
FINAL LEGISLATIVE REPORT

2023

North Carolina Sheriffs' Association



North Carolina Sheriffs' Association
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NORTH CAROLINA SHERIFFS' ASSOCIATION

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The 2023 “Long Session” of the North Carolina General Assembly convened on January 25, 2023 and adjourned on October 25, 2023 for most business. The General Assembly will reconvene periodically to consider limited matters between the October 25th adjournment and April of next year when the General Assembly is expected to return for the 2024 session. Such limited 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.

During the 2023 Long Session, 882 House bills and 744 Senate bills were introduced, for a total of 1,626 new legislative bills available for consideration. Of the eligible legislative bills, 151 of them were enacted into law. Governor Roy Cooper signed 76 bills, allowed 13 to become law without his signature, and vetoed 19 bills. 19 of the Governor’s vetoes were overridden by the General Assembly and those bills became law.

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.

HOUSE BILLS

[HOUSE BILL 11](#), [Schools for the Deaf and Blind](#), enacts new G.S. 115C-150.12A, which creates separate boards of trustees to govern the Eastern North Carolina School for the Deaf, the North Carolina School for the Deaf, and the Governor Morehead School for the Blind (Schools for the Deaf or Blind).

The bill also enacts G.S. 115C-150.12C, which requires the board of trustees of each School for the Deaf or Blind to adopt a school risk management plan, in coordination with local law enforcement agencies, to provide schematic diagrams and keys to local law enforcement, and to conduct a school safety exercise with local law enforcement at least once each year.

Currently, each local school administrative unit in this State must provide schematics and keys to local law enforcement and are encouraged, but not required, to include local law enforcement in annual school safety exercises.

Effective: July 1, 2024

[HOUSE BILL 34](#), Protect Those Who Serve and Protect Act, makes various changes to the laws regarding assaults on emergency personnel, including criminal justice officers. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 14-34.1A, which creates the new criminal offense of “Discharging certain barreled weapons or a firearm at or into certain unoccupied emergency vehicles.” Newly enacted G.S. 14-34.1A makes it a Class H felony to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second (such as shotguns, rifles, and some pellet guns) at or into any unoccupied emergency vehicle, including a law enforcement vehicle.

Currently, it is a Class E felony to discharge a firearm into occupied property, including occupied vehicles, but there is no crime covering discharge of a firearm into an unoccupied vehicle other than misdemeanor offenses for damage to property.

2. Amends G.S. 14-34.8 to make it a Class I felony to intentionally point a laser device that is emitting a beam of light at any of the following persons who are in the performance of their official duties: (1) a law enforcement officer; (2) a probation officer or parole officer; (3) detention and correctional personnel (such as a detention officer working for a sheriff); (4) a firefighter; (5) an emergency medical technician or other emergency health care provider; (6) a member of the North Carolina National Guard or any branch of the Armed Forces of the United States; or (7) juvenile court counselors.

Amended G.S. 14-34.8 also makes it a Class A1 misdemeanor to intentionally point a laser device that is emitting a beam of light at a law enforcement agency animal (such as an agency K-9) or a search and rescue animal if the animal is in the performance of its duty and is harmed by the pointing of the laser device.

Currently, it is only an infraction to point an emitting laser device at a law enforcement officer or at the head or face of another person.

3. Amends G.S. 14-34.2 to make it a Class E felony to assault an officer or employee of the State or any political subdivision of the State, a company police officer, or a campus police officer with a deadly weapon while that officer or employee is performing their official duties.

Currently, such conduct is a Class F felony.

4. Amends G.S. 14-34.5 to make it a Class D felony to assault a member of the North Carolina

National Guard with a firearm while that member is performing their official duties.

Currently, such conduct is a Class E felony.

5. Amends G.S. 14-34.7 to make it a Class E felony to assault and inflict serious bodily injury on a law enforcement officer, probation/parole officer, a member of the North Carolina National Guard, or someone employed at a State or local detention facility while that officer, member, or employee is performing their official duties.

Currently, such conduct is a Class F felony.

Amended G.S. 14-34.7 also makes it a Class H felony to assault and inflict physical injury on a law enforcement officer, probation/parole officer, a member of the North Carolina National Guard, or someone employed at a State or local detention facility while that officer, member, or employee is performing their official duties.

Currently, such conduct is a Class I felony.

