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# FINAL LEGISLATIVE REPORT

2022

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## North Carolina Sheriffs' Association



North Carolina Sheriffs' Association  
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August 2022



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The 2022 “Short Session” of the North Carolina General Assembly convened on May 18, 2022 and “adjourned” on July 1, 2022. While the General Assembly is technically adjourned, they are scheduled to reconvene the “Short Session” several times throughout the remainder of this year. However, upon doing so the matters that can be considered by the General Assembly are limited in scope. Such matters include, but are not limited to, bills vetoed by the Governor, bills providing for the selection, appointment, or confirmation of individuals recommended by the General Assembly to fill certain vacancies, bills related to election laws, and organizational resolutions for further adjournment of the 2022 “Short Session.”

During the 2022 Session of the General Assembly, 197 House bills and 169 Senate bills were introduced, for a total of 366 new legislative bills available for consideration. Of the eligible legislative bills, 69 of them were enacted into law. Governor Roy Cooper signed 47 bills, allowed 2 to become law without his signature, and vetoed 4 bills. None of the Governor’s vetoes were overridden by the General Assembly. Also included in the bills that were up for consideration this Session were certain bills introduced in the 2021 long session of the General Assembly. While not all bills introduced in the 2021 long session were eligible for consideration, certain bills filed in 2021 could be considered, such as bills affecting the State budget, constitutional amendment bills, election law bills and local bills (bills affecting fewer than 15 counties).

Some bills are enacted into law by the General Assembly and do not go to the Governor for signature. For example, “local” bills (which are those that affect 14 or fewer counties) and bills authorizing a vote on an amendment to the North Carolina Constitution do not go to the Governor for his signature.

This Final Legislative Report of the North Carolina Sheriffs’ Association summarizes bills of interest to sheriffs, sheriffs’ office personnel and other criminal justice professionals that have been enacted into law this Session. For specific details about the legislative bills summarized below, please review the actual legislation. Any of the legislation introduced or considered by this year’s General Assembly is available on the General Assembly’s website: [www.ncleg.gov](http://www.ncleg.gov).

We do not anticipate any action by the General Assembly later this year that would necessitate further reporting. However, if the General Assembly takes any action on any bill of interest to the criminal justice community, we will publish a Special Legislative Report with the details.

## HOUSE BILLS

[HOUSE BILL 103](#), [2022 Appropriations Act](#), makes various changes to the 2021 State Budget for the 2021 – 2023 fiscal biennium and also makes other changes to the budget operations of the State and to State law. Of interest to the criminal justice community, the bill:

1. Amends G.S. 115C-105.60 to provide that grants to elementary and middle schools from the School Resource Officer Grants Program (Program) shall be matched on the basis of \$4.00 in State Funds for every \$1.00 in non-State funds for those public school units located in a county where at least one local school administrative unit received low-wealth supplemental funding in the previous year.

Newly amended G.S. 115C-105.60 provides that grants from the Program to all other public-school units are to be matched on the basis of \$2.00 in State funds for every \$1.00 in non-State funds. Previously, all grants under the program were matched on a 2:1 basis.

Effective: July 1, 2022 and applies to grants issued for the 2022-2023 school year.

2. Amends G.S. 115C-390.2 to require the governing body of a public-school unit to consult with teachers, school-based administrators, parents, and law enforcement agencies in the development of policies governing student conduct and the procedures to be followed by school officials in disciplining students.

Previously, governing bodies of public-school units were required to fulfill this function, but were not required to consult with teachers, school-based administrators, parents, and law enforcement agencies when adopting these policies.

Effective: July 11, 2022 and applies to material changes to policies existing on July 1, 2023 or new policies adopted on or after July 1, 2023.

3. Appropriates \$6 million in nonrecurring funds to the North Carolina Department of Health and Human Services (DHHS) for the 2022-2023 fiscal year to be allocated equally to local management entities/managed care organizations (LME/MCOs) to purchase medications approved by the federal Food and Drug Administration for the treatment of opioid use disorder and to distribute them free of charge to jails located in the LME/MCOs operational areas.

Effective: July 1, 2022

4. Amends G.S. 153A-222 to allow a governing body (such as a board of county commissioners), sheriff or administrator of a local confinement facility to request a hearing before an administrative law judge to contest any or all findings within a written inspection report related to a local confinement facility that has been issued by the Division of Health Service Regulation of the North Carolina Department of Health and Human Services. G.S. 153A-222, as amended, requires the request for a hearing to be filed with the North

Carolina Office of Administrative Hearings within 30 days of receiving the written inspection report.

Effective: October 1, 2022 and applies to actions taken by a governing body, sheriff, or other administrator of a local confinement facility related to inspection reports received on or after that date.

5. Amends G.S. 153A-221 to require the Secretary of the North Carolina Department of Health and Human Services (DHHS) to develop and publish minimum standards for compliance with the requirements of Part 2B of Article 10 of Chapter 153A of the General Statutes, “Dignity for Women Incarcerated in Local Confinement Facilities.”

Sheriffs are required to comply with the State law that sets out in detail the required care for pregnant women that are incarcerated but, previously, the Secretary of DHHS was not required to develop and publish minimum standards for such compliance.

Effective: July 11, 2022

6. Amends G.S. 153A-229.2 to require a local confinement facility’s physician, a physician staff member, or a local confinement facility nutritionist to plan the food and dietary supplements provided to pregnant women who are incarcerated in accordance with the guidelines set out in the most recent edition of “Dietary Guidelines for Americans,” published by the United States Department of Health and Human Services and the United States Department of Agriculture.

Amended G.S. 153A-229.2 specifies that orders by a physician or physician staff regarding dietary needs or restrictions for any pregnant woman who is incarcerated take precedence over the Dietary Guidelines for Americans described above.

Previously, local confinement facility medical personnel were not required to consult with or adhere to the Dietary Guidelines for Americans published by the United States Department of Health and Human Services and the United States Department of Agriculture when planning for the dietary needs of any pregnant woman who is incarcerated.

Effective: July 11, 2022

7. Amends [Section 2 of Chapter 197 of the 1985 Session Laws](#), as amended by [Session Law 2011-136](#), to modify the open season for taking fox by trapping in Rockingham County to run from June 1 through February 28 of each year. Previously, the open season for taking fox by trapping in Rockingham County ran from November 1 through February 28 of each year.

Effective: July 11, 2022

8. Amends G.S. 7A-314 to provide that a witness who is a former State, county, or municipal law-enforcement officer and who is under subpoena, bound over, or recognized to testify before the Judicial Standards Commission, or a court, jury of view, magistrate, clerk, referee, commissioner, appraiser, or arbitrator shall be entitled to receive \$20.00 per hour that the witness is required to attend.

