inside is, or is in imminent danger of becoming unconscious, ill, or injured;
  - ii. It is reasonably apparent that the circumstances require prompt decisions and actions in medical care, other health care, or other assistance; or
  - iii. The necessity of immediate health care treatment or removal of the person is so reasonably apparent that any delay in the rendering of treatment or removal would seriously worsen the physical condition or endanger the life of the person.
- Amends G.S. 20-171.15 to make it unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle in violation of the Age Restriction Warning Label affixed by the manufacturer.
- Enacts new G.S. 114-8.7, effective March 1, 2016 unless House Bill 765 is vetoed by Governor McCrory, to direct the Attorney General to establish a hotline to receive reports of allegations of animal cruelty or violations of the Animal Welfare Act via telephone, email, or online. The Attorney General is required to refer allegations of animal cruelty to the appropriate law enforcement agency where the violations are alleged to have occurred and to refer allegations involving violations of the Animal Welfare Act to the Department of Agriculture and Consumer Services.

Effective: When it becomes law, unless vetoed by Governor McCrory

HOUSE BILL 766, Amend CBD Oil Statute, alters North Carolina law which allows the use of hemp extract oil to treat patients with unmanageable epilepsy in the following ways:

- Effective August 1, 2015, G.S. 90-94.1 is modified to amend the exemption for use or possession of hemp extract. Hemp extract, to be exempt, must now possess the following characteristics:

- i. Composed of less than nine-tenths (0.9%) tetrahydrocannabinol by weight,
  - ii. Composed of at least five percent (5%) cannabidiol by weight, and
  - iii. Contains no other psychoactive substance.
- Article 5G of Chapter 90 of the General Statutes is modified to remove the requirement that the neurologist using the hemp extract oil to treat unmanageable epilepsy be part of a pilot study affiliated with a university hospital.
  - Effective July 1, 2021, Article 5G of Chapter 90 of the General Statutes (North Carolina Epilepsy Alternative Treatment Act) is repealed.

Effective: July 16, 2015

HOUSE BILL 774, Restoring Proper Justice Act, amends G.S. 15-190(a) to provide that certain individuals can substitute for physicians and be present at the scene of an execution. This bill provides that either a physician or a “medical professional other than a physician” can be present at the scene of an execution to monitor the injection of the required lethal substances and certify the fact of the execution. If a licensed physician is not present at the execution, then a licensed physician is required to be present on the premises and available to examine the body after the execution and pronounce the person dead. A medical professional other than a physician would mean a physician assistant, nurse practitioner, registered nurse, emergency medical technician, or emergency medical technician-paramedic who is licensed and credentialed by the licensing board, agency, or organization responsible for licensing or credentialing that profession.

This bill also modifies G.S. 132-1.2 to add a new provision which provides that nothing in Chapter 132 of the General Statutes (Public Records) would require or authorize a public agency to disclose any information that reveals the name, address, qualifications, and other identifying information of any person or entity that manufactures, compounds, prepares, prescribes, dispenses, supplies, or administers the drugs or supplies obtained for executions.

Effective: August 5, 2015

HOUSE BILL 792, Privacy/Protection from Revenge Postings, enacts new G.S. 14-190.5A in which makes it a criminal offense to disclose certain images in which there is a reasonable expectation of privacy. A person commits this offense if all of the following exist:

- The person knowingly discloses an “image” (defined as photo, film, video, recording, digital, or other reproduction) of another person with the intent to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person, or cause others to do so;
- The depicted person is identifiable from the disclosed image itself or information offered in connection with the image;
- The depicted person’s “intimate parts” (defined as male or female genitals, pubic areas or anus, or the nipple of a female over the age of 12) are exposed or the depicted person is engaged in “sexual conduct” (defined as vaginal, anal, or oral intercourse; masturbation,

excretory functions, or lewd exhibition of uncovered genitals; an act or condition that depicts torture, physical restraint by being fettered or bound, etc.) in the disclosed image;

- The person discloses the image without the affirmative consent of the depicted person; and
- The person discloses the image under circumstances such that the person knew or should have known that the depicted person has a “reasonable expectation of privacy” (defined as when a depicted person has consented to the disclosure of an image within the context of a personal relationship as defined in G.S. 50B-1(b) and the depicted person reasonably believes the disclosure will not go beyond that relationship).

The punishment for this offense is as follows: (1) A Class H felony if the person is 18 years old or older at the time of the offense; (2) A Class 1 misdemeanor for a first offense by a person under 18 years old at the time of the offense; and (3) A Class H felony for a second or subsequent offense by a person under 18 year old at the time of the offense.

The offense is not applicable to (1) images involving voluntary exposure in public or commercial settings; (2) disclosures made in the public interest, including reporting of unlawful conduct or the lawful and common practices of law enforcement, criminal reporting, medical treatment, scientific or educational activities, etc.; and (3) providers of an interactive computer service for images provided by another person. A civil action is authorized for a violation of the statute with specified damages, and the action must be brought within one year after the initial discovery of the disclosure, but in any event must be brought no more than seven years from the most recent disclosure of the private image.

The bill directs the Joint Legislative Oversight Committee on Justice and Public Safety to study the issue of disclosure of images of people superimposed onto explicit images, specifically the criminal or civil actions that could result from such disclosures.

Lastly, the bill amends G.S. 14-190.9 to make indecent exposure that occurs on private premises a criminal offense. Unless the conduct is prohibited by another law providing greater punishment: (1) a person who willfully exposes his or her private parts in the presence of anyone other than a consenting adult on the private premises of another or so near thereto as to be seen from the private premises for the purpose of arousing or gratifying sexual desire is guilty of a Class 2 misdemeanor; (2) a person located in a private place who willfully exposes his or her private parts with the knowing intent to be seen by a person in a public place is guilty of a Class 2 misdemeanor; and (3) a person at least 18 years old who willfully exposes his or her private parts in a private residence of which the person is not a resident, and in the presence of any other person less than 16 years old who is a resident of that private residence is guilty of a Class 2 misdemeanor.

Effective: December 1, 2015

HOUSE BILL 797, Alarm Registration Info Not Public Record, enacts new G.S. 132-1.7A which provides that registration and sensitive security information received or compiled by a city pursuant to an “alarm registration ordinance” is not a public record. The term alarm registration ordinance is an ordinance adopted by a city that requires owners of security, burglar, fire, or similar alarm systems to register with the city. Specific information that is deemed confidential

includes name, home and business telephone number, and any other personal identifying information provided by an applicant pursuant to an alarm registration ordinance, and any sensitive security information pertaining to an applicant's alarm system, including residential or office blueprints, alarm system schematics, and similar drawings or diagrams.

Effective: August 5, 2015

HOUSE BILL 836, Election Modifications, modifies G.S. 18B-600 by adding a new provision that allows a city to hold a malt beverage or unfortified wine election if all of the following are met: 1) the county in which more than 50% of the area of the city is located has already held such an election and the election voted down the sale of the specified alcoholic beverages; 2) the city has a population of 200 persons or more; and 3) the county in which more than 50% of the area of the city is located contains three or more cities that have previously voted to allow malt beverage and unfortified wine sales.

Effective: June 22, 2015

HOUSE BILL 850, Eastern Band of Cherokees/Law Enforcement, amends numerous statutes related to the status and jurisdiction of law enforcement agencies of the Eastern Band of Cherokee Indians. G.S. 1E-1 is amended to provide that any limited driving privilege signed and issued by the Cherokee Tribal Courts and filed in the Cherokee Tribal Courts clerk's office is valid and would be given full faith and credit in North Carolina.

G.S. 1E-4 grants authority to the Eastern Band of Cherokee Indians to establish the Cherokee Police Department, the Cherokee Marshals Service, the Tribal Alcohol Law Enforcement Division of the Eastern Band of Cherokee Indians, and the Natural Resources Enforcement Agency of the Eastern Band of Cherokee Indians. All law enforcement officers employed by any of these agencies must meet certification requirements and standards set out by the North Carolina Criminal Justice Education and Training Standards Commission (Commission). The courts of North Carolina can enjoin any of these agencies from operating that fail to meet the required standards of the Commission. The jurisdiction of these officers would be on all property owned by or leased to the Eastern Band of Cherokee Indians located within the trust lands of the Eastern Band of Cherokee Indians and during the immediate and continuous flight of offenders from these lands.

G.S. 1E-5 is amended to provide that the Marshals of the Cherokee Marshals Service have access to all probation and parole records of the North Carolina Department of Public Safety (DPS) to the same extent as a probation or parole officer of DPS.

Effective: When it becomes law, unless vetoed by Governor McCrory

HOUSE BILL 879, Juvenile Code Reform, makes several changes to the juvenile code in North Carolina. G.S. 7B-2101(b) was amended to change the age at which a juvenile must have a parent or attorney present during a custodial interrogation in order for their statement to be admissible from 14 to 16. This means that 14 and 15 year olds may no longer waive their right to have a parent or attorney present during a custodial interrogation.

G.S. 7B-2202(f) and 7B-2203(d) were amended to require adjudication hearings to be held separately from hearings to determine probable cause and transfer. G.S. 7B-1701 requires juvenile court counselors, upon receipt of a complaint regarding a divertible offense, to make

“reasonable efforts” to meet with the juvenile and their parent or guardian about the complaint (if there is not a previous complaint against the juvenile involved).