6. Amends G.S. 14-32 to make it a Class D felony to assault an emergency worker with a deadly weapon: (1) with intent to kill; or (2) inflicting serious injury. Amended G.S. 14-32 defines “emergency worker” as a law enforcement officer, firefighter, emergency medical technician, or medical responder.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

HOUSE BILL 40, Prevent Rioting and Civil Disorder, makes various changes to the criminal law regarding rioting. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-288.2 to make it a Class H felony if a person brandishes any dangerous weapon or uses a dangerous substance while engaging in a riot. Amended G.S. 14-288.2 makes it a Class F felony if the person causes property damage in excess of \$2,500 or serious bodily injury while willfully engaging in a riot.

Currently, it is a Class H felony if a person engages in a riot while in possession of a dangerous weapon or a dangerous substance, or if property damage in excess of \$1,500 or serious bodily injury is inflicted in the course of the riot.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 14-288.2 to make it a Class E felony if a person causes a death while willfully engaging in a riot.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Amends G.S. 14-288.2 to increase the penalty from a Class 1 misdemeanor to a Class A1 misdemeanor when any person incites or urges another to engage in a riot and a riot occurs

or a clear and present danger of a riot is created.

[Senate Bill 626](#), [Modify Human Trafficking and Rioting Laws](#), enacted into law after this bill, further amends G.S. 14-288.2 to exclude “urging” another to engage in a riot from the scope of the criminal offense of rioting.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

4. Amends G.S. 14-288.2 to make it a Class E felony for any person to incite or urge another to engage in a riot, if such inciting or urging is a contributing cause of a riot in which there is property damage in excess of \$2,500 or serious bodily injury.

[Senate Bill 626](#), [Modify Human Trafficking and Rioting Laws](#), enacted into law after this bill, further amends G.S. 14-288.2 to exclude “urging” another to engage in a riot from the scope of the criminal offense of rioting.

Currently, it is a Class F felony for any person to incite or urge another to engage in a riot, if such conduct is a contributing cause of a riot in which there is property damage in excess of \$1,500 or serious bodily injury.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

5. Amends G.S. 14-288.2 to make it a Class D felony for a person to willfully incite or urge another to engage in a riot, if such inciting or urging causes a death.

[Senate Bill 626](#), [Modify Human Trafficking and Rioting Laws](#), enacted into law after this bill, further amends G.S. 14-288.2 to exclude “urging” another to engage in a riot from the scope of the criminal offense of rioting.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

6. Amends G.S. 14-288.2 to clarify that mere presence at a riot alone without an overt act is not sufficient to sustain a conviction for rioting.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

7. Amends G.S. 14-288.9 to increase the punishment for committing an assault upon emergency personnel from a Class I felony to a Class H felony and to add members of the North Carolina National Guard to the emergency personnel upon whom an assault is prohibited under the statute.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

8. Amends G.S. 14-288.9 to no longer require that an assault result in physical injury to emergency personnel in order for a person to be convicted.

Currently, an assault upon emergency personnel without the use of a dangerous weapon or substance must result in physical injury to emergency personnel to be punishable under the statute.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

9. Amends G.S. 14-288.9 to make it a Class E felony if a person commits an assault upon emergency personnel and causes serious bodily injury to the emergency personnel and a Class D felony if a person commits an assault upon emergency personnel resulting in death.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

10. Enacts G.S. 15A-534.8 to require that the official who determines the conditions of pretrial release for persons charged with rioting and looting offenses be a judge. Newly enacted G.S. 15A-534.8 allows magistrates to determine the conditions of pretrial release if a judge has not made the determination within 24 hours of the time of arrest.

Currently, magistrates may determine the conditions of pretrial release for persons charged with any crime, except for crimes of domestic violence and for communicating a threat of mass violence on educational property or at a place of religious worship.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

11. Requires the North Carolina Department of Justice (DOJ), in consultation with the North Carolina Department of Public Safety, the North Carolina Sheriffs' Education and Training Standards Commission, and the North Carolina Criminal Justice Education and Training Standards Commission, to develop model law enforcement agency protest response and engagement policies.

Effective: March 21, 2023

12. Requires DOJ to report the model policies to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2024.

Effective: March 21, 2023

[HOUSE BILL 87, Probation Modifications/Sheriff Authority](#), amends G.S. 143-131.1 to allow all sheriffs to contract for the purchase of food and food services for the county detention facility without being subject to the formal or informal bidding requirements outlined in G.S. 143-129 and G.S. 143-131(a).