Previously, all witnesses, except for salaried State, county, or municipal law-enforcement officers or out-of-state witnesses in criminal cases, were paid \$5.00 per day for their attendance.

Effective: July 11, 2022 and applies to motions or applications for costs filed on or after that date.

9. Amends G.S. 15B-11 to increase the maximum compensation payable under the Crime Victims Compensation Act (Act) to a victim and to all other claimants sustaining economic loss because of injury to, or the death of, the victim from \$30,000 to \$45,000.

Effective: July 11, 2022 and applies to compensation paid to a victim on or after that date.

10. Amends G.S. 15B-2 to increase the allowable expenses under the Act for funeral, cremation, and burial expenses from \$5,000 to \$10,000.

Effective: July 11, 2022 and applies to payments for allowable expenses awarded on or after that date.

11. Amends G.S. 126-5 to exempt wardens of adult correctional facilities (State prison facilities) from the majority of the provisions in the North Carolina Human Resources Act and, instead, classifies them as “public servants” under Chapter 138A of the General Statutes.

Effective: July 1, 2022 and applies to prison wardens hired before, on, or after that date.

12. Appropriates to the Davidson County Sheriff’s Office \$100,000 in nonrecurring funds for the 2022-2023 fiscal year.

Effective: July 1, 2022

13. Appropriates to the Davie County Sheriff’s Office \$80,000 in nonrecurring funds for the 2022-2023 fiscal year.

Effective: July 1, 2022

14. Appropriates to the City of Archdale Police Department \$300,000 in nonrecurring funds for the 2022-2023 fiscal year for information technology updates.

Effective: July 1, 2022

15. Amends the salary schedules for State law enforcement officers, correctional officers, and probation and parole officers in [Sections 39.14 through 39.15A of the 2021 Appropriations Act](#) to increase the salary for these officers by approximately \$1,000 for the 2022-2023 fiscal year, depending upon position classification and the officer's years of experience.

Effective: July 1, 2022

16. Requires the North Carolina Department of State Treasurer (Treasurer) to deposit .02% of the State's employer contribution rate budgeted for death benefits for teachers, State employees, and State law enforcement officers into a separate fund from the North Carolina Teachers' and State Employees' Benefit Trust (Trust) for the 2022-2023 fiscal year.

The bill requires that the State Treasurer use the deposited funds only to pay line-of-duty death benefits awarded by the North Carolina Industrial Commission after all other appropriated State funds and eligible federal funds for line-of-duty death benefits have been fully expended.

Effective: July 1, 2022

Finally, while [House Bill 103](#) makes hundreds of appropriations that benefit both State and local government and the citizens of this State, the following appropriations enhance public safety and are of particular interest to the criminal justice community:

1. The bill appropriates to the North Carolina Department of Public Instruction \$32 million in nonrecurring funds for the 2022-2023 fiscal year for the School Safety Grants Program to support students in crisis, school safety training, and safety equipment in schools.
2. The bill appropriates to the North Carolina Department of Public Instruction \$26 million in recurring funds for the 2022-2023 fiscal year to provide additional funding for the At-Risk allotment to increase the actual average salaries of school resource officers provided for each funded high school.
3. The bill appropriates to the North Carolina Public Instruction General Fund \$15 million in recurring funds for the 2022-2023 fiscal year to provide additional funding for the School Resource Officer grant program.
4. The bill appropriates to the North Carolina Association of County Commissioners \$375,000 in nonrecurring funds for 2022-2023 fiscal year to facilitate local and regional strategic planning and technical assistance in relation to opioid settlement funds received by counties and municipalities.
5. The bill appropriates to the North Carolina Office of the Chief Medical Examiner \$4.7 million in recurring funds for the 2022-2023 fiscal year to create seven Forensic Pathologist positions and to increase the contract base-rate paid to decedent transportation providers.

6. The bill appropriates to the North Carolina Department of Justice \$428,000 in recurring funds for the 2022-2023 fiscal year to provide four additional scientist positions at the North Carolina State Crime Laboratory.
7. The bill appropriates to the North Carolina Department of Public Safety \$500,000 in recurring funds for the 2022-2023 fiscal year to make salary adjustments for Sergeant and First Sergeant positions in the North Carolina State Highway Patrol.
8. The bill appropriates to the North Carolina Department of Public Safety an additional \$500,000 in recurring funds for the 2022-2023 fiscal year to make salary adjustments for Assistant Special Agent in Charge, Special Agent in Charge and Assistant Director positions in the North Carolina State Bureau of Investigation.
9. The bill appropriates to the Cabarrus County Sheriff's Office \$1 million in nonrecurring funds for the 2022-2023 fiscal year.
10. The bill appropriates to the Iredell County Sheriff's Office \$1 million in nonrecurring funds for the 2022-2023 fiscal year for a Sheriff's Mobile Command Unit.
11. The bill appropriates to the North Carolina Department of Public Safety \$6,000 in recurring funds and \$44,000 in nonrecurring funds for the 2022-2023 fiscal year to upgrade State Capitol Police radio and technology equipment.
12. The bill appropriates to the North Carolina Department of Public Safety \$4.5 million in nonrecurring funds for the 2022-2023 fiscal year to purchase new tasers and related ancillary needs such as batteries and holsters for the North Carolina State Highway Patrol.
13. The bill appropriates to the North Carolina Department of Public Safety \$205,000 in recurring funds for the 2022-2023 fiscal year to fund two non-sworn mental health professional positions to assist the North Carolina State Bureau of Investigation.
14. The bill appropriates to the North Carolina Department of Public Safety \$1.8 million in recurring funds for the 2022-2023 fiscal year to provide funding for nine mental health probation and parole officer positions, nine re-entry probation and parole officer positions, and one chief probation and parole officer position.
15. The bill appropriates to the North Carolina Department of Public Safety \$1 million in nonrecurring funds for the 2022-2023 fiscal year to provide for the digitization of paper-based juvenile health records.
16. The bill appropriates to the North Carolina Department of Public Safety \$1.4 million in recurring funds and \$340,000 in nonrecurring funds for the 2022-2023 fiscal year to fund staffing and operations of the Perquimans Detention Center, scheduled to open in 2023.