G.S. 7B-2404(b) was added to allow prosecutors to voluntarily dismiss a juvenile petition with or without leave. If the dismissal with leave is filed because the juvenile failed to appear in court, then the petition may be refiled if the juvenile is apprehended or apprehension is “imminent.” G.S. 7B-2507(a) was amended to define “prior adjudication” as “adjudication for an offense that occurs before the adjudication of the offense before the court.” G.S. 7B-2510(c) allows the court to extend a term of probation for up to one year prior to the expiration of the original term as long as notice is given and a hearing is held prior to the extension. The hearing itself may occur after the expiration of the term as long as it occurs at the next regularly scheduled court date or, if the juvenile fails to appear, in the discretion of the court.

G.S. 7B-2510(e) was amended to allow a court to either increase the disposition level to the next higher level on the chart or order up to twice the amount of days in detention as allowed in G.S. 7B-2508, should a juvenile violate probation. The court may not, however, do both. G.S. 7B-2512(b) was created to require a trial judge to inform a juvenile (orally or in writing) at the time of disposition that he or she has the right to expunction under G.S. 7B-3200.

G.S. 7B-1903(c) was amended to require a “custody review hearing” at least every 10 calendar days while a juvenile is in secured custody pending disposition of the case or placement, unless this hearing is waived by the juvenile through counsel. G.S. 7B-1903(f) prohibits the use of physical restraints while transporting a juvenile under 10, who does not have a pending delinquency charge, that is in secure custody for the purposes of evaluating the juvenile for medical or psychiatric treatment unless it is reasonably necessary for the safety of the officer (as determined by the officer or other authorized person).

Effective: December 1, 2015

HOUSE BILL 909, ABC Omnibus Legislation, amends and adds to current ABC regulations including:

- Amends G.S. 18B-101 to define “antique spirituous liquor” as spirituous liquor that has not been in production or bottled in the last 20 years, is in the original manufacturer’s unopened container, is not owned by a distillery, and is not otherwise available for purchase by an ABC Board except through the special order process pursuant to G.S. 18B-1001(20).
- Amends G.S. 18B-1001 to create a permit to purchase and sell such liquors. An “antique spirituous liquor permit” may be issued to a holder of a mixed beverages permit allowing the permit holder to sell at retail antique spirituous liquor for use in mixed beverages for consumption on premises.
- Amends G.S. 18B-101 to define “powdered alcohol” as any powder or crystalline substance capable of being converted into a liquid alcoholic beverage fit for human consumption and making it unlawful to possess, sell, consume, manufacture, deliver, import, transport, furnish, or purchase such a substance.

- Amends G.S. 18B-112 to give the Eastern Band of Cherokee Indians tribal alcoholic beverage control commission the exclusive authority to issue alcoholic beverage permits to qualified applicants for use on Indian Country lands.
- Amends G.S. 18B-1105(a) to allow holders of distillery permits who produce less than 100,000 proof gallons per year, to sell one closed container per customer of liquor they manufacture on the premises for off-premises consumption pursuant to outlined regulations.
- Modifies G.S. 18B-1001 to allow those with permits to sell unfortified wine for off premises consumption if dispensed from a particular type of tap into a sanitized resealable container.

Effective: Various effective dates

HOUSE BILL 912, Taxation of Tribal Land and Tobacco Products, enacts new G.S. 1E-2, effective July 1, 2016, which provides that a county is not compelled to provide services on lands held in trust by the United States for the Eastern Band of Cherokee Indians unless there is an agreement between the Eastern Band of Cherokee Indians and the county that describes each party's responsibilities and any compensation for services provided. The agreement would have to be approved by the Tribal Council of the Eastern Band of Cherokee Indians and signed by the Principal Chief and the chair of the board of county commissioners.

This bill also amends G.S. 18B-1105(a)(4) to allow a holder of a distillery permit to sell liquor distilled at the distillery in closed containers to visitors who tour the distillery for consumption off the premises, no matter how many gallons the distillery manufactures. This change amended Session Law 2015-98 (House Bill 909) which required the distillery to manufacture at least 100,000 gallons per year in order to qualify. New G.S. 18B-804 is enacted to provide that when a distillery permit holder sells liquor distilled at the distillery, the retail price is the uniform State price set in the statute. However, the permit holder is exempted from being required to remit certain components of the price such as the freight and bailment charges of the State warehouse, bottle charge, and bailment surcharge.

Effective: September 30, 2015

HOUSE BILL 924, Highway Safety/Other Changes, amends G.S. 20-139.1(b5) to clarify that the requirement that a law enforcement officer request a blood sample when charging the offense of misdemeanor death by vehicle is amended to apply "at any relevant time after the driving." The bill also amends G.S. 20-130.1 to clarify that the use of prohibited red or blue lights on vehicles does not require those lights to be "forward facing." These provisions will become effective December 1, 2015, unless House Bill 924 is vetoed by Governor McCrory.

Repeals G.S. 106-145.13 which required a wholesale distributor of pseudoephedrine products to submit a report electronically to the State Bureau of Investigation that accounted for all transactions involving pseudoephedrine products with persons or firms located within this State for the preceding month.

Effective: When it becomes law, unless vetoed by Governor McCrory

## SENATE BILLS

SENATE BILL 2, Magistrates Recusal for Civil Ceremonies, enacts new G.S. 51-5.5 to allow magistrates to recuse themselves from performing all lawful marriages based upon any sincerely held religious objection. Recusal would take place upon notice to the chief district court judge and would remain in effect for at least six months from the time of delivery. The recusing magistrate would not be allowed to perform any marriage until the recusal is rescinded in writing. The chief district court judge must ensure that all individuals issued a marriage license seeking to be married before a magistrate can marry.

Similarly, the bill allows an assistant register of deeds and a deputy register of deeds the right to recuse themselves from issuing all lawful marriage licenses upon any sincerely held religious objection. Recusal would take place upon notice to the Register of Deeds and would, like the magistrates above, be effective for at least six months and need to be rescinded in writing. The Register of Deeds must ensure that all applicants for marriage licenses that meet the applicable requirements be issued a license.

If all magistrates in a jurisdiction recused themselves, the chief district court judge would have to notify the Administrative Office of the Courts (AOC) who would then ensure that a magistrate would be available in that jurisdiction for performance of marriages. Until AOC designates a magistrate, the chief district court judge or such other district court judge as may be designated by the chief district court judge would perform marriages.

The bill also prohibits any magistrate, assistant register of deeds, or deputy register of deeds from being charged, convicted, or subjected to disciplinary action for failure to discharge duties due to a good faith recusal on these grounds.

G.S. 7A-292 is modified by adding new language that requires that the chief district court judge to ensure that marriages before a magistrate are available to be performed at least a total of 10 hours per week, over at least three business days per week.

Lastly, the bill allows any magistrate who resigned or was terminated from office between October 6, 2014 and the effective date of this bill to apply to fill any vacant magistrate position. Any magistrate who resigned and who is subsequently reappointed within 90 days after the effective date of this bill would not receive compensation or earn leave for the time they were absent from the position, but would be considered to have been serving as a magistrate during that period for purposes such as determining continuous service, longevity pay rate, and retirement benefits.

Effective: June 11, 2015

SENATE BILL 22, Historic Artifact Mgt. and Patriotism Act, modifies G.S. 144-5 to require that the United States and State of North Carolina flags in the possession of the State, counties, or cities be handled, displayed and stored in accordance with federal law set out in 4 U.S.C. §§ 1-10.

G.S. 144-9 is modified to provide that United States and North Carolina flags no longer suitable for display in the possession of State or local governments must be respectfully disposed of and



may be delivered to the Division of Veterans Affairs (DVA) in the Department of Administration for disposal. The DVA must accept these flags and arrange for a respectful disposition of them.

Effective December 1, 2015, the DVA is required to, at no charge, receive such flags from citizens of North Carolina for disposal. The DVA is required to establish a flag retirement program to encourage citizens to send in or drop off United States or North Carolina flags to the DVA for disposition.

New G.S. 100-2.1 is enacted to protect monuments, memorials, and works of art owned by the State. The new language provides that a monument, memorial, or work of art owned by the State may not be removed, relocated, or altered in any way without the approval of the North Carolina Historical Commission. An object of remembrance located on public property may not be permanently removed and may only be relocated, whether temporarily or permanently, under specific circumstances such as when appropriate measures are required by the State or local government to preserve the object or when relocation is necessary for construction, renovation, or reconfiguration of buildings, open spaces, parking, or transportation projects. An “object of remembrance” means a monument, memorial, plaque, statue, marker, or display of a permanent character that commemorates an event, a person, or military service that is part of North Carolina's history.

Effective: July 23, 2015

SENATE BILL 37, Waive Tuition/Fallen Officer Was Guardian, provides that the tuition waiver for survivors of law enforcement officers, firefighters, or rescue squad workers also applies to children whose legal guardians or legal custodians served in those capacities. The bill requires verification of the legal guardian or legal custodian relationship by an order from a court proceeding that established the guardianship or custodianship. This act applies to the 2016 spring academic semester and each subsequent semester.