Previously, this exemption only applied to sheriffs from Alamance, Anson, Beaufort, Caswell, Catawba, Cherokee, Chowan, Cleveland, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Gaston, Granville, Guilford, Haywood, Henderson, Iredell, Jones, Lincoln, Madison, Onslow, Orange, Pamlico, Pasquotank, Randolph, Rockingham, Sampson, Stanly, Transylvania, Wake, Washington, and Yancey counties.

Effective: June 16, 2023

[HOUSE BILL 116](#), Modify Laws Affecting District Attorneys, amends G.S. 7A-413 to provide that any legal counsel, advice, and assistance provided by the North Carolina Conference of District Attorneys to district attorneys or their staff to assist prosecutors in the effective prosecution and trial of criminal offenses and related to the performance of their duties is confidential, privileged, not public record, and only disclosable pursuant to limited exceptions in the public records statutes and pursuant to criminal discovery.

Effective: June 9, 2023

[HOUSE BILL 125](#), NC Health & Human Services Workforce Act, makes various changes to laws regarding the prevention of violence against hospital personnel. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 131E-88, which requires each hospital with an emergency department to conduct a security risk assessment and to develop and implement a security plan with protocols to ensure that at least one law enforcement officer is present at all times, except when temporarily required to leave in connection with the discharge of their duties, in the emergency department or on the same campus of the emergency department unless the hospital in good faith determines that a different level of security is necessary based upon findings in the required security risk assessment.

Newly enacted G.S. 131E-88 also requires that the mandatory security plan include all of the following components:

- (i) Training for law enforcement officers employed or contracted by the hospital that is appropriate for the populations served by the emergency department.
- (ii) Training for law enforcement officers employed or contracted by the hospital that is based on a trauma-informed approach to identifying and safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance use disorder or who are experiencing a mental health crisis.
- (iii) Safety protocols based on: (1) standards established by a nationally recognized organization that has experience educating and certifying professionals involved in managing and directing security and safety programs in healthcare facilities; (2) the results of a security risk assessment of the emergency department; and (3) risks for the emergency department identified in consultation with the emergency department's medical director and nurse leadership, law enforcement officers employed or contracted by the hospital, and a local law enforcement representative.
- (iv) Safety protocols that include the presence of at least one law enforcement officer

in the emergency department, or on the same campus as the emergency department, unless an exemption is approved.

- (v) Training requirements for law enforcement officers employed or contracted by the hospital in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate patient intervention activities, crisis intervention, and trauma-informed approaches.

Newly enacted G.S. 131E-88 allows a hospital not to have a law enforcement officer present in the emergency department at all times if the hospital in good faith determines that a different level of security is necessary based upon findings in the required security risk assessment. If a hospital makes this determination, the bill requires the basis for that determination be included in its security risk assessment, and the security plan must include: (1) the signature of the county sheriff; (2) the signature of the municipal police chief, if applicable; and (3) the approval and signature of the county emergency management director.

Newly enacted G.S. 131E-88 defines “law enforcement officer” as a sworn law enforcement officer, a special police officer, or a campus police officer who is duly authorized to carry a concealed weapon.

Effective: October 1, 2024

2. Enacts G.S. 131E-88.3, which requires the North Carolina Department of Health and Human Services (DHHS) to collect data from hospitals about assaults, incidents where patient behavioral health and substance use issues resulted in violence, and workplace violence and to share that information with the North Carolina Sheriffs’ Association, the North Carolina Association of Chiefs of Police, and the North Carolina Emergency Management Association (Associations).

Newly enacted G.S. 131E-88.3 also requires DHHS to request the Associations to examine the data and to make recommendations to decrease the incidences of violence in hospitals and to decrease assaults on hospital personnel.

Effective: October 1, 2024

3. Amends G.S. 14-34.6 to make it a Class I felony for a person to commit an assault or affray that causes physical injury to a hospital employee, medical practice employee, health care provider, or individual under contract to provide services at a hospital or medical practice who is discharging or attempting to discharge their official duties.

Amended G.S. 14-34.6 also increases the penalty for the above-referenced conduct to a Class F felony if the defendant inflicts serious bodily injury or uses a deadly weapon.