17. The bill appropriates to the North Carolina Department of Public Safety \$3.2 million in recurring funds and \$720,000 in nonrecurring funds for the 2022-2023 fiscal year to fund staffing and operations of the Rockingham Youth Development Center.
18. The bill appropriates to Anson County \$50,000 in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Anson County Sheriff's Office.
19. The bill appropriates to Cleveland County \$175,000 in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Cleveland County Sheriff's Office.
20. The bill appropriates to Gaston County \$454,000 in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Gaston County Police Department.
21. The bill appropriates to Nash County \$150,000 in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Nash County Sheriff's Office.
22. The bill appropriates to the North Carolina Troopers Association \$19 million in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in a museum and training facility.
23. The bill appropriates to Onslow County \$650,000 in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Onslow County Sheriff's Training Facility.
24. The bill appropriates to Sampson County \$1 million in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Sampson County Sheriff's Office.
25. The bill appropriates to the Town of Gibsonville \$1 million in nonrecurring funds for the 2022-2023 fiscal year for the Town of Gibsonville Police Department for capital improvements or equipment.
26. The bill appropriates to Union County \$300,000 in nonrecurring funds for the 2022-2023 fiscal year for capital improvements or equipment in the Union County Sheriff's Office.

[HOUSE BILL 211](#), [Social District/Common Area Clarifications](#), makes various changes to the laws regarding alcoholic beverage licensure in designated social districts and common areas. Of interest to the criminal justice community, the bill:

1. Amends Article 10 of Chapter 18B of the General Statutes by enacting a new section, G.S. 18B-1001.5, which expands the category of multi-tenant establishments qualifying for a common area entertainment permit and expands those areas in which consumption and possession of alcoholic beverages in multi-tenant establishments could be allowed to include the premises of any business within the multi-tenant establishment that chooses to allow outside alcoholic beverages on its premises.



Newly enacted G.S. 18B-1001.5 allows the North Carolina Alcoholic Beverage Control Commission (ABC Commission) to issue a common area entertainment permit to the owner or property owner's association of a "multi-tenant establishment" that has at least two tenants that have any of the following ABC permits: (i) an on-premises malt beverage permit; (ii) an on-premises unfortified wine permit; (iii) an on-premises fortified wine permit; (iv) a mixed beverages permit; (v) a wine shop permit; or (vi) a distillery permit.

Previously, owners or property owners' associations of multi-tenant establishments that only had tenants with either a wine-shop permit or distillery permit did not qualify for a common area entertainment permit.

A "Multi-tenant establishment" is defined under the new section as a building or structure, or multiple buildings and structures on the same property, or within the same planned development project, that contains or contain multiple businesses that sell food, goods, services, or a combination thereof and that include or are connected by common areas, including shopping malls that have more than 50% of their common areas enclosed or air-conditioned.

Previously, a "Multi-tenant establishment" was defined in subsection (4a) of G.S. 18B-1000, which is repealed by this bill, and was defined to exclude shopping malls that had more than 50% of their common areas enclosed or air-conditioned.

Newly enacted G.S. 18B-1001.5 allows any holder of a common area entertainment permit to designate, subject to approval by the ABC Commission, indoor or outdoor consumption areas on the premises of the multi-tenant establishment in which possession and consumption of alcoholic beverages is permitted.

These "designated consumption areas" can include the premises of any business open to customers, regardless of whether the business is an ABC permittee, if the business chooses to allow outside alcoholic beverages on its premises.

Previously, common area entertainment permit holders could only designate "common areas," defined as "portions of a building or structure and outdoor areas that are used jointly by multiple business on a property or within a planned development project . . ." within which to allow possession and consumption of alcoholic beverages.

Newly enacted G.S. 18B-1001.5 requires the "designated consumption area" to be conspicuously marked and only allow, at a maximum, consumption during the hours in which an alcoholic beverage may be sold, with discretion allowed to the common area entertainment permit holder to further restrict the days and times in which an alcoholic beverage may be consumed.

2. Amends G.S. 160A-205.4 to allow cities and counties to designate by ordinance more than one "social district." Previously, a city or county was only authorized to designate one social district.

3. Repeals G.S. 18B-904.1 and enacts G.S. 18B-300.1 to regulate “Social districts.” Newly enacted G.S. 18B-300.1 defines “Social districts” as both indoor and outdoor areas in which a person may consume alcoholic beverages sold by the holders of any of the following ABC permits: (i) an on-premises malt beverages permit; (ii) an on-premises unfortified wine permit; (iii) an on-premises fortified wine permit; (iv) a mixed beverages permit; (v) a wine shop permit; (vi) or a distillery permit.

A “social district” as defined includes the indoor and outdoor areas of permitted and non-permitted businesses and multi-tenant establishments within or bordering the social district, in addition to public streets, crosswalks and parking areas, regardless of if the streets or parking areas are closed to vehicle traffic.

Previously, social districts were not defined to include indoor areas, and persons could not consume alcoholic beverages sold by the holder of a wine-shop permit within a social district.

All the requirements for social districts previously contained within G.S. 18B-904.1 are retained and transferred to the newly enacted G.S. 18B-300.1, with the addition of a requirement that a city or county approving a social district must develop and approve uniform signs, in the form of a sticker, placard, or other format, to indicate that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active.

Newly enacted G.S. 18B-300.1 allows the North Carolina Alcoholic Beverage Control Commission (Commission) to issue special one-time event permits for events occurring on premises located partially or entirely within the boundaries of a social district. The statute also allows holders of winery special event permits, malt beverage special event permits, or spiritous liquor special event permits to sell and serve products at special events taking place in a social district and allows holders of mixed beverages catering permits to serve spiritous liquor to guests at events taking place in a social district.

4. Enacts G.S. 18B-300.2 which allows holders of common area entertainment permits to enter into agreements with local governments to allow open containers of alcohol within any designated consumption area to be possessed and consumed in any social district that directly borders the designated consumption area and vice versa, during days and hours when both the social district and designated consumption area are active.

Effective: July 7, 2022

[HOUSE BILL 315](#), [Arson Law Revisions](#), makes various changes to the criminal law regarding arson offenses. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-58 to make it a Class E felony if a person commits common-law arson in the second degree (i.e., on an unoccupied dwelling). Currently, second-degree common-law arson is punishable as a Class G felony.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

2. Enacts G.S. 14-59.1, which makes it a Class D felony for a person to wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of a penal institution or its contents.

“Penal institution” is defined in the law as a detention facility operated under the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, a detention facility operated by another state or the federal government, or a detention facility operated by a local government in this State (such as a sheriff’s jail) or another state.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

3. Amends G.S. 14-62, “Burning of certain buildings” to exclude setting fire or burning warehouses, offices, shops, mills, barns, granaries, or other buildings used or intended for carrying on any trade or manufacture from this criminal statute. These excluded commercial structures are now covered under newly enacted G.S. 14-62.3, which is summarized below.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

4. Enacts G.S. 14-62.3, “Burning of commercial structure” which makes it a Class D Felony for a person to wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of any occupied commercial structure or its contents. The statute makes it a Class E felony to burn any unoccupied commercial structure or its contents.