Effective: When it becomes law, unless vetoed by Governor McCrory

SENATE BILL 43, CDLs for Veterans Revisions, amends G.S. 20-37.13 to change the time period from 90 days to one year after discharge from active or reserve duty in the Armed Forces that veterans can apply for a commercial drivers license (CDL) and seek a waiver of the CDL skills test. The waiver is granted if the veteran had a position in the Armed Forces requiring driving of a commercial motor vehicle.

Effective: June 24, 2015

SENATE BILL 60, No Contact Order/No Expiration, creates a new Chapter 50D in the General Statutes, effective October 1, 2015, that allows a court to issue a non-expiring civil no contact order against a sex offender when the order is requested by or on behalf of the sex offender’s victim. The request for this permanent no contact order is made in either district court or by filing a motion in any existing civil action. The order can be requested by either the victim of a sex offense that occurred in North Carolina or a competent adult on behalf of a minor child or incompetent adult that is the victim of a sex offense that occurred in North Carolina.

A summons to the offender notifying him or her of the civil no contact order request must be served by the sheriff by personal delivery. If the person cannot be found for personal service, the person would be served by publication by the complainant seeking the order. Once served, if the person fails to answer the summons, the court can enter the no contact order by default. The court can grant one or more of the following forms of relief in a no contact order:

- Order the offender not to threaten, visit, assault, molest, or otherwise interfere with the victim;
- Order the offender not to follow the victim, including at the victim's workplace;
- Order the offender not to harass the victim;
- Order the offender not to abuse or injure the victim;
- Order the offender not to contact the victim by telephone, written communication, or electronic means;
- Order the offender to refrain from entering or remaining present at the victim's residence, school, place of employment, or other specified places at times the victim is present; or
- Order other relief deemed necessary and appropriate by the court.

This no contact order remains in effect for the lifetime of the offender. However, at any time after the issuance of the order, the victim can make a motion to rescind the order. If the court finds reasonable grounds for the victim to no longer fear any future contact with the offender, the court may rescind the order.

A copy of the order must be issued by the clerk of court to the police department of the city where the victim lives, or issued to the sheriff and county police department, if any, of the county where the victim lives. Similarly, any subsequent orders modifying or revoking this no contact order has to be delivered to the sheriff to be served.

A person who knowingly violates this no contact order is guilty of a Class A1 misdemeanor and the victim can also file a motion for contempt of court. This no contact order must be enforced by all North Carolina law enforcement agencies. A law enforcement officer is required to arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to believe the person knowingly violated the no contact order.

Effective: June 19, 2015

SENATE BILL 78, Off-Duty Correctional Officers/Conceal Carry, amends G.S. 14-269(b) to allow State correctional officers, when off duty, to carry a concealed weapon in the same locations as a law enforcement officer. While carrying a concealed weapon off-duty, the State correctional officer is not allowed to consume alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the correctional officer's body. If the concealed weapon is a handgun, the correctional officer must meet the firearms training standards of the Division of Adult Correction of the Department of Public Safety. This authority applies to all State correctional officers but does not extend to detention officers employed by a sheriff.

Effective: December 1, 2015

SENATE BILL 83, Criminal Law/Filing False Document, amends G.S. 14-118.6 to allow a clerk who has a reasonable suspicion that a lien or encumbrance against the property of a public

official, officer, or immediate family member is false to refuse to file the lien. No such document against a public official, officer, or family member may be filed until a judge with jurisdiction determines it is not false. The person requesting such a filing would have 30 days to appeal.

Effective: October 1, 2015

SENATE BILL 90, Required Number of Operating Brake Lights, amends G.S. 20-129(g) to require two stop lamps (brake lights) on the rear of a motor vehicle, one on each side. This law is intended to address the North Carolina Court of Appeals ruling in State v. Heien, 214 N.C. App. 515 (2011) which said that North Carolina law only requires one stop lamp and that a motor vehicle cannot be stopped if it has one operable brake light. The stop in the Heien case was later determined to be constitutional because the officer, although mistaken about the law, acted in good faith. The earlier ruling that G.S. 20-129(g) only requires a driver to have one operable brake light was never changed. This law also clarifies that motorcycles are only required to have one brake light. This new law does not address the third brake light that some motor vehicles have.

Effective: October 1, 2015

SENATE BILL 116, Handicapped Parking Windshield Placard, requires the Division of Motor Vehicles to notify registered owners who obtain handicapped license plates that they are also eligible at the same time to receive windshield placards.

Effective: July 1, 2015

SENATE BILL 119, GSC Technical Corrections 2015, makes numerous technical changes and corrections to the General Statutes. Those changes and corrections of interest to the criminal justice community include:

- Amends G.S. 15A-150(b) to remove the Division of Adult Correction of the Department of Public Safety from the list of State agencies that would automatically receive a copy of an order granting an expunction.
- Amends G.S. 7B-401.1(b), effective December 1, 2015, which provides that a parent of a juvenile would be a party to a juvenile petition unless the parent's juvenile rights have been terminated, the parent has relinquished the juvenile for adoption, or the parent has been convicted of certain criminal offenses. This statute is amended to clarify that these criminal offenses are first degree forcible rape (G.S. 14-27.21), second degree forcible rape (G.S. 14-27.22), statutory rape of a child by an adult (G.S. 14-27.23), and first degree statutory rape (G.S. 14-27.24).
- Amends G.S. 7B-1103(c), effective December 1, 2015, to clarify that no person, whose actions resulted in both a conviction under G.S. 14-27.21, 14-27.22, 14-27.23, or 14-27.24 (named above) and the conception of the juvenile may file a petition to terminate the parental rights of another with respect to that juvenile.
- Amends G.S. 7B-901(c), effective October 1, 2015, to clarify that if a court order places a juvenile in the custody of the county department of social services, the court would not be required to direct that efforts be made to reunite the child with the parents if the court makes written findings that aggravated circumstances exist because the parent has

committed or encouraged the commission of crimes such as sexual abuse, torture, or abandonment on the juvenile.

- Modifies G.S. 17C-10.1 to clarify that when evaluating a veteran's military service for certification as a law enforcement officer, the North Carolina Criminal Justice Education and Training Standards Commission must evaluate the applicant's combined training and experience in the field.
- Requires the North Carolina Criminal Justice Education and Training Standards Commission, no later than April 1, 2016, to provide a compliance report on the implementation of G.S. 17C-10.1 (Certification of military members with law enforcement training and experience) to the co-chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the co-chairs of the House Homeland Security, Military, and Veterans Affairs Committee.
- Amends G.S. 20-116 to provide that the following vehicles would be allowed to operate on the highways of the State without an oversized permit for the purpose of Department of Transportation snow removal and snow removal training operations:
  - i. Trucks supporting snowplows with blades not exceeding 12 feet in width.
  - ii. Motor graders not exceeding 102 inches in width, measured from the outside edge of the tires.
- Modifies G.S. 62A-41(2) to provide that the appointment to the 911 Board by the North Carolina Firemen's Association is limited to a fire chief with experience operating or supervising a Public Safety Answering Point (PSAP) or a director/manager of a fire-based PSAP.

Effective: October 1, 2015

SENATE BILL 154, Clarifying the Good Samaritan Law, amends G.S. 90-96.2 to provide immunity from prosecution for certain drug offenses associated with a good Samaritan if ALL of the following conditions exist:

- The person sought medical assistance for another person experiencing a drug-related overdose by contacting 911, a law enforcement officer, or emergency medical services personnel;
- The person acted in good faith when seeking medical assistance and reasonably believed that he or she was the first to call for assistance;
- The person provided his or her own name to 911 or to an officer on arrival;
- The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search; and

- The evidence for prosecution of the offense was obtained as a result of the person seeking medical assistance for the drug-related overdose.

The person who overdosed is also eligible for this immunity if all of the above conditions exist, except for the requirement to provide his or her own name to 911 or to an officer on arrival.

Effective: August 1, 2015

SENATE BILL 161, [Supreme Court Sessions in Morganton](#), amends G.S. 7A-10(a) to allow the Supreme Court of North Carolina to hold sessions of the Supreme Court not more than twice a year in the City of Morganton in the Old Burke County Courthouse.

Effective: June 19, 2015

SENATE BILL 182, [Automatic License Plate Readers](#), adds Article 3D to Chapter 20 and regulates fixed or mobile automated license plate readers. Automated license plate readers are high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data. The data is then compared to a database of license tags to determine if the photographed tag has been reported stolen or otherwise flagged. This law does not include a traffic control photographic system, as that term is defined in G.S. 160A-300.1(a), or an open road tolling system, as that term is defined in G.S. 136-89.210(3).

A law enforcement agency which uses automatic license plate readers must have a written policy which addresses all of the following issues:

- Databases used to compare data obtained by the automatic license plate reader system;
- Data retention;
- Sharing of data with other law enforcement agencies;
- Training of automatic license plate reader system operators;
- Supervisory oversight of automatic license plate reader system use;
- Internal data security and access;
- Annual or more frequent auditing and reporting of automatic license plate reader system use and effectiveness to the head of the agency responsible for operating the system;
- Accessing data obtained by automatic license plate reader systems not operated by the law enforcement agency; and
- Any other subjects related to automatic license plate reader system use by the agency.