Amended G.S. 14-34.6 also increases the penalty for the above-referenced conduct to a Class D felony if the defendant uses a firearm.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

4. Amends G.S. 14-16.6 to increase the penalty from a Class F felony to a Class E felony for any person who assaults and inflicts serious bodily injury to any legislative officer, executive officer, or court officer.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

5. Amends G.S. 15A-1340.16 to make it an aggravating factor for felony sentencing purposes if the defendant committed the felony offense on the property of a hospital or a medical practice.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[HOUSE BILL 140](#), [Civilian Traffic Investigators](#), enacts G.S. 160A-499.6 which authorizes any city to employ nonsworn personnel, to be known as “Civilian Traffic Investigators” (investigators), to investigate traffic crashes that only involve property damage. Newly enacted G.S. 160A-499.6 clarifies that the employment of such investigators does not supplant or replace any of a city’s existing sworn law enforcement officer personnel or otherwise reduce the number of sworn law enforcement officers employed by a city.

Newly enacted G.S. 160A-499.6 requires any city employing such investigators to establish minimum standards for employment and requires investigators to attend a training program designed by the North Carolina Justice Academy, complete at least four weeks of field training, and wear a uniform substantially different in color and style from that of a law enforcement officer for the city.

Newly enacted G.S. 160A-499.6 requires investigators to be issued credentials by the city and to produce those credentials when requested by a member of the public involved in a crash or who is a witness to a crash.

Newly enacted G.S. 160A-499.6 prohibits any vehicles that are issued to investigators from bearing any markings that would identify them as police vehicles and from being equipped with blue lights and also prohibits investigators from being issued a weapon of any type.

Newly enacted G.S. 160A-499.6 provides that investigators have no authority to arrest or issue criminal process but do have the same authority as law enforcement to tow vehicles obstructing a public street or highway.

Finally, newly enacted G.S. 160A-499.6 still requires law enforcement officers to investigate any crashes involving personal injury or a fatality.

Previously, only the City of Wilmington and the City of Fayetteville were authorized to employ civilian traffic investigators.

Effective: June 23, 2023

[HOUSE BILL 142](#), Protect Our Students Act.-AB, makes various changes to the definitions and penalties for certain sex offenses against students. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-27.32 to increase the penalty for engaging in sexual activity with a student from a Class I felony to a Class G felony for all school personnel of any age.

Currently, engaging in sexual activity with a student is classified differently depending upon the position of the offender within the school and the age of the offender relative to the victimized student.

Amended G.S. 14-27.32 defines “school safety officer” as 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. “Student” is defined in amended G.S. 14-27.32 as a person enrolled in kindergarten, or in grade one through grade 12 in any school within six months of any violation of this section.

Currently, “student” is defined as a person presently enrolled in kindergarten, or in grades 1 through 12.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends 14-202.4 to expand the definition of “student” for taking indecent liberties with a student to include a person enrolled in kindergarten, or in grades 1 through 12 in any school within six months of any violation.

Currently, “student” is defined as a person presently enrolled in kindergarten, or in grades 1 through 12.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Enacts G.S. 115C-326.20, which creates the new criminal offense of “Reporting misconduct of licensed school employees.” Newly enacted G.S. 115C-326.20 makes it a Class I felony if any superintendent, assistant or associate superintendent, personnel administrator, or principal fails to report to the State Board of Education that a licensed school employee has engaged in misconduct resulting in dismissal, disciplinary action, or resignation within 5 days of the dismissal, determination of disciplinary action, or acceptance of resignation.

Misconduct includes any conduct that justifies automatic revocation of a license for a professional educator or any infliction of a physical injury against a child other than by accident or in self-defense.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

4. Amends G.S. 115C-105.57(c) to direct the Center for Safer Schools to develop and distribute to all public school units age-appropriate videos about child abuse and neglect, including sexual abuse, for grades 6 through 12. This material must be produced and distributed to all public school units no later than June 30, 2024.
5. Amends G.S. 115C-12(47) to require the video described above be shown to all students no more than five days after the first day of the school year.

Effective: October 2, 2023 and applies beginning with the 2024-2025 school year.

6. Amends G.S. 128-21 to prohibit the Board of Trustees of the Local Governmental Employees' Retirement System (LGERS) from paying any retirement benefit or allowance to a member who is convicted of any felony under State or federal law which was committed while the member was in-service and which requires the revocation of the member's professional license or certification.

Previously, this prohibition only applied to State or federal felony convictions for offenses that were committed while the member was in-service and that were directly related to the member's office or employment.

Effective: July 1, 2023 and applies to offense committed on or after that date.

7. Amends G.S. 135-1 to prohibit the Board of Trustees of the Teachers' and State Employees' Retirement System (TSERS) from paying any retirement benefit or allowance to a member who is convicted of any felony under State or federal law which was committed while the member was in-service and which requires the revocation of the member's professional license or certification.