“Commercial structure” is defined in the statute to mean any building or structure that is designed principally for the manufacture, distribution, or exchange of goods or services, or for any other business or trade purpose.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

5. Amends G.S. 14-62.2 to explicitly include setting fire to synagogues, temples, longhouses, mosques, or other buildings regularly used and clearly identifiable as a place of worship within the Class E felony of “Burning of churches and certain other religious buildings.”

Effective: December 1, 2022 and applies to offenses committed on or after that date.

6. Amends G.S. 14-64 to explicitly define ginhouse and tobacco house. “Ginhouse” is defined as any building or structure where cotton is ginned. “Tobacco house” is defined as any barn, building, or other structure used for curing and aging tobacco. Currently, setting fire to a ginhouse or tobacco house is a Class H felony, but neither “ginhouse” or “tobacco house” is defined in the statute.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

7. Amends G.S. 14-66 to specify that the Class H felony of burning or setting fire to goods, wares, merchandise or other chattels or personal property does not include any of the previously listed items when they are located in a “commercial structure” as defined in newly enacted G.S. 14-62.3.

Setting fire to items of personal property located in “commercial structures” will be subject to greater penalty as a Class D felony or Class E felony by virtue of newly enacted G.S. 14-62.3.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

8. Amends G.S. 14-69.3 to make it a Class F felony if a person commits an arson offense and a firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers serious injury while discharging or attempting to discharge their official duties.

Currently, G.S. 14-69.3 only includes the Class E felony of inflicting serious bodily injury, while committing an arson offense upon a firefighter, law enforcement officer, fire investigator, or emergency medical technician discharging or attempting to discharge their official duties.

Neither “serious injury” nor “serious bodily injury” are defined in the statute.

Newly amended G.S. 14-69.3 also redefines “emergency medical technician” to include advanced emergency medical technicians as defined in G.S. 131E-155.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

9. Amends G.S. 143B-943 to expand criminal history records checks for applicants and current members of fire departments and emergency medical services to include offenses committed under Article 22 of Chapter 14 of the General Statutes, “Damages and Other Offenses to Land and Fixtures.”

The bill also amends G.S. 143B-943 to prohibit an applicant from serving in a paid or volunteer position with a fire department if the applicant’s verified criminal history records check reveals a conviction of arson or another felony conviction involving burning or setting fire under Article 15 (certain arson offenses), Article 22 (certain property offenses, including setting fire to crops, grasslands, and woodlands), or any other Article of Chapter 14 of the General Statutes.

Any offenses other than those meeting the criteria above do not constitute an outright prohibition on serving with a fire department but do constitute just cause and can be considered by the department in not selecting an applicant or dismissing a current member from service.

The bill also amends G.S. 143B-943 to require a local fire department to deny a position to an applicant who refuses to consent to a criminal history records check or the use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories.

Previously, no convictions disclosed in the criminal history records check constituted an outright prohibition on serving with a fire department. Instead, all convictions simply constituted just cause for which a fire department or emergency medical service could choose to deny an applicant or dismiss a current member.

Also, previously a local fire department was not required to deny an applicant who refused to consent to a criminal record check but could deny the applicant in its discretion for such refusal.

Effective: June 14, 2022 and applies to applications submitted on or after that date.

10. Amends G.S. 153A-233 to require a county to ensure that any county, city or other unit of local government or incorporated volunteer fire department with which that county contracts for fire-fighting or prevention services obtains criminal history records checks on all persons who apply for paid or volunteer positions providing fire-fighting or prevention services with that entity.

The bill also amends G.S. 153A-234 and G.S. 160A-292 to require, respectively, a county fire marshal and a city fire chief to obtain criminal history records checks of all persons who apply for paid or volunteer positions with their departments.

Previously, local fire chiefs, county fire marshals, and local law enforcement agencies could request that a criminal history records check be performed by the North Carolina Department of Public Safety on an applicant for a paid or volunteer position with a fire department or an emergency medical service, but they were not required to so request.

This change will result in an increase in persons presenting themselves for fingerprinting at the sheriff's office, as fingerprints are required to be submitted to conduct the required criminal history records checks.

Effective: June 14, 2022 and applies to applications submitted on or after that date.

[HOUSE BILL 560, Public Safety Reform](#), makes various changes to the law that has an impact on public safety in this State. Of interest to the criminal justice community, the bill:

1. Amends G.S. 15-205 to allow the Secretary of the North Carolina Department of Public Safety to assign probation officers to perform additional duties during a declared state of emergency or natural disaster.

Amended G.S. 15-205 specifies that probation officers assigned to additional duties during a declared state of emergency do not have any additional powers of arrest or other authority

beyond their current authority to supervise probationers. Currently, the jurisdiction of State probation officers is limited to the supervision and arrest of probationers they are tasked with supervising.

Effective: October 1, 2022

2. Amends G.S. 143B-720 to give the Post-Release Supervision and Parole Commission (Commission) authority to issue orders of temporary or conditional revocation of post-release supervision and parole, subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer.

Amended G.S. 143B-720 also requires these orders to be entered into the Criminal Justice Law Enforcement Automated Data System (CJLEADS). Currently, the Commission only has the authority to simply revoke and terminate individuals on post-release supervision.

Effective: October 1, 2022

3. Amends G.S. 8-53.10 to add emergency personnel officers to the definition of peer counselors. Amended G.S. 8-53.10 defines “emergency personnel officers” as firefighting, search and rescue, or emergency medical service personnel, or any employee of any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State who is (1) actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State; and (2) possesses the power of arrest by virtue of an oath administered under the authority of the State.

Amended G.S. 8-53.10 also expands the “peer counselor” definition to include both active or retired law enforcement officers. Previously, the definition of peer counselors only included law enforcement officers and civilian employees of a law enforcement agency.

Effective: July 11, 2022

4. Amends G.S. 15B-11 to increase the maximum compensation payable to a victim and all other claimants sustaining economic loss because of injury to or the death of the victim, from \$30,000 to \$45,000, in addition to allowable funeral, cremation, and burial expenses.

This provision is identical to a provision in [House Bill 103](#) discussed above.

Effective: July 8, 2022

5. Amends G.S. 15B-2 to increase the maximum for allowable funeral, cremation, and burial expenses under the Crime Victims Compensation Act from \$5,000 to \$10,000.

This provision is identical to a provision in [House Bill 103](#) discussed above.

Effective: August 1, 2022 and applies to expenses incurred on or after that date.

6. Allows the North Carolina Department of Public Safety (DPS) to use up to \$500,000 in nonrecurring funds from the surplus funds in the Crime Victims Compensation Fund to establish and implement an online application for claimants.

Effective: July 8, 2022 and expires on June 30, 2024.

7. Amends G.S. 148-18 to increase the maximum on inmate pay for prisoners who are employees of Correction Enterprises to \$5.00 per day for assignments that require special skill or training. Previously, the pay limit was \$3.00 per day.