In addition, the law provides that captured license plate data cannot be retained longer than 90 days except when a search warrant for the data has been served or a request for retention is received from a law enforcement agency. The retention request must include the particular plate information to retain, the length of the retention, facts that establish reasonable grounds to

believe that the plate information is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation, and the case and identity of the parties involved in that case. A retention request only allows the agency to retain the information for one year. At the end of the year, the data must be destroyed unless a new retention request is filed. The data can then be retained for another year. There is no limit on the number of times a retention request can be made for the same captured license plate data.

The database of license plate information must be updated every 24 hours, if such updates are available or as soon as practicable after such updates become available. Captured data is not a public record and shall not be disclosed except to a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose pursuant to a written request. Written requests may be in electronic format. Disclosure of captured plate data is not required if a law enforcement agency determines that disclosure will compromise an ongoing investigation. Captured plate data cannot be sold for any purpose.

Effective: December 1, 2015

SENATE BILL 183, Eliminate CRVs for Misdemeanants, amends G.S. 15A-1344(d2) to eliminate “confinement in response to violation” (CRV), which is confinement for up to 90 consecutive days, for misdemeanor offenders sentenced under Structured Sentencing and instead requires periods of “quick dips” in confinement, typically 2-3 days for up to 6 days per month for up to 3 months. Such “quick dips” would be imposed for the first two violations (not including absconding or new criminal acts) and only after these two “quick dips” could probation be revoked for such offenders.

Effective: December 1, 2015, and applies to persons placed on probation on or after that date

SENATE BILL 185, Clarify Credit for Time Served, amends G.S. 15-196.1 to clarify that credit for time served does not include time spent in custody as the result of a pending charge while serving a sentence imposed for another offense.

Effective: December 1, 2015

SENATE BILL 192, Citations/Sheriffs Accept Faxes, modifies G.S. 50B-3(c) and G.S. 50C-9(b) to require law enforcement agencies to accept copies of domestic violence protective orders and civil no-contact orders issued by the clerk of court that are transmitted by electronic or facsimile transmission for service on defendants.

G.S. 122C-251(d) amends the current requirement that a city or county provide transportation of a respondent in an involuntary commitment proceeding by a driver or attendant who is the same sex as the respondent to specify that the requirement applies “to the extent feasible.”

New G.S. 122C-210.3 allows an involuntary commitment order issued by the clerk or magistrate to be delivered to a law enforcement officer by electronic or facsimile transmission.

Effective: August 5, 2015

SENATE BILL 212, Handgun Standards for Retired Sworn LEO, amends G.S. 14-415.12A to provide that an individual who is a qualified retired law enforcement officer and has met the standards (as approved by the North Carolina Criminal Justice Education and Training Standards Commission) for handgun qualification for active law enforcement officers within the last 12

months is deemed to have satisfied the firearms safety and training course for purposes of applying for a North Carolina issued concealed handgun permit.

Effective: October 1, 2015

SENATE BILL 233, Automatic Expunction/Mistaken Identity, amends G.S. 15A-147 to allow for the expunction of records in instances of mistaken identity. Mistaken identity is defined as "the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime." If such an expunction is ordered by the court (or applies automatically in cases where the charges are dismissed), all official records must be expunged, including the records held by law enforcement agencies relating to the person's apprehension, charge, and trial.

Effective: December 1, 2015

SENATE BILL 238, Stalking by GPS/Criminal Offense, amends G.S. 14-196.3 providing that it is a Class 2 misdemeanor to knowingly install or cause to be installed, an electronic tracking device without consent to track the location of an individual.

However, the installation or use of an electronic tracking device by any of the following is allowed:

- A law enforcement officer, judicial officer, probation or parole officer, or employee of the Division of Adult Correction, when any such person is engaged in the lawful performance of official duties and in accordance with State or federal law;
- The owner or lessee of any vehicle on which the owner or lessee installs or uses an electronic tracking device, unless the owner or lessee is subject to a domestic violence protective order or any other court order that prohibits them from assaulting, threatening, harassing, following, or contacting a driver or occupant of the vehicle;
- A legally authorized representative of a disabled adult;
- The owner of fleet vehicles, when tracking those vehicles;
- A creditor under a retail installment agreement involving the sale of a motor vehicle or the lessor under a retail lease of a motor vehicle when tracking a motor vehicle identified as security under the agreement;
- An order issued by a State or federal court;
- A motor vehicle manufacturer that installs or uses an electronic tracking device in conjunction with providing a vehicle subscription telematics service, provided the customer subscribes or consents to that service;

- A parent or legal guardian of a minor when the electronic tracking device is used to track the location of that minor unless the parent or legal guardian is subject to a domestic violence protective order or any other court order that prohibits them from assaulting, threatening, harassing, following, or contacting that minor or that minor’s parent or legal guardian, custodian, or caretaker;
- An employer, when providing a communication device to an employee or contractor for use in connection with his or her work for the employer;
- A business, if the tracking is incident to the provision of a product or service requested by the person; and
- Licensed private detectives or investigators when engaging in such tracking for the purposes of investigating: crimes or wrongs done or threatened against the United States or any state; the location, disposition, or recovery of lost or stolen property; or the protection of individuals from serious bodily harm or death. The person being tracked could not be under the protection of a domestic violence protective order or any other court order that protects them from assault, threats, harassment, following, or contact.

Effective: December 1, 2015, unless vetoed by Governor McCrory

SENATE BILL 258, Party Exec. Comm./Fill Vacancy/Washington Cty, modifies G.S. 162-5.1 to add Washington County to the list of counties that fill a vacancy in the Office of Sheriff by having the board of commissioners appoint the person recommended by the county executive committee of the political party of the vacating sheriff.

Effective: September 28, 2015

SENATE BILL 279, Amend Qualifications/Practice of Counseling, amends G.S. 115C-81(e1)(4a) to require that in teaching about sex trafficking prevention and awareness, each local school administrative unit must collaborate with a “diverse group of outside consultants,” where practical, to include law enforcement with expertise in sex trafficking, to address the threats of sex trafficking and to develop a referral protocol for high-risk pupils and minors.

Effective: When it becomes law, unless vetoed by Governor McCrory

SENATE BILL 286, Regulate the Sale of E-Liquid Containers, enacts new G.S. 14-401.18A, which makes it a Class A1 misdemeanor for a person, firm, or corporation to sell or introduce into commerce in this State an “E-liquid container” unless the container constitutes child-resistant packaging. “E-liquid” is defined as a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product such as an electronic cigarette, electronic cigar, or electronic pipe. An “E-liquid container” is any bottle or other container of E-liquid. However, an E-liquid container does not include a container holding liquid that is intended for use in a vapor product if the container is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer.

“Child-resistant packaging” is packaging that is designed to be significantly difficult for children under the age of five to open or obtain a harmful amount of the substance within a reasonable time, but is not difficult for normal adults to properly use.



The bill also makes it a Class A1 misdemeanor for any person, firm, or corporation to sell or introduce into commerce an E-liquid container for an E-liquid product containing nicotine unless the packaging for the E-liquid product states that the product contains nicotine.

Any person, firm, or corporation that violates these standards is liable in damages to any person injured as a result of the violation.

Effective: December 1, 2015, and applies to offenses committed on or after that date

SENATE BILL 313, [Industrial Hemp](#), enacts new Article 50E of Chapter 106 of the General Statutes regarding “industrial hemp.” Industrial hemp is defined as “all parts and varieties of the plant *Cannabis sativa* cultivated or possessed by a grower...that contain a delta-9 tetrahydrocannabinol concentration of not more than three tenths of one percent (0.3%) on a dry weight basis.” The North Carolina Industrial Hemp Commission is created and is to be comprised of 5 members, to include an elected sheriff or the sheriff’s designee, and a municipal chief of police. The Commission is responsible for establishing an agricultural pilot program for the cultivation of industrial hemp in order to encourage and promote the development of the industrial hemp industry in North Carolina.

Effective: When it becomes law, unless vetoed by Governor McCrory

SENATE BILL 345, [Limit Storage Duration for Damaged Vehicle](#), enacts new G.S. 20-166.3 which provides that a motor vehicle which is towed and stored at the direction of a law enforcement agency following a collision may be held for evidence for up to 20 days. At the end of the 20 days the vehicle must be released to the vehicle owner, insurer, or lien holder upon payment of the towing and storage fees, unless a court order has been issued authorizing the vehicle to be retained as evidence. The law does not limit the time the vehicle can be held for evidence pursuant to a court order. The new law does not apply to a motor vehicle seized as a result of a violation of law or abandoned by the owner.

Effective: August 1, 2015

SENATE BILL 370, [E-Signatures/Vehicle Title and Registration](#), amends G.S. 20-52 to allow an application for a certificate of title, a registration plate, a registration card, and any other document required by the Division of Motor Vehicles (DMV) to be submitted with an electronic signature. Any required notarization of an electronic signature would be able to be performed electronically in accordance with the procedures established for a notary public by the Secretary of State’s office.