Previously, this prohibition only applied to State or federal felony convictions for offenses that were committed while the member was in-service and that were directly related to the member's office or employment.

Effective: July 1, 2023 and applies to offense committed on or after that date.

[HOUSE BILL 168](#), [DNCR Agency Bill.-AB](#), amends G.S. 132-11 to make records concerning probationers, parolees, post-release supervisees, and prison inmates (including medical and mental health records) public record after 100 years from the creation of the record.

Previously, records concerning probationers, prison inmates, parolees and post-release supervisees did not become public record after the passage of 100 years.

Effective: June 30, 2023

[HOUSE BILL 186](#), [Juv Just Mods/DOI Expenses/Tech Changes](#), makes various changes to the laws surrounding juveniles. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 7B-3103 allowing a court to order the Division of Juvenile Justice (Division) of the North Carolina Department of Public Safety or any law enforcement agency within the State to release the following information regarding a juvenile to the public:

- (i) the juvenile's first name, last name, and photograph;
- (ii) any offense in a juvenile petition alleged to have been committed by the juvenile;
- (iii) whether a secure custody order has been issued for the juvenile; and
- (iv) a statement as to the juvenile's threat to self or others, based on the juvenile's record or the nature of the alleged offense and the level of concern of the Division or law enforcement agency.

Newly enacted G.S. 7B-3103 requires a court to make the following findings prior to authorizing the Division or law enforcement agency to release juvenile information:

- (i) a juvenile petition has been filed alleging that the juvenile has committed at least one offense that would subject the juvenile to transfer to superior court for trial as an adult;
- (ii) there is a judicial determination, based on the juvenile's record or the nature of the alleged offense or offenses, that the juvenile presents a danger to self or others; and
- (iii) there is a judicial determination that good cause exists for the disclosure.

Newly enacted G.S. 7B-3103 requires the Division or law enforcement agency to make a reasonable effort to notify a parent, legal guardian, or custodian of the juvenile prior to releasing information regarding the juvenile and to refrain from releasing information if the juvenile is taken into custody before information is released to the public.

Newly enacted G.S. 7B-3103 also requires that any information released to the public regarding the juvenile be removed from any publicly available law enforcement agency or Division website or social media account controlled by the law enforcement agency or Division when the juvenile is taken into custody.

Finally, newly enacted G.S. 7B-3103 allows the Division or law enforcement agency in the State to release the information regarding the juvenile specified above without a court order when exigent circumstances exist. If information is released pursuant to exigent circumstances, the releasing agency must seek a court order authorizing the release as soon as practicable after the release. If a court does not issue an order authorizing the release, the information must be removed from any website or social media account controlled by the releasing agency.

Currently, disclosure of information concerning any juvenile under investigation, alleged to be within the jurisdiction of juvenile court, or receiving juvenile consultation services is prohibited except that: (1) pictures of runaways are allowed to be disclosed with the permission of the parents; and (2) information about juveniles who escape from the custody of the Division is allowed in certain circumstances.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 7B-2101 to require that juveniles 16 years of age and older who are subject to custodial interrogation be advised that they also have the right to have a “caretaker” present during questioning.

Amended G.S. 7B-2101 defines “caretaker” as a stepparent, a foster parent, an adult member of the juvenile’s household, an adult entrusted with the juvenile’s care, a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a county department of social services, a house parent or cottage parent who has primary responsibility for supervising a juvenile’s health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services.

Amended G.S. 7B-2101 requires law enforcement to make a reasonable effort to contact the parent, guardian, or custodian of the juvenile if a juvenile 16 years of age or older requests that their parent, guardian, or custodian be present during questioning. If a parent, guardian, or custodian of the juvenile is determined to be not available, a caretaker can be present during questioning.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Amends G.S. 7B-1904 to specify that a juvenile court counselor may also be directed to take custody of a juvenile pursuant to a secure or nonsecure custody order. Amended G.S. 7B-1904 requires that the official executing the order for secure or nonsecure custody, which may be a law enforcement officer, give a copy of the order to the juvenile, as well as to that juvenile’s parent, guardian, or custodian.

Amended G.S. 7B-1904 requires that if a juvenile has been detained but has not yet been served with a copy of juvenile petition, the juvenile must be served with the petition no more than 72 hours after being taken into custody.

Effective: December 1, 2023 and applies to offense committed on or after that date.