The bill also amends G.S. 148-133 to allow the pay rate to be higher than the \$5.00 maximum if specifically approved by the Secretary of the North Carolina Department of Public Safety (Secretary). Previously, the statute did not provide the authority for the Secretary to increase the pay beyond the maximum.

Effective: July 8, 2022

8. Amends G.S. 126-5 to exempt wardens of adult correction facilities (i.e. prisons) from the vast majority of the provisions in the North Carolina Human Resources Act and, instead, classifies them as “public servants” under Chapter 138A of the General Statutes.

This provision is identical to a provision in [House Bill 103](#) discussed above.

Effective: July 1, 2022 and applies to persons hired on or after that date.

9. Finally, the bill makes technical corrections to replace the “North Carolina Department of Public Safety” (DPS) with the “Department of Adult Correction” in several statutes to reflect the upcoming January 1, 2023 split between DPS and the Division of Adult Correction and the reorganization of that division as a separate cabinet-level department.

Effective: January 1, 2023

[HOUSE BILL 607](#), [Various Court Changes](#), makes various changes to the laws regarding expunction of criminal records. Of interest to the criminal justice community, the bill:

1. Suspends, until August 1, 2023 the automatic expunction by operation of law of dismissed charges and not guilty verdicts under the [Second Chance Act](#) (SL 2020-35) and requires the North Carolina Administrative Office of the Courts (AOC) to convene a group of stakeholders, including sheriffs, to make recommendations to resolve the issues that have developed with these automatic expungements.

The issues created by automatic expungements include: (i) lack of timely notice that a case has been automatically expunged; (ii) lack of timely release orders being delivered to confinement facilities because it is unknown that a case has been automatically expunged; (iii) seized evidence not being disposed of in a timely manner because it is unknown that a

case has been automatically expunged; and (iv) and agency file retention issues created by automatic expungements that are not accompanied by a court order.

The AOC working group must report its findings and recommendations to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety no later than March 1, 2023.

Effective: August 1, 2022 and expires August 1, 2023.

2. Requires the AOC, within 180 days of the repeal or expiration of the suspension of automatic expunctions, to expunge all dismissed charges, not guilty verdicts, and findings of not responsible that occurred during the period of suspension and that are eligible for automatic expunction under the [Second Chance Act](#).
3. Amends G.S. 15A-145.5 to require an individual petitioning for the expungement of multiple non-violent misdemeanor or felony convictions obtained in multiple counties to file a petition in each county of conviction within a 120-day period and allows a court to grant a petition filed outside the 120-day period upon a showing of good cause for failure to file the petition within the 120-day period.

Previously, persons petitioning for the expungement of multiple non-violent misdemeanor or felony convictions in multiple counties were required to file all petitions within a 30-day period and there was no authorization for a court to excuse the filing of a petition outside the 30-day period upon a showing of good cause.

Effective: August 1, 2022 and applies to petitions filed on or after that date.

4. Amends G.S. 15A-145.5 to now allow a person to petition for the expungement of non-violent misdemeanors even if they have other misdemeanor or felony convictions so long as those misdemeanor or felony convictions are not aggravated crimes listed in G.S. 15A-145.5(a), such as assault offenses, certain sex crimes, Class A1 misdemeanors or Class A through G felony offenses.

Previously, an individual petitioning to have one non-violent misdemeanor conviction expunged was required to have no convictions for any other felony or misdemeanor, other than a traffic offense.

Effective: August 1, 2022 and applies to petitions filed on or after that date.

5. Amends G.S. 15A-151 to clarify that the North Carolina Administrative Office of the Courts (AOC) must release information related to any expunged criminal conviction occurring under the laws of this State upon request of State or local law enforcement, the North Carolina Sheriffs' Education and Training Standards Commission, or the North Carolina Criminal Justice Education and Training Standards Commission for employment or certification purposes. Currently, AOC maintains confidential files that contain



information related to all criminal convictions that have been expunged and must share this information with the above-entities for employment or certification purposes.

Effective: July 7, 2022 and applies retroactively to requests for disclosure of expunctions made on or after October 1, 2021.

6. Amends G.S. 15A-302 to eliminate the option for a person served with a citation to sign for its receipt. It also eliminates the requirement that the serving officer certify delivery of the citation by signing the original if the person so served refuses to sign.

Amended G.S. 15A-302 specifies that failure of the person to accept delivery of the citation shall not constitute grounds for arrest or the requirement to post bond.

Previously, persons so served were given the option to sign for receipt of delivery of the citation and, if they refused, the serving officer was required to certify delivery by signing the original.

Effective: July 7, 2022

[HOUSE BILL 615](#), [Jordan's Law](#), amends G.S. 50B-3 to allow the court to temporarily renew a current domestic violence protective order (DVPO) if the hearing for the motion to renew the protective order is set on a date after which the current protective order will have expired. This ensures that there is not a lapse in the legal protection provided by the order pending the renewal hearing.

Amended G.S. 50B-3 only allows the court to renew the current order until the date for the renewal hearing or 30 days from the date the current order is set to expire, whichever occurs first, unless both parties consent to a longer renewal.

G.S. 50B-3, as amended, requires the clerk of court to notify the sheriff if a temporary renewal is granted and to provide a copy of the temporary order to the sheriff. The sheriff of the county where the temporary renewal is granted is required to enter the renewal into the National Crime Information Center (NCIC) registry as a renewal of a domestic violence protective order.

Amended G.S. 50B-3 also requires the temporary renewal to be served in the same manner as an *ex parte* order issued pursuant to G.S. 50B-2 if the defendant is not personally present in court when the temporary renewal is granted.

Currently, a person granted a DVPO could temporarily be without its protections if the court date to consider its renewal is set after the order expires.

Effective: December 1, 2022 and applies to pending motions to renew filed before, on, or after that date.

[HOUSE BILL 674](#), Require DNA for Various Convict'ns/Other Matters, makes various changes to the laws surrounding mandatory collection of DNA and the Assistance Program for Victims of Rape and Sex Offenses. Of interest to the criminal justice community, the bill:

1. Amends G.S. 15A-266.4 to also require that a DNA sample be obtained from any person who is convicted of or found not guilty by reason of insanity for committing assault on a female (by a male at least 18 years of age), assault on a child under the age of 12, or a violation of a valid domestic violence protective order.

Currently, a DNA sample is required of persons who were convicted of or found not guilty by reason of insanity for all felonies, assaults on individuals with a disability, and all offenses specified in G.S. 15A-266.3A.