Effective: August 1, 2016, unless vetoed by Governor McCrory

SENATE BILL 423, [Foster Care Family Act](#), makes numerous changes to the laws relating to children in foster care. The new law provides that a child in foster care, who is at least 16 years old and in legal custody of the county department of social services, is eligible to apply for a drivers license. The minor child’s guardian ad litem, attorney advocate or director of the county department of social services can sign the drivers license application. The minor child is authorized to purchase automobile insurance. No government agency, foster parent, or entity providing services to the foster child is responsible for paying the insurance premiums or for damages caused by a motor vehicle crash involving the foster child.

Effective: October 1, 2015

SENATE BILL 445, Burt's Law, amends G.S. 122C-66 to increase the punishment from a Class 1 misdemeanor to a Class A1 misdemeanor for employees or volunteers of facilities which care for the mentally ill, developmentally disabled, or substance abusers who are convicted of knowingly causing pain or injury to a client. It is a Class 1 misdemeanor for any employee or volunteer to take personal property from a client of the facility. These provisions do not apply to an employee or volunteer who uses reasonable force to protect himself or herself from a violent client. Any employee or volunteer who does not report witnessing a sex crime or an offense against morality committed against a client of such a facility to either the department of social services or the district attorney's office within 24 hours is guilty of a Class A1 misdemeanor. Additionally, the punishment is increased from a Class 3 misdemeanor to a Class 1 misdemeanor for anyone to threaten or harass an employee or volunteer at a facility who reports the intentional injury, theft, or accidental injury or a client.

Effective: December 1, 2015

SENATE BILL 446, Dealer Loaners/Unmanned Aircraft/Brunswick Co., creates new G.S. 20-79.02(e), effective July 1, 2016, regarding penalties for improper use of a Loaner/Dealer (LD) license plate for franchised motor vehicle dealers. A driver who violates a restriction on the use or display of an LD license plate per newly enacted G.S. 20-79.02 is responsible for an infraction and is subject to a penalty of \$100. A franchised motor vehicle dealer who violates a restriction on the use or display of an LD license plate is subject to an infraction and a penalty of \$250.

Section 7.16(e) of S.L. 2013-360, as amended by Section 7.11(a) of S.L. 2014-100 is amended to allow State, county, or city agencies to procure and operate unmanned aircraft systems (UAS) until December 31, 2015 based upon the receipt of approval of the State Chief Information Officer(CIO). The State CIO also has the authority, until December 31, 2015, to approve the disclosure of personal information about a person received through the use of a UAS. Once a knowledge test for the operation of a UAS is implemented, State, county and city officials would have to pass this test, in addition to receiving approval from the State CIO, to procure or operate a UAS.

G.S. 63-95(b) is amended to limit the test for the operation of a UAS to a knowledge test of the State statutes and regulations regarding the operation of a UAS, omitting the previously required skills portion of the test.

G.S. 63-96 modifies the requirements to receive a permit for the commercial operation of a UAS and reduces the minimum age to receive such a permit from 18 to 17 years of age.

Prior to the implementation of the knowledge test and permitting process required by G.S. 63-96, any person authorized by the Federal Aviation Administration for commercial operation of a UAS in this State is not in violation of the statute governing operation of a UAS, provided that the person makes application for a State permit for commercial operation within 60 days of the full implementation of the permitting process and is issued a State commercial operation permit in due course.

Lastly, the bill allows the Board of Commissioners of Brunswick County to adopt and enforce ordinances for the navigable waters within the county's jurisdictional boundaries that relate to the operation of boats and vessels.

Effective: August 25, 2015

SENATE BILL 477, Transfer of Bladen Correctional Facility, transfers the fenced off portion of the former Bladen County Correctional Center property and a right-of-way that allows ingress and egress to property in the general direction of the nearby firing range to the Bladen County Board of Commissioners to be used for county government purposes.

Effective: October 1, 2015

SENATE BILL 513, North Carolina Farm Act of 2015, makes various transportation and environmental reforms of interest to the criminal justice community, to include the following:

- Amends G.S. 20-116 to allow for the transportation of oversized hay bales. Any vehicle carrying baled hay from place to place on the same farm, from one farm to another, or to or from market that does not exceed 12 feet in width may be operated on the highways of this State. The vehicle may be operated during daylight hours only and must display a red flag or a flashing warning light on both the rear and front ends.
- Amends G.S. 20-51 to increase the highway speed limit from 35 to 45 miles per hour for any agricultural spreader vehicle (any vehicle designed for off-highway use on a farm to spread agricultural products).
- Amends G.S. 20-171.22 to provide that any person may operate all-terrain vehicles or utility vehicles on a public street or highway while engaged in farming operations.
- Amends G.S. 68-20 regarding the holding and advertising period for unclaimed livestock impounded for running at large. If the owner is known and does not redeem the livestock within the specified timeframe, the impounder must notify the Sheriff's Office and the Sheriff must post a notice and description of the livestock, stating the date, place, and time of sale on the Sheriff's Office website. After ten days from the date of the posting, the impounder must sell the livestock at public auction. If the owner of the livestock remains unknown, then three days after the publication of the unknown owner notice required by statute, the impounder must notify the Sheriff's Office and the Sheriff must post a notice and description of the livestock, stating the date, place, and time of sale on the Sheriff's Office website. After ten days from the date of the posting, the impounder must sell the livestock at public auction.
- Modifies G.S. 14-140.1 to amend the penalty for failing to guard a fire by a watchman, reducing it from a Class 3 misdemeanor to an infraction which may include a fine of not more than \$50.
- Amends G.S. 113-136(k), effective December 1, 2015, to make it unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect weapons or equipment if the officer reasonably believes them to be possessed incident to an activity regulated by any law or rule as to which inspectors and protectors have enforcement jurisdiction and the officer has a reasonable suspicion that a violation has been committed. An officer may inspect a shotgun to confirm whether it is plugged or unplugged without a reasonable suspicion that a violation has been committed. It is also unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect fish or wildlife for the purpose of ensuring compliance with bag limits and size

limits. Except as authorized by G.S. 113-137, nothing gives an inspector, protector, or other law enforcement officer the authority to inspect, in the absence of a person in apparent control of the item to be inspected, any of the following: (1) weapons, (2) equipment, except for equipment left unattended in the normal operation of the equipment, including, but not limited to, traps, trot lines, crab pots, and fox pens, (3) fish, or (4) wildlife.

- Amends G.S. 143-166.13 to add State law enforcement officers with powers of arrest who work for the Department of Agriculture and Consumer Services to the list of officials that would be entitled to benefits under the State salary continuation plan, allowing for the officer's salary to be paid in the event of an incapacitating injury.

Effective: September 30, 2015

SENATE BILL 541, Regulate Transportation Network Companies, adds new Article 10A of Chapter 20 of the General Statutes to regulate persons and companies that use an online-enabled application or platform to connect passengers with drivers who provide prearranged transportation services. Transportation network companies (TNC) include companies like Uber and Lyft. [Note: A customer uses an application (app) on a smart phone to arrange transportation. Payment is made through the phone app online by a credit card and no cash physically changes hands.] After a ride request is accepted by a TNC driver, the TNC application must show the customer:

- A photograph of the TNC driver,
- The license plate number of the TNC driver's vehicle,
- A description of the TNC driver's vehicle, and
- The approximate location of the TNC driver's vehicle displayed on a map.

The TNC must maintain the record of each TNC service provided in this State for one year from the date the TNC service occurred and the record of each TNC driver in this State for one year from the date the TNC driver terminated their relationship with the TNC.

In order for a TNC to operate it must obtain a permit, renewed yearly, from the Division of Motor Vehicles (DMV). The permit fee is \$5,000. The TNC must not discriminate on the basis of customers' geographic departure point or destination or on customers' race, color, national origin, religious belief or affiliation, sex, disability, or age. The TNC must have in effect for each TNC driver a minimum of primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000) because of death of or bodily injury to one person in any one accident and, subject to said limit for one person, one hundred thousand dollars (\$100,000) because of death of or bodily injury to two or more persons in any one accident, and at least twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident, including uninsured and underinsured coverage. The TNC must have in effect when transporting a customer primary automobile liability insurance in the amount of at least one million five hundred thousand dollars (\$1,500,000) because of death of one or more persons, bodily injury to one or more persons, injury to or destruction of property of others, or any

combination thereof, in any one accident, including uninsured and underinsured coverage. A TNC must perform a background check prior to allowing a person to be a TNC driver. A person may not be a TNC driver if the person:

- Has had more than three moving violations in the prior three-year period or one major violation in the prior three-year period, including attempting to evade the police, reckless driving, or driving on a suspended or revoked license;
- Has been convicted within the past seven years of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, or a crime involving property damage, theft, acts of violence, or acts of terror;
- Is a match in the National Sex Offender Registry;
- Does not possess a valid drivers license;
- Does not possess proof of registration for the motor vehicle to be used to provide TNC services;
- Does not possess proof of automobile liability insurance for the motor vehicle to be used to provide TNC services; or
- Is not at least 19 years of age.