4. Enacts G.S. 7B-1904.5 to clarify that a secure custody order carries the same authority to enter private premises and use force to affect that entry as an arrest warrant for an adult. Newly enacted G.S. 7B-1904.5 provides that a law enforcement officer may enter private premises to take a juvenile into secure custody when the officer:

- (i) has in his or her possession the secure custody order or a copy of the order. If the officer only has a copy of the secure custody order in his or her possession, the officer may only use that copy to enter private premises if the original order is in possession of a member of a law enforcement agency located in the same county in which the executing officer is employed and the executing officer verifies with the agency that the order is current and valid;
- (ii) has reasonable cause to believe the juvenile to be taken into custody is present in the premises or vehicle; and
- (iii) has given, or made a reasonable effort to give, notice of the law enforcement officer's authority and purpose to an occupant of the premises or vehicle, unless there is reasonable cause to believe that the giving of such notice would present a danger to the life or safety of any person.

Newly enacted G.S. 7B-1904.5 also provides that an officer may use force to enter the private premises or vehicle if the officer believes that entry is being denied or unreasonably delayed or if the officer is authorized to enter without giving notice of the officer's authority and purpose.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[HOUSE BILL 190](#), [Dept. of Health and Human Services Revisions.-AB](#), makes various changes to the laws surrounding the medical examiner, opioid antagonists, and opioid treatment programs. Of interest to the criminal justice community, the bill:

1. Amends G.S. 130A-382 to expand the persons the Chief Medical Examiner can appoint as county medical examiners to include dentists, physical therapists, pathologists' assistants, and medicolegal death investigators.

Newly amended G.S. 130A-382 also allows the Chief Medical Examiner to appoint any person the Chief Medical Examiner determines possesses the training, education, and experience to serve as a temporary county medical examiner during a declared state of emergency.

Effective: June 29, 2023

2. Amends G.S. 90-12.7 to allow local health departments, law enforcement agencies, and other organizations to distribute naloxone hydrochloride (i.e. NARCAN[®]) that is obtained over-the-counter to persons at-risk of experiencing an opiate-related overdose and to those persons family members and friends.

[Senate Bill 206](#), [Control Sub./Opioid/Vaccine/At Home Omnibus](#), further amends G.S. 90-12.7 to expand the definition of opioid antagonist under State law to include any opioid antagonist that is approved by the federal Food and Drug Administration for the treatment of a drug overdose, allowing a local health department, law enforcement agency or other

organization to distribute any qualifying opioid antagonist that is obtained over-the-counter to persons at-risk of experiencing an opiate-related overdose and to those persons family members and friends.

Previously, a local health department, law enforcement agency, or other organization must have been prescribed naloxone by a health care practitioner in order to be authorized to distribute it.

Effective: June 29, 2023

3. Amends G.S. 122C-3 to allow for the operation of opioid treatment program facilities, opioid treatment program medication units, and opioid treatment program mobile units in the State, to be regulated by North Carolina Commission for Mental Health, Developmental Disabilities, and Substance Use Services.

Amended G.S. 122C-3 defines an “opioid treatment program” as a facility with a current and valid registration from the United States Attorney General to dispense, conduct, or research with a Schedule II, III, IV, or V controlled substance and which: (1) is engaging in dispensing and administering treatment medication approved by the Food and Drug Administration (FDA) for the treatment of individuals with opioid use disorders; and (2) has been licensed as an opioid treatment program facility by the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.

Amended G.S. 122C-3 defines an “opioid treatment program medication unit” and an “opioid treatment program mobile unit” as units that are part of an opioid treatment program and that: (1) operate at geographically separate locations from the opioid treatment program facility; (2) are sites at which treatment medication approved by the FDA for the treatment of opioid use disorder is dispensed or administered and samples are collected for drug testing or analysis; and (3) are sites where intake or initial psychosocial and medical assessments may be conducted.

Effective: the date emergency rules adopted by the North Carolina Commission for Mental Health, Developmental Disabilities, and Substance Use Services pursuant to the bill become effective.

[HOUSE BILL 192](#), 2023 Wildlife Resources Changes.-AB, makes various changes to the laws regarding wildlife. Of interest to the criminal justice community, the bill:

1. Amends G.S. 113-270.3 to allow the North Carolina Wildlife Resources Commission (Commission) to issue a Bonus Chronic Wasting Disease (CWD) Deer license entitling the holder of the license to take two (2) deer of either sex in an area identified by the Commission for special management action due to the presence of or potential for CWD during seasons and pursuant to methods authorized by the Commission. Newly amended G.S. 113-270.3 also provides that this newly allowed license expires on June 30 of each year.