Effective: December 1, 2022

2. Amends G.S. 143B-1200 to expand the definition of “sexual assault” for purposes of the State Assistance Program for Victims of Rape and Sex Offenses (Program) to include statutory rape of a child by an adult, statutory sexual offense with a child by an adult, sexual activity by a substitute parent or custodian, sexual activity with a student, sexual battery, and sexual contact or penetration under pretext of medical treatment as these crimes are defined in the North Carolina General Statutes, as well as any other act defined to be sexual assault pursuant to the United States Code.

The United States Code defines sexual assault as “any nonconsensual sexual act or sexual contact proscribed by Federal, Tribal, or State law, including when the individual lacks capacity to consent.”

Amended G.S. 143B-1200 also prohibits medical facilities and medical professionals that perform victims’ forensic medical examinations from billing the victim, the victim’s personal insurance, Medicaid, Medicare, or any other collateral source not only for the examination but also for other expenses, such as equipment, supplies, and facility fees.

Currently, the law prohibits billing these victims for the forensic medical examination but does not specify that associated costs are included within the definition of “forensic medical examination.”

Effective: October 1, 2022

[HOUSE BILL 768](#), 2022 ABC Omnibus, makes various changes to the laws affecting alcoholic beverages. Of interest to the criminal justice community, the bill:

1. Repeals G.S. 18B-1103, which previously allowed holders of unfortified winery permits that produced their wine principally from honey, grapes, or other fruit or grain grown in this State to obtain a limited winery permit to give visitors free tasting samples of the wine.

Effective: July 7, 2022

2. Repeals all statutory provisions related to purchase-transportation permits. Previously, in order to transport more than 80 liters of malt beverages (other than in kegs), 50 liters of unfortified wine, or a total of 8 liters of fortified wine or spiritous liquor, a person had to obtain a purchase-transportation permit.

This permit was issued by the chairman, member or general manager or supervisor of the local ABC board, an authorized employee of an ABC store, or the owner or designated employee of a distillery if only the spiritous liquor sold by the distillery is being transported.

Effective: July 7, 2022

3. Enacts G.S. 18B-1110.1 which replaces purchase-transportation permits with packaging and logistics permits issued by the North Carolina Alcoholic Beverage Control Commission (ABC Commission). Newly enacted G.S. 18B-1110.1 authorizes the holder of a packaging and logistics permit to receive, package, repackage, and label closed containers of malt beverages, unfortified wines, fortified wines, or spiritous liquors.

The holder of a packaging and logistics permit may: (1) transport into or out of this State any of the above listed alcoholic beverages in closed containers in the maximum amount allowed under federal law; and (2) sell, deliver, and ship those beverages in closed containers to local ABC boards and in-state suppliers, wholesalers, and exporters.

The holder of a packaging and logistics permit may also deliver and ship any of the above listed alcoholic beverages to out-of-state suppliers, private and public agencies, and establishments if allowed by the law of the other jurisdiction.

Effective: August 1, 2022

4. Repeals G.S. 18B-303 and G.S. 18B-400 to abolish the limits on the amount of alcoholic beverages that may be purchased by one person at one time and the amount of alcoholic beverages that may be transported under State law.

Previously, a person without a purchase-transportation permit was limited to purchasing and transporting at one time 80 liters of malt beverages (unless it is draft malt beverage in a keg), 50 liters of unfortified wine, and a total of 8 liters of fortified wine or spiritous liquor.

Effective: July 7, 2022

5. Amends 18B-401 to abolish the limit on the amount of fortified wines or spiritous liquor that may be transported by each passenger of a for-hire passenger vehicle (i.e. taxi). Previously, passengers were limited to transporting only a total of 8 liters of fortified wine or spiritous liquor.

Effective: July 7, 2022

6. Amends G.S. 18B-1006 to allow the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages for consumption on the “premises” at a professional sporting event held at a stadium owned by a community college that is located in a township that has previously voted to allow the operation of ABC stores, if the Board of Trustees of the community college has voted to allow the issuance of permits for use at the stadium.

If the Board of Trustees votes to allow issuance of permits for this purpose, it must notify the ABC Commission.

Amended G.S. 18B-1006 defines “premises” to include any area that meets all of the following: (1) is within 500 feet of the furthest exterior building wall, perimeter fence, or permanent fixed perimeter; (2) is designated by the stadium in a map or written description that clearly defines the boundary of the area and the map or written description is included in the permit application; and (3) can be designated in a manner that enables the stadium to ensure compliance with Chapter 18B of the General Statutes.

Permits for the sale of alcoholic beverages were and are issued to businesses on the premises of stadiums, athletic facilities, or arenas located on the campus or property of any “public college or university.” However, community colleges are specifically excluded from the definition of “public college or university.”

Effective: July 7, 2022

7. Amends G.S. 18B-1000 to repeal the definition of “private bar” and include the definition of “bar,” defined as an “establishment that is primarily engaged in the business of selling alcoholic beverages and that does not serve prepared food as defined in G.S. 105-164.3(179). The definition specifies that a bar shall not include a brewery, winery, or distillery.

Note: [Senate Bill 470](#), [ABC Technical and Other Changes](#), further amends the definition of “bar” to mean an “establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on the premises.” The amended definition still specifies that a winery, brewery, or distillery does not qualify as a bar.

Previously, “private bar” was defined as an establishment organized and operated as a for-profit entity and that is not open to the general public but is open only to the members of the organization and their bona fide guests for the purpose of allowing its members and their guests to socialize and engage in recreation.

The repeal, enactment, and amendment of the above-mentioned definitions provides for the creation and permitting of establishments in the State that are open to the general public and primarily engaged in the business of selling alcoholic beverages for consumption on site.

Effective: July 7, 2022

8. Amends G.S. 18B-1001 to allow distilleries to obtain a mixed beverage catering permit, which will allow any distillery issued such a permit to bring spiritous liquor onto the premises where a hotel or restaurant is catering food for an event and to serve the liquor to guests at the event, regardless of whether the hotel or restaurant also holds a mixed beverages catering permit.

Previously, only a hotel or restaurant were able to obtain a mixed beverages catering permit.

Effective: July 7, 2022

9. Amends G.S. 18B-1105 to allow the holder of a distillery permit to sell mixed beverages containing the spiritous liquor produced at the distillery for consumption on the premises if the holder of the distillery permit also obtains a mixed beverages permit, even in an area where the sale of mixed beverages has not been approved by a local mixed beverage election.

Effective: July 7, 2022

[HOUSE BILL 911](#), [Regulatory Reform Act of 2022](#), amends G.S. 132-1.7 to clarify in our public records laws that specific security information or detailed plans, patterns or practices associated with prison and local confinement facilities operations is not public record.

Effective: July 12, 2022

The bill also amends G.S. 14-415.12 to allow an applicant for a concealed handgun permit to complete either a firearms safety and training course certified or sponsored by the United States Concealed Carry Association (USCCA) or a firearms and safety training course taught by instructors certified by the USCCA. This authority to authorize the use of training courses certified or sponsored by USCCA (or taught by their instructors) is in addition to those firearms safety courses already allowed under current law.