A vehicle used by the TNC driver must pass an annual vehicle safety inspection. Airports are authorized to charge reasonable fees for TNC drivers as they do now for taxis. Cities and counties are prohibited from imposing any regulations on a TNC. Cities can still regulate taxis.  
Effective: October 1, 2015

SENATE BILL 545, Workforce Enrichment/Veterans, modifies G.S. 93B-15.1 to require occupational licensing boards (for example, the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission) to issue a license or certification to a military trained applicant to allow the applicant to practice the applicant's occupation in North Carolina. To do so, the applicant has to submit documentation showing the applicant's military occupational specialty certification and experience in the field (for example, a Department of Defense form 214, DD-214) and the applicant has to pass a proficiency examination offered by the board. If the applicant fails to pass the proficiency examination, then the board can require additional requirements be met by the applicant.

Effective: July 8, 2015

SENATE BILL 578, Transition Certain Abuse Investigations/DCDEE, amends various statutes to transition abuse and neglect investigations in child care facilities from the State Bureau of Investigation to the Division of Child Development and Early Education (a division within the Department of Health and Human Services).

Effective: January 1, 2016

SENATE BILL 621, Registration Renewal Notice/E-Mail, allows the Division of Motor Vehicles, upon obtaining written consent from a motor vehicle owner, to send motor vehicle registration renewal notices (including vehicle taxes due) to a specific e-mail address provided by the owner.

Effective: January 1, 2016

SENATE BILL 675, Limit Parole Review Frequency, limits the frequency of parole reviews for inmates convicted of sexually violent offenses (for example, first and second degree rape, rape of a child, first and second degree sexual offense) to once every second year unless the Parole Commission finds that some emergency justifies more frequent parole consideration. This limit on parole review only applies to sentences based on crimes committed before October 1, 1994. Crimes occurring after October 1, 1994 are not affected by this change because they fall under structured sentencing.

Effective: October 1, 2015

SENATE BILL 699, Protect LEO Home Address/Other Information, amends G.S. 153A-98 and G.S. 160A-168 to modify the statutes governing county and city personnel files. This new language prohibits disclosure of information that might identify the residence of a sworn law enforcement officer, emergency contact information, or any identifying information as defined in G.S. 14-113.20 such as the officer's social security or drivers license number. This information is not allowed to be disclosed unless it is disclosed in accordance with G.S. 132-1.4 or G.S. 132-1.10, or for the personal safety of the sworn law enforcement officer or a person residing in the same residence.

The bill also amends G.S. 132-1.7 by creating a new provision which provides that mobile telephone numbers do not constitute public records if they are issued by a local, county, or State government to a sworn law enforcement officer or nonsworn employee of a public law enforcement agency, an employee of a fire department, or any employee whose duties include responding to an emergency.

Effective: October 1, 2015

**APPENDIX A**  
**SESSION LAW 2015-181**  
**HOUSE BILL 383**

Rape and Other Sex Offenses.

G.S. 14-27.1 is recodified as G.S. 14-27.20.

G.S. 14-27.2 is recodified as G.S. 14-27.21.

**§ 14-27.21. First-degree forcible rape.**

(a) A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following:

- (1) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- (2) Inflicts serious personal injury upon the victim or another person.
- (3) The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

G.S. 14-27.3 is recodified as G.S. 14-27.22.

**§ 14-27.22. Second-degree forcible rape.**

(a) A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

G.S. 14-27.2A is recodified as G.S. 14-27.23.

**§ 14-27.23. Statutory rape of a child by an adult.**

(a) A person is guilty of statutory rape of a child by an adult if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

...

(e) The offense under G.S. 14-27.24 is a lesser included offense of the offense in this section.

**§ 14-27.24. First-degree statutory rape.**

(a) A person is guilty of first-degree statutory rape if the person engages in vaginal intercourse with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

G.S. 14-27.7A is recodified as G.S. 14-27.25.

**§ 14-27.25. Statutory rape of person who is 15 years of age or younger.**

(a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.

G.S. 14-27.4 is recodified as G.S. 14-27.26.

**§ 14-27.26. First-degree forcible sexual offense.**

(a) A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:

(1) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.

(2) Inflicts serious personal injury upon the victim or another person.

(3) The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

G.S. 14-27.5 is recodified as G.S. 14-27.27

**§ 14-27.27. Second-degree forcible sexual offense.**

(a) A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

G.S. 14-27.4A is recodified as G.S. 14-27.28.

**§ 14-27.28. Statutory sexual offense with a child by an adult.**

(a) A person is guilty of statutory sexual offense with a child by an adult if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

...

(d) The offense under G.S. 14-27.29 is a lesser included offense of the offense in this section.

**§ 14-27.29. First-degree statutory sexual offense.**



(a) A person is guilty of first-degree statutory sexual offense if the person engages in a sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

**§ 14-27.30. Statutory sexual offense with a person who is 15 years of age or younger.**

(a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.

G.S. 14-27.7(a) is recodified as G.S. 14-27.31

**§ 14-27.31. Sexual activity by a substitute parent or custodian.**

(a) If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, the defendant is guilty of a Class E felony.

(b) If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony.

(c) Consent is not a defense to a charge under this section.

G.S. 14-27.7(b) is recodified as G.S. 14-27.32

**§ 14-27.32. Sexual activity with a student.**

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.

(b) A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class A1 misdemeanor.

(c) This section shall apply unless the conduct is covered under some other provision of law providing for greater punishment.

(d) Consent is not a defense to a charge under this section.

(e) For purposes of this section, the terms "school", "school personnel", and "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this section, the term "school safety officer" shall include a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools.

G.S. 14-27.5A is recodified as G.S. 14-27.33.

G.S. 14-27.8 through G.S. 14-27.10 are recodified as G.S. 14-27.34 through G.S. 14-27.36.

G.S. 14-202.4(d)(1) reads as rewritten:

(d) For purposes of this section, the following definitions apply:

(1) "Indecent liberties" means:

- a. Willfully taking or attempting to take any immoral, improper, or indecent liberties with a student for the purpose of arousing or gratifying sexual desire; or
- b. Willfully committing or attempting to commit any lewd or lascivious act upon or with the body or any part or member of the body of a student.

For purposes of this section, the term indecent liberties does not include vaginal intercourse or a sexual act as defined by G.S. 14-27.20.

G.S. 14-203(5) reads as rewritten:

(5) Prostitution. – The performance of, offer of, or agreement to perform vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification for any money or other consideration.

G.S. 14-205.2(a) reads as rewritten:

(a) Any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:

(1) Engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification with a prostitute.

(2) Enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification.

### **§ 15A-136. Venue for sexual offenses.**

If a person is transported by any means, with the intent to violate any of the provisions of Article 7A of Chapter 14 (§ 14-27.20 et seq.) of the General Statutes and the intent is followed by actual violation thereof, the defendant may be tried in the county where transportation was offered, solicited, begun, continued or ended.

G.S. 50-16.1A(3) reads as rewritten:

(3) "Marital misconduct" means any of the following acts that occur during the marriage and prior to or on the date of separation:

- a. Illicit sexual behavior. For the purpose of this section, illicit sexual behavior means acts of sexual or deviate sexual intercourse, deviate sexual acts, or sexual acts defined in G.S. 14-27.20(4), voluntarily engaged in by a spouse with someone other than the other spouse;
- b. Involuntary separation of the spouses in consequence of a criminal act committed prior to the proceeding in which alimony is sought;
- c. Abandonment of the other spouse;
- d. Malicious turning out-of-doors of the other spouse;
- e. Cruel or barbarous treatment endangering the life of the other spouse;
- f. Indignities rendering the condition of the other spouse intolerable and life burdensome;

- g. Reckless spending of the income of either party, or the destruction, waste, diversion, or concealment of assets;
- h. Excessive use of alcohol or drugs so as to render the condition of the other spouse intolerable and life burdensome;
- i. Willful failure to provide necessary subsistence according to one's means and condition so as to render the condition of the other spouse intolerable and life burdensome.

G.S. 7B-101(1) reads as rewritten:

(1) Abused juveniles. – Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

- a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
- b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
- c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
- d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree forcible rape, as provided in G.S. 14-27.21; second-degree forcible rape as provided in G.S. 14-27.22; statutory rape of a child by an adult as provided in G.S. 14-27.23; first-degree statutory rape as provided in G.S. 14-27.24; first-degree forcible sex offense as provided in G.S. 14-27.26; second-degree forcible sex offense as provided in G.S. 14-27.27; statutory sexual offense with a child by an adult as provided in G.S. 14-27.28; first-degree statutory sexual offense as provided in G.S. 14-27.29; sexual activity by a substitute parent or custodian as provided in G.S. 14-27.31; sexual activity with a student as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1;
- e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others;
- f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or
- g. Commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.

G.S. 7B-401.1(b) reads as rewritten:

(b) Parents. – The juvenile's parent shall be a party unless one of the following applies:

- (1) The parent's rights have been terminated.

- (2) The parent has relinquished the juvenile for adoption, unless the court orders that the parent be made a party.
- (3) The parent has been convicted under G.S. 14-27.21, G.S. 14-27.22, or G.S. 14-27.24 for an offense that resulted in the conception of the juvenile.

G.S. 7B-1103(c) reads as rewritten:

(c) No person whose actions resulted in a conviction under G.S. 14-27.21, G.S. 14-27.22, or G.S. 14-27.24 and the conception of the juvenile may file a petition to terminate the parental rights of another with respect to that juvenile.