Effective: June 30, 2023

2. Amends G.S. 113-291.2 to authorize the Executive Director of the Commission, when notified of a new confirmed chronic wasting disease-positive cervid (i.e. deer) in the State, to issue proclamations to establish and modify primary surveillance areas, secondary surveillance areas, and mandatory sampling requirements for deer taken in those areas without going through the formal process for exercising emergency powers in G.S. 113-306 and without going through the formal administrative rule-making process contained in Chapter 150B of the General Statutes.

Effective: June 30, 2023

3. Amends G.S. 100-2.1 to allow objects of remembrance commemorating law enforcement officers of the Commission killed in the line of duty to be relocated or removed without the approval of the North Carolina Historical Commission.

Effective: June 30, 2023

4. Amends G.S. 14-401.24 to allow the use of an unmanned aircraft or unmanned aircraft system during, immediately preparatory to, or immediately subsequent to the taking of fish for (1) spotting; locating; recording; broadcasting; or streaming video of fish; or (2) deploying bait.

Previously, it was a Class 1 misdemeanor for any person to fish using an unmanned aircraft system with no exceptions.

Effective: July 1, 2023 and applies to activities occurring on or after that date.

[HOUSE BILL 193](#), [AOC Ct Changes/Amd Expunction](#), makes various changes to the laws regarding the administration of justice. Of interest to the criminal justice community, the bill:

1. Amends G.S. 162-9 to allow the board of county commissioners (board) to take and approve the official bond of the sheriff on or before the first Monday of December next after the election. Newly amended G.S. 162-9 also clarifies that upon taking and approving the official bond of the sheriff, the board of county commissioners must register the bond with the register of deeds and file the bond with the clerk of superior court.

Previously, the board of county commissioners were required to take and approve the official bond of the sheriff ON (not before) the first Monday of December next after the election.

Effective: July 21, 2023

2. Amends G.S. 15A-145.5 to add the offense of felony breaking or entering to the list of nonviolent felonies eligible for expunction under that statute.

Newly amended G.S. 15A-145.5 allows a person to file a petition for expunction of one felony breaking and entering conviction after 15 years from the date of conviction or the expiration of any active sentence, period of probation, or post-release supervision imposed for the conviction, whichever is later.

Currently, a conviction for felony breaking and entering is not eligible for expunction if the person committed the offense when they were 18 years of age or older and was not a human trafficking victim at the time of the commission of the offense.

Effective: December 1, 2023 and applies to petitions filed on or after that date.

3. Extends the pause on automatic expunctions by operation of law of dismissed charges and not guilty verdicts under the [Second Chance Act](#) (SL 2020-35) until July 1, 2024.

Previously, the temporary moratorium on automatic expunctions under the [Second Chance Act](#) was set to expire on August 1, 2023.

Effective: July 21, 2023

[HOUSE BILL 259](#), [2023 Appropriations Act](#), contains the budget for the 2023-2025 fiscal biennium, which makes various appropriations and changes to State law. Of interest to the criminal justice community, the bill:

1. Appropriates to the North Carolina Department of Public Instruction \$25 million in nonrecurring funds for the 2023-2024 fiscal year and \$35 million in nonrecurring funds for the 2024-2025 fiscal year for the School Safety Grants Program, to support students in crisis, school safety training, safety equipment in schools, to implement an Artificial Intelligence (AI) School Safety Pilot Program in New Hanover County Schools and Davidson County Schools, and to subsidize the School Resource Officer Grants Program.

Applications for grants by public schools must include an assessment, performed in conjunction with a local law enforcement agency, of the need for improving school safety within the public school unit that would receive the funding or services.

Effective: October 3, 2023

2. Enacts G.S. 115C-391.2 to require all policies adopted by governing bodies of public school units regarding searches of students or their property to be consistent with the federal and State constitutions, as well as State and federal laws.

G.S. 115C-391.2 also requires that student searches be conducted in private by one school official and one adult witness, both of whom shall be the same sex as the student.

G.S. 115C-391.2 also allows the governing body of a public school unit to adopt a policy providing that searches conducted with a walk-through metal detector, handheld wand, or other similar minimally intrusive device designed to detect weapons and regularly used for

security scanning may be conducted in public and/or by a person of the opposite sex as the student searched.

Effective: July 1, 2023

3. Appropriates to the North Carolina Department of Health and Human Services (DHHS) \$29 million in nonrecurring funds for the 2023-2024 fiscal year and \$70 million in nonrecurring funds for the 2024-2025 fiscal year to be used for either or both of the following programs:
 - (i) Community-based pre-arrest diversion and reentry programs and to fund local partnerships between law enforcement, counties, and behavioral health providers.
 - (ii) Community-based and detention center-based restoration programs.