Under current law, a concealed handgun permit applicant can complete a firearms safety and training course certified or sponsored by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the National Rifle Association (NRA), or a law enforcement agency, college, private or public institution or organization, or firearms training school with instruction by instructors certified by either the Commission or the NRA.

Effective: July 1, 2022 and applies to permit applications submitted on or after that date.

[HOUSE BILL 1061](#), [Currituck County Game Commission/Licensing](#), enacts a local law applicable only to Currituck County that increases the fee to obtain a license for either a stationary bush blind or a floating bush blind in Currituck County to \$40 for North Carolina residents. Currently, the license fee for North Carolina residents is \$25.

The newly enacted local law also prohibits the use of airboats on the public waters of Currituck County between September 1 of each year and April 1 of the following year. Currently, the Currituck County Game Commission has the authority to make this same restriction, but only as to Currituck Sound and subject to the approval of the North Carolina Wildlife Resources Commission.

This bill applies only to Currituck County.

Effective: October 1, 2022 and applies to applications for licenses filed on or after that date.

[HOUSE BILL 1175, 2022 Speaker and PPT Appointment](#), makes numerous appointments to State commissions and boards. Those appointments of interest to the criminal justice community are:

The Speaker of the House of Representatives appoints:

1. Effective September 1, 2022, the Honorable Sarah Owens Weeks of Rutherford County, Dawn L. "Kriquette" Davis of Wayne County, Amedia H. Vaughn-Jones of Davie County, Tiffany Bell of Buncombe County, Colonel Christopher Thomas of Onslow County, and Joetta A. Shepard of Forsyth County are appointed to the Domestic Violence Commission for terms expiring August 31, 2024.
2. Effective February 28, 2023, Richard Wayne Parks of Nash County and Thomas F. Marcham of Mecklenburg County are appointed to the Governor's Crime Commission for terms expiring February 28, 2025.
3. Effective January 1, 2023, John T. Cole of Alamance County, Sheriff B. Phil Howell of Ashe County, and Melanie A. Neal of Guilford County are appointed to the 911 Board for terms expiring December 31, 2025.
4. Effective July 1, 2022, Suzanne C. Creech of Pitt County and Jerry D. Pittman of Forsyth County are appointed to the Private Protective Services Board for terms expiring July 1, 2026.

The President Pro Tempore of the Senate appoints:

1. Effective January 1, 2023, Greg W. Foster of Alexander County, Thaddeus B. "Thad" Southers of Forsyth County, Edward L. Kerlin of Wake County, and Kyle W. Randleman of Sampson County are appointed to the 911 Board for terms expiring December 31, 2026.
2. Effective September 1, 2022, Sarah M. Kirkman of Iredell County, the Honorable Christine F. Strader of Rockingham County, Sheriff Gregory J. Seabolt of Randolph County, and Dr. Kim S. Eagle of Gaston County are appointed to the North Carolina Domestic Violence Commission for terms expiring August 31, 2024.

3. Effective July 1, 2022, David M. Stephens of Union County and Stacy E. Buff of McDowell County are appointed to the North Carolina Private Protective Services Board for terms expiring June 30, 2025.

## **SENATE BILLS**

[SENATE BILL 201](#), [Various Motor Vehicle/Dealer Changes](#), enacts G.S. 14-164.1 which creates the criminal offense of “possession of a catalytic converter removed from a motor vehicle.”

Unless another provision of law provides greater punishment for the conduct, knowing possession of a catalytic converter that has been removed from a motor vehicle is a Class I felony unless the person: (1) is an employee of or agent for a motor vehicle dealer, motor vehicle repair shop, secondary metals recycler, or salvage yard that is properly licensed, permitted, or registered under State law; (2) possesses documentation indicating that the catalytic converter in their possession is the result of a replacement of a catalytic converter on a vehicle registered to them; or (3) lawfully received the catalytic converter from the registered owner of the vehicle and possesses proof of vehicle ownership and a copy of the most recent vehicle registration documentation for the vehicle from which the catalytic converter was removed.

Currently, there is no specific criminal offense for possessing a catalytic converter removed from a motor vehicle.

As of December 1, 2021, larceny of a catalytic converter is a Class I felony and there is a legal presumption that a person in possession of an unattached catalytic converter is guilty of felony larceny of motor vehicle parts unless they: (1) are an employee of or agent for a motor vehicle dealer, motor vehicle repair shop, secondary metals recycler, or salvage yard that is properly licensed, permitted, or registered under State law; or (2) possess documentation indicating that the catalytic converter in their possession is the result of a replacement of a catalytic converter on a vehicle registered to them. This bill repeals (eliminates) that legal presumption effective December 1, 2022.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

The bill also amends G.S. 20-157 to clarify that the definition of “public service vehicle” for purposes of the “Move Over” law includes a vehicle being used to install, maintain, or restore water or wastewater service.

Effective: August 1, 2022 and applies to offenses committed on or after that date.

[SENATE BILL 339](#), [2022 WRC Amendments](#), amends G.S. 113-306 to make it a misdemeanor for any person to violate any emergency powers exercised or emergency rules enacted by the Executive Director of the North Carolina Wildlife Resources Commission (Commission) when the Commission determines that such powers are necessary to respond to a wildlife disease that threatens irreparable injury to wildlife or the public.

G.S. 113-306, as amended, makes it a Class 3 misdemeanor for a first conviction and a Class 2 misdemeanor for a second or subsequent conviction of violating emergency rules within three years of the previous conviction. Currently, there is no criminal penalty for violating an emergency rule and the penalty for violating the vast majority of Commission rules is a fine of \$25.

Effective: December 1, 2022 and applies to offenses committed on or after that date.

[SENATE BILL 448](#), Amendments to Schedule VI of the CSA, amends G.S. 90-94 to exclude from Schedule VI of the North Carolina Controlled Substances Act (Act) any prescription drug approved by the federal Food and Drug Administration (FDA) and designated, rescheduled, or deleted as a controlled substance under federal law by the United States Drug Enforcement Administration (DEA). Newly amended G.S. 90-94 also allows that drug to be prescribed, distributed, dispensed, or used in accordance with federal law upon issuance of a notice, final rule, or interim final rule by the DEA that designates, reschedules, or deletes such drug as a controlled substance under federal law.

Amended G.S. 90-94 gives the North Carolina Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission) the opportunity to object to the designation, rescheduling, or deletion of the drug by the DEA, in which case the drug would not be automatically excluded from Schedule VI of the Act.