G.S. 7B-1104(3) reads as rewritten:

(3) The name and address of the parents of the juvenile. If the name or address of one or both parents is unknown to the petitioner or movant, the petitioner or movant shall set forth with particularity the petitioner's or movant's efforts to ascertain the identity or whereabouts of the parent or parents. The information may be contained in an affidavit attached to the petition or motion and incorporated therein by reference. A person whose actions resulted in a conviction under G.S. 14-27.21, G.S. 14-27.22, or G.S. 14-27.24 and the conception of the juvenile need not be named in the petition.

G.S. 7B-1602(a) reads as rewritten:

(a) When a juvenile is committed to the Division for placement in a youth development center for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first.

G.S. 7B-2509 reads as rewritten:

**§ 7B-2509. Registration of certain delinquent juveniles.**

In any case in which a juvenile, who was at least 11 years of age at the time of the offense, is adjudicated delinquent for committing a violation of G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.26 (first-degree forcible sexual offense), G.S. 14-27.27 (second-degree forcible sexual offense), or G.S. 14-27.29 (first-degree statutory sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of the General Statutes.

G.S. 7B-2513(a)(1) reads as rewritten:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult;

G.S. 7B-2514(c)(2) reads as rewritten:

- (2) The juvenile's twenty-first birthday if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult.

G.S. 7B-2516(c)(1) reads as rewritten:

- (1) The juvenile's twenty-first birthday if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult.

G.S. 7B-2600(c) reads as rewritten:

- (c) In any case where the court finds the juvenile to be delinquent or undisciplined, the jurisdiction of the court to modify any order or disposition made in the case shall continue (i) during the minority of the juvenile, (ii) until the juvenile reaches the age of 19 years if the juvenile has been adjudicated delinquent and committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has been adjudicated delinquent and committed for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult, or (iv) until terminated by order of the court.

G.S. 8-53.12(a)(7) reads as rewritten:

- (7) Sexual assault. – Any alleged violation of G.S. 14-27.21, 14-27.22, 14-27.24, 14-27.25, 14-27.26, 14-27.27, 14-27.29, 14-27.30, 14-27.31, 14-27.32, or 14-202.1, whether or not a civil or criminal action arises as a result of the alleged violation.

G.S. 14-208.6(5) reads as rewritten:

- (5) "Sexually violent offense" means a violation of former G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape), G.S. 14-27.23 (statutory rape of a child by an adult), G.S. 14-27.25(a) (statutory rape of a person who is 15 years of age or younger where the defendant is at least six years older), G.S. 14-27.26 (first-degree forcible sexual offense), G.S. 14-27.27 (second-degree forcible sexual offense), G.S. 14-27.28 (statutory sexual offense with a child by an adult), G.S. 14-27.29 (first-degree statutory sexual offense), G.S. 14-27.30(a) (statutory sexual offense with a person who is 15 years of age or younger where the defendant is at least six years older), G.S. 14-27.31 (sexual activity by a substitute parent or custodian), G.S. 14-27.32 (sexual activity with a student), G.S. 14-27.33 (sexual battery), G.S. 14-43.11 (human trafficking) if (i) the offense is committed against a minor who is less than 18 years of age or (ii) the offense is committed against any person with the intent that they be held in sexual servitude, G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or a mentally disabled person), G.S. 14-205.3(b) (promoting prostitution of a minor or a mentally disabled person), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or

guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

G.S. 14-208.26(a) reads as rewritten:

Part 4. Registration of Certain Juveniles Adjudicated for Committing Certain Offenses.

**§ 14-208.26. Registration of certain juveniles adjudicated delinquent for committing certain offenses.**

"(a) When a juvenile is adjudicated delinquent for a violation of former G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.26 (first-degree forcible sexual offense), G.S. 14-27.27 (second-degree forcible sexual offense), or G.S. 14-27.29 (first-degree statutory sexual offense), and the juvenile was at least eleven years of age at the time of the commission of the offense, the court shall consider whether the juvenile is a danger to the community. If the court finds that the juvenile is a danger to the community, then the court shall consider whether the juvenile should be required to register with the county sheriff in accordance with this Part. The determination as to whether the juvenile is a danger to the community and whether the juvenile shall be ordered to register shall be made by the presiding judge at the dispositional hearing. If the judge rules that the juvenile is a danger to the community and that the juvenile shall register, then an order shall be entered requiring the juvenile to register. The court's findings regarding whether the juvenile is a danger to the community and whether the juvenile shall register shall be entered into the court record. No juvenile may be required to register under this Part unless the court first finds that the juvenile is a danger to the community. A juvenile ordered to register under this Part shall register and maintain that registration as provided by this Part.

G.S. 48-3-603(a)(9) reads as rewritten:

(9) An individual whose actions resulted in a conviction under G.S. 14-27.21, G.S. 14-27.22, G.S. 14-27.23, or G.S. 14-27.24 and the conception of the minor to be adopted.

G.S. 50-13.1(a) reads as rewritten:

(a) Any parent, relative, or other person, agency, organization or institution claiming the right to custody of a minor child may institute an action or proceeding for the custody of such child, as hereinafter provided. Any person whose actions resulted in a conviction under G.S. 14-27.21, G.S. 14-27.22, G.S. 14-27.23, or G.S. 14-27.24 and the conception of the minor child may not claim the right to custody of that minor child. Unless a contrary intent is clear, the word "custody" shall be deemed to include custody or visitation or both.

G.S. 50B-1(a)(3) reads as rewritten:

(3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.

G.S. 90-171.38(b) reads as rewritten:

(b) Any individual, organization, association, corporation, or institution may establish a program for the purpose of training or educating any registered nurse licensed under G.S. 90-171.30, 90-171.32, or 90-171.33 in the skills, procedures, and techniques necessary to conduct examinations for the purpose of collecting evidence from the victims of first-degree forcible rape as defined in G.S. 14-27.21, second-degree forcible rape as defined in G.S. 14-27.22, statutory rape of a child by an adult as defined in G.S. 14-27.23, first-degree statutory rape as defined in G.S. 14-27.24, statutory rape of a person who is 15 years of age or younger as defined in G.S. 14-27.25, first-degree forcible sexual offense as defined in G.S. 14-27.26, second-degree forcible sexual offense as defined in G.S. 14-27.27, statutory sexual offense with a child by an adult as defined in G.S. 14-27.28, first-degree statutory sexual offense as defined in G.S. 14-27.29, statutory sexual offense with a person who is 15

years of age or younger as defined in G.S. 14-27.30, attempted first-degree or second-degree forcible rape, attempted first-degree statutory rape, attempted first-degree or second-degree forcible sexual offense, or attempted first-degree statutory sexual offense. The Board, pursuant to G.S. 90-171.23(b)(14), shall establish, revise, or repeal standards for any such program. Any individual, organization, association, corporation, or institution which desires to establish a program under this subsection shall apply to the Board and submit satisfactory evidence that it will meet the standards prescribed by the Board.

G.S. 143B-1200(i)(3) reads as rewritten:

(3) Sexual assault. – Any of the following crimes:

- a. First-degree rape as defined in G.S. 14-27.2.
- b. Second degree rape as defined in G.S. 14-27.3.
- c. First-degree sexual offense as defined in G.S. 14-27.4.
- d. Second degree sexual offense as defined in G.S. 14-27.5.
- e. Statutory rape as defined in G.S. 14-27.7A.
- f. First-degree forcible rape as defined in G.S. 14-27.21.
- g. Second-degree forcible rape as defined in G.S. 14-27.22.
- h. First-degree statutory rape as defined in G.S. 14-27.24.
- i. Statutory rape of a person who is 15 years of age or younger as defined in G.S. 14-27.25.
- j. First-degree forcible sexual offense as defined in G.S. 14-27.26.
- k. Second-degree forcible sexual offense as defined in G.S. 14-27.27.
- l. First-degree statutory sexual offense as defined in G.S. 14-27.29.
  - m. Statutory sexual offense with a person who is 15 years of age or younger as defined in G.S. 14-27.30.

G.S. 14-401.16(c) reads as rewritten:

(c) A violation of this section is a Class H felony. However, if a person violates this section with the intent of committing an offense under G.S. 14-27.22 or G.S. 14-27.27, the violation is a Class G felony.

G.S. 14-208.40(a)(3) reads as rewritten:

(3) Any offender who is convicted of G.S. 14-27.23 or G.S. 14-27.28, who shall be enrolled in the satellite-based monitoring program for the offender's natural life upon termination of the offender's active punishment.

G.S. 14-208.40A reads as rewritten:

**§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

(a) When an offender is convicted of a reportable conviction as defined by G.S. 14-208.6(4), during the sentencing phase, the district attorney shall present to the court any evidence that (i) the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated offense, (iv) the conviction offense was a violation of G.S. 14-27.23 or G.S. 14-27.28, or (v) the offense involved the physical, mental, or sexual abuse of a minor. The district attorney shall have no discretion to withhold any evidence required to be submitted to the court pursuant to this subsection.

The offender shall be allowed to present to the court any evidence that the district attorney's evidence is not correct.

(b) After receipt of the evidence from the parties, the court shall determine whether the offender's conviction places the offender in one of the categories described in G.S. 14-208.40(a), and if so, shall

make a finding of fact of that determination, specifying whether (i) the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated offense, (iv) the conviction offense was a violation of G.S. 14-27.23 or G.S. 14-27.28, or (v) the offense involved the physical, mental, or sexual abuse of a minor.

(c) If the court finds that the offender has been classified as a sexually violent predator, is a recidivist, has committed an aggravated offense, or was convicted of G.S. 14-27.23 or G.S. 14-27.28, the court shall order the offender to enroll in a satellite-based monitoring program for life.

(d) If the court finds that the offender committed an offense that involved the physical, mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.28 and the offender is not a recidivist, the court shall order that the Division of Adult Correction do a risk assessment of the offender. The Division of Adult Correction shall have a minimum of 30 days, but not more than 60 days, to complete the risk assessment of the offender and report the results to the court.

(e) Upon receipt of a risk assessment from the Division of Adult Correction pursuant to subsection (d) of this section, the court shall determine whether, based on the Division of Adult Correction's risk assessment, the offender requires the highest possible level of supervision and monitoring. If the court determines that the offender does require the highest possible level of supervision and monitoring, the court shall order the offender to enroll in a satellite-based monitoring program for a period of time to be specified by the court.

G.S. 14-208.40B(c) reads as rewritten:

(c) At the hearing, the court shall determine if the offender falls into one of the categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings of fact pursuant to G.S. 14-208.40A.

If the court finds that (i) the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated offense, or (iv) the conviction offense was a violation of G.S. 14-27.23 or G.S. 14-27.4A, the court shall order the offender to enroll in satellite-based monitoring for life.

If the court finds that the offender committed an offense that involved the physical, mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.28, and the offender is not a recidivist, the court shall order that the Division of Adult Correction do a risk assessment of the offender. The Division of Adult Correction shall have a minimum of 30 days, but not more than 60 days, to complete the risk assessment of the offender and report the results to the court. The Division of Adult Correction may use a risk assessment of the offender done within six months of the date of the hearing.

Upon receipt of a risk assessment from the Division of Adult Correction, the court shall determine whether, based on the Division of Adult Correction's risk assessment, the offender requires the highest possible level of supervision and monitoring. If the court determines that the offender does require the highest possible level of supervision and monitoring, the court shall order the offender to enroll in a satellite-based monitoring program for a period of time to be specified by the court.

G.S. 15A-145.5(a)(4) reads as rewritten:

(4) Any of the following sex-related or stalking offenses: G.S. 14-27.25(b), 14-27.30(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1.

G.S. 15A-145.4(5) reads as rewritten:



(5) Any felony offense under the following sex-related or stalking offenses: G.S. 14-27.25(b), 14-27.30(b), 14-190.7, 14-190.8, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1.

G.S. 90-210.25B(b) reads as rewritten:

(b) For purposes of this Article, the term "sexual offense against a minor" means a conviction of any of the following offenses: G.S. 14-27.23 (statutory rape of a child by an adult), G.S. 14-27.25(a) (statutory rape of a person who is 15 years of age or younger where the defendant is at least six years older), G.S. 14-27.28 (statutory sexual offense with a child by an adult), G.S. 14-27.30 (statutory sexual offense with a person who is 15 years of age or younger where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any aiding and abetting any of these offenses. The term shall also include a conviction in another jurisdiction for an offense which if committed in this State has the same or substantially similar elements to an offense against a minor as defined by this section.

G.S. 15A-290(c)(1) reads as rewritten:

(1) Any felony offense against a minor, including any violation of G.S. 14-27.31 (Sexual activity by a substitute parent or custodian), G.S. 14-27.32 (Sexual activity with a student), G.S. 14-41 (Abduction of children), G.S. 14-43.11 (Human trafficking), G.S. 14-43.12 (Involuntary servitude), G.S. 14-43.13 (Sexual servitude), G.S. 14-190.16 (First degree sexual exploitation of a minor), G.S. 14-190.17 (Second degree sexual exploitation of a minor), G.S. 14-202.1 (Taking indecent liberties with children), G.S. 14-205.2(c) or (d) (Patronizing a prostitute who is a minor or a mentally disabled person), or G.S. 14-205.3(b) (Promoting prostitution of a minor or a mentally disabled person).

## **APPENDIX B**

### **NEW FINGERPRINTING REQUIRMENTS PURSUANT TO N.C.G.S. § 15A-502**

Effective October 1, 2015 it is the duty of an arresting law enforcement agency to cause a person charged with the commission of any of the following misdemeanors to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation:

1. N.C.G.S. § 14-134.3 (Domestic criminal trespass);
2. N.C.G.S. § 15A-1382.1 (Offense that involved domestic violence);
3. N.C.G.S. § 50B-4.1 (Violation of a valid protective order);
4. N.C.G.S. § 20-138.1 (Impaired driving);
5. N.C.G.S. § 20-138.2 (Impaired driving in commercial vehicle);
6. N.C.G.S. § 20-138.2A (Operating a commercial vehicle after consuming alcohol);
7. N.C.G.S. § 20-138.2B (Operating various school, child care, EMS, firefighting, or law enforcement vehicles after consuming alcohol);
8. N.C.G.S. § 90-95(a)(3) (Possession of a controlled substance); or
9. A misdemeanor offense of assault, stalking, or communicating a threat and the person is held under N.C.G.S. § 15A-534.1.

## APPENDIX C

### DISQUALIFYING CRIMINAL OFFENSES PURSUANT TO N.C.G.S. § 14-415.12(b)(8)

1. Effective July 1, 2015 for all concealed handgun permit applications submitted on or after that date, an applicant who has been found guilty of or received a prayer for judgment continued or a suspended sentence for one of the following crimes listed in (a) through (t), AND THREE YEARS HAS PASSED PRIOR TO SUBMITTING THE APPLICATION, can receive a concealed handgun permit.

- (a) N.C.G.S. § 14-33(a), simple assault;
- (b) N.C.G.S. § 14-226.1, Violation of court orders;
- (c) N.C.G.S. § 14-258.1, Furnishing poison, controlled substances, deadly weapons, cartridges, ammunition or alcoholic beverages to inmates of charitable, mental or penal institutions, or local confinement facilities;
- (d) N.C.G.S. § 14-269.2, Carrying weapons on campus or other educational property;
- (e) N.C.G.S. § 14-269.3, Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed;
- (f) N.C.G.S. § 14-269.4, Carry weapons on state property and courthouses;
- (g) N.C.G.S. § 14-269.6, Possession and/or sale of spring-loaded projectile knives;
- (h) N.C.G.S. § 14-277, Impersonation of a law enforcement or other public officer;
- (i) N.C.G.S. § 14-277.1, Communicating threats;
- (j) N.C.G.S. § 14-277.2, Carry weapons at parades and other public gatherings;
- (k) N.C.G.S. § 14-283, Exploding dynamite cartridges and/or bombs (however violations for fireworks violations under N.C.G.S. § 14-414 are NOT a bar);
- (l) N.C.G.S. § 14-288.2, Rioting and inciting to riot;
- (m) N.C.G.S. § 14-288.4(a)(1), Fighting or conduct creating the threat of imminent fighting or other violence;
- (n) N.C.G.S. § 14-288.6, Looting and trespassing during an emergency;
- (o) N.C.G.S. § 14-288.9, Assault on emergency personnel;
- (p) Former N.C.G.S. § 14-288.12, Violations of city State of Emergency Ordinances;

- (q) Former N.C.G.S. § 14-288.13, Violations of county State of Emergency Ordinances;
- (r) Former N.C.G.S. § 14-288.14, Violations of State of Emergency Ordinances;
- (s) N.C.G.S. § 14-415.21(b), Violations of the standards for carrying a concealed weapon;
- (t) N.C.G.S. § 14-415.26(d), Misrepresentation on certification of qualified retired law enforcement officers.

2. Effective July 1, 2015 for all concealed handgun permit applications submitted on or after that date, an applicant IS permanently disqualified from receiving a concealed handgun permit if the applicant is or has been found guilty of or received a prayer for judgment continued or suspended sentence for the following misdemeanor crimes.

- (a) Misdemeanor crimes that involve violence (other than the misdemeanors listed in paragraph 1.(a) through (t) above);
- (b) N.C.G.S. § 14-33(c)(1), Assault inflicting serious injury or using a deadly weapon;
- (c) N.C.G.S. § 14-33(c)(2), Assault on a female;
- (d) N.C.G.S. § 14-33(c)(3), Assault a child under the age of 12;
- (e) N.C.G.S. § 14-33(d), Assault inflicting serious injury or using a deadly weapon on a person in a personal relationship and in the presence of a minor;
- (f) N.C.G.S. § 14-277.3A, Stalking;
- (g) N.C.G.S. § 14-318.2, Child abuse;
- (h) N.C.G.S. § 14-134.3, Domestic criminal trespass;
- (i) N.C.G.S. § 50B-4.1, Domestic violence protective order violations;
- (j) Former N.C.G.S. § 14-277.3, Stalking;
- (k) Any person convicted of a “misdemeanor crime of domestic violence” as defined in federal law at 18 USC 922(g)(8);
- (l) Any crimes involving an assault or a threat to assault a law enforcement officer, probation or parole officer, person employed at a State or local detention facility, firefighter, emergency medical technician, medical responder, or emergency department personnel.