DHHS, Division of Mental Health, Developmental Disabilities, and Substance Use Services is required to consult with the North Carolina Department of Adult Correction (DAC) in developing, implementing and operating the programs above.

Effective: July 1, 2023

4. Appropriates to DHHS, Division of Mental Health, Developmental Disabilities, and Substance Use Services from the Opioid Abatement Fund \$3.6 million in nonrecurring funds for the 2023-2024 fiscal year and \$4.4 million in nonrecurring funds for the 2024-2025 fiscal year, to be allocated as grants to various entities, including:
 - (i) Clay County- \$1 million for the 2024-2025 fiscal year
 - (ii) Pamlico County- \$1 million for the 2024-2025 fiscal year
 - (iii) Surry County- \$1 million for the 2024-2025 fiscal year

The bill requires that the grants above only be used to fund opioid remediation programs, services, and activities within the State.

Effective: July 1, 2023

5. Amends G.S. 130A-385 to require the North Carolina Office of the Chief Medical Examiner (OCME) to conduct comprehensive toxicology screening in all child death cases that fall under the jurisdiction of the medical examiner, including deaths occurring in jail or law enforcement custody.

Effective: January 1, 2024 and applies to child death cases pending or initiated on or after that date.

6. Amends G.S. 130A-389 to require the Chief Medical Examiner (or their designee) to perform an autopsy or other study in any case in which the district attorney or the county asserts to the Chief Medical Examiner, or to the medical examiner of the county in which the body was located, that there is probable cause to believe that the criminal offense of Death by Distribution of Certain Controlled Substances has been committed.

Amended G.S. 130A-389 also increases the fee for certain autopsies, including the autopsy described above, to \$5,800, and the county in which the deceased resided is required to pay \$3,625. The State is required to pay the remainder of the fee, unless the death occurred outside the deceased's county of residence, in which case the State pays the entire fee.

Effective: July 1, 2023

7. Appropriates to OCME \$2 million in recurring funds for the 2023-2024 fiscal year and \$2 million in recurring funds for the 2024-2025 fiscal year to be used to increase the capacity of the medical examiner system to perform autopsies.

Effective: July 1, 2023

8. Requires OCME, in collaboration with entities specified in the bill, including State and local law enforcement agencies, to develop and submit to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division of the General Assembly by March 1, 2024 a strategic plan for improving the operation and efficiency of the State's medical examiner system to enable the performance of timely, high-quality death investigations of all appropriately identified deaths occurring in North Carolina.

Effective: July 1, 2023

9. Appropriates to the OCME \$2 million in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funds for the establishment of the South Piedmont Regional Autopsy Center, which would serve at least the following counties: Anson, Cabarrus, Gaston, Montgomery, Moore, Richmond, Rowan, Stanly, and Union.

Effective: July 1, 2023

10. Enacts G.S. 7B-905.2 to allow the director of a county department of social services to request, but not require, a high-risk juvenile transporter to transport a high-risk juvenile for placement in abuse, neglect, and dependency proceedings.

G.S. 7B-905.2 defines "high-risk juvenile" as a juvenile who is under 18 who has been abused or neglected, who has serious emotional, mental, or behavioral disturbances that pose a risk of harm to self or others, and who resides outside of a residential placement due to the serious emotional, mental, or behavioral disturbances. G.S. 7B-905.2 defines "high-risk juvenile transporter" as a law enforcement agency, the Division of Juvenile Justice of the North Carolina Department of Public Safety, or the North Carolina Department of Adult Correction and includes designated staff of those agencies.

G.S. 7B-905.2 authorizes a high-risk juvenile transporter to use reasonable force to restrain the high-risk juvenile if it appears necessary to protect the high-risk juvenile transporter or other individuals.

G.S. 7B-905.2 also grants immunity from civil or criminal liability to high-risk juvenile transporters who act in good faith, unless the conduct amounts to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

Effective: July 1, 2023

11. Amends G.S. 143-215.107A to only require motor vehicle emissions inspections on vehicles in Mecklenburg County. Currently, motor vehicle emissions inspections are required on vehicles in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, New Hanover, Randolph, Rowan, Union and Wake.

Effective: The first day of the month that is 60 days after the Secretary of the North Carolina Department of Environmental Quality certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved an amendment to