The Act allows the Commission to object to the designation, rescheduling, or deletion of a controlled substance by the DEA at the Commission's next regular meeting scheduled more than 30 days after the DEA's action, however, previously, the Act did not provide for the automatic exclusion of the substance from Schedule VI of the Act when there was no objection.

With the enactment of this bill into law, any FDA approved prescription drug that contains tetrahydrocannabinols (THC) will not be considered illegal marijuana under the North Carolina Controlled Substances Act.

Effective: June 14, 2022 and applies to prescription drugs approved by the federal Food and Drug Administration on or after that date.

[SENATE BILL 455](#), Conform Hemp with Federal Law, amends G.S. 90-87 to define "hemp" to mean "the plant *Cannabis sativa* (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.

The bill also amends G.S. 90-87 to define "hemp products" to mean "all products made from hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and verified propagules for cultivation if the seeds originate from hemp varieties."

Previously, "industrial hemp" and "hemp products" were defined in our General Statutes under the North Carolina Industrial Hemp Pilot Program (which expired December 31, 2021) that was



governed by the North Carolina Industrial Hemp Commission. Those statutes expired on June 30, 2022.

Newly amended G.S. 90-87 also redefines “marijuana” in the North Carolina Controlled Substances Act to exclude hemp and hemp products as defined above, effectively legalizing all hemp and hemp products in this State.

The bill also amends G.S. 90-94 to exclude tetrahydrocannabinols (THC) found in hemp or hemp products from Schedule VI of the North Carolina Controlled Substances Act.

With the enactment of this bill into law, all hemp and hemp products will be legal in this State so long as the THC concentration is not more than three-tenths of one percent (0.3%) on a dry weight basis. In addition, hemp growers in North Carolina are authorized to continue to grow hemp so long as they first obtain the appropriate license to grow hemp from the United States Department of Agriculture. These licenses are authorized through the federal Farm Bill of 2018.

Effective: June 30, 2022

[SENATE BILL 766](#), Organized Retail Theft, makes various changes to the laws surrounding organized retail theft. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-86.6 to increase the penalty if a person does any of the following: (1) conspires with another person to commit theft of retail property from one or more retail establishments with the intent to sell that retail property for monetary or other gain and takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration; (2) receives or possesses any retail property that has been taken or stolen while knowing or having reasonable grounds to believe the property is stolen; or (3) conspires with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of property stolen from a merchant.

Newly amended G.S. 14-86.6 makes it Class H felony to engage in the any of the above described conduct if the value of the retail property stolen has a value above \$1,500 aggregated over a 90-day period, a Class G felony if the value of the retail property stolen has a value above \$20,000 aggregated over a 90-day period, a Class F felony if the retail property has a value above \$50,000 aggregated over a 90-day period, and a Class C felony if the retail property stolen has a value above \$100,000 aggregated over a 90-day period.

Currently, it is a Class H felony to commit theft of retail property with a value above \$1,500 aggregated over a 90-day period or to receive or possess retail property that has been taken or stolen of any value while knowing or having reasonable grounds to believe the property is stolen. It is a Class G felony to commit theft of retail property with a value above \$20,000 aggregated over a 90-day period or to conspire with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme to effectuate transfer of stolen retail property.

2. Enacts G.S. 14-86.7 which makes it a Class A1 misdemeanor if a person commits theft of retail property from a retail establishment with a value above \$1,000 and during the commission of the theft either: (1) damages, destroys, or defaces real or personal property in excess of \$1,000; or (2) commits assault and battery against an employee or independent contractor of the retail establishment or a law enforcement officer.
3. Amends G.S. 14-86.1 to make conveyances (ex. vehicles, watercraft, aircraft, etc.) used in the commission of organized retail theft also subject to forfeiture under that statute.
4. Amends G.S. 15-11.1 to provide a specific method for an owner of retail property that is evidence of larceny, organized retail theft, embezzlement, or obtaining property by false pretenses to request the property's return from the court.

Upon request of a lawful owner of such retail property or upon his/her own determination, the district attorney must make application to the court for an order authorizing the return of the retail property to the owner, notify the defendant of the owner's request, if made, and provide the defendant 10 business days to inspect the property.

If the court, after hearing and notice to all parties, finds the (1) defendant has been given notice and an opportunity to inspect and photograph the property; (2) photographs or other identifications or analyses of the property will be sufficient evidence at trial; (3) the introduction of those substitutes is not likely to substantially prejudice the rights of the defendant; and (4) there is satisfactory evidence of ownership, it must order any or all of the property returned to the owner.

Retail property returned pursuant to this method may be sold or disposed of by the lawful owner of the property and photographs or other identifications or analyses of the property are presumed admissible at trial.

Currently, there is no specific method for the return of retail property provided in the statutes and it is releasable pending trial like all evidence that does not consist of firearms, in the discretion of the district attorney subject to review by the court.

Effective: December 1, 2022 and applies to any offenses committed on or after that date.

[SENATE BILL 769](#), [GSC Postponement/Judicial & Execution Sales](#), amends G.S. 1-339.58 to allow a sheriff to postpone an execution sale for up to 90 days after the original date for the sale if any of the following occur: (1) there are no bidders; (2) the number of prospective bidders is substantially decreased because of inclement weather or any other casualty; (3) there are so many others sales advertised at the same time and place as to make holding the sale impracticable; (4) the sheriff is unable to hold the sale because of illness or other reason; or (5) other good cause exists.

G.S. 1-339.58, as amended, allows the sheriff to postpone the sale multiple times for the above-listed reasons as long as the total delay does not exceed 90 days. Further, it now also requires the sheriff to give written or oral notice of postponement to the judgment debtor, along with publicly

announcing the postponement of sale and attaching to or entering on the original notice of sale a notice of postponement.

Currently, a sheriff can only postpone the sale by up to six days, excluding Sundays, for the above-listed reasons.

Finally, the bill amends G.S. 1-310 to clarify that no executions shall be issued until the time for giving notice of appeal has expired and provides that the 90-day period to submit a return on an execution is extended by the number of days the execution sale is postponed. Currently, a return on an execution has to be submitted no more than 90 days after the execution is issued, regardless of whether the execution sale is postponed.

Effective: October 1, 2022 and applies to sales noticed on or after that date.

[SENATE BILL 909](#), Lexington UDO/Jail Com. Changes, enacts a local law which requires the Lexington City Council to appoint one City Council member and one staff member to the Davidson County Jail Committee and allows these members to participate, discuss, and vote on matters related to the façade, exterior, sidewalks, streetscapes, and plantings of the jail. The bill does not allow these members to participate, discuss, or vote on building programming or on the operation of the jail by the sheriff.

This bill applies only to Davidson County.

**Effective:** June 30, 2022

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The **Final Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

North Carolina Sheriffs' Association, Inc.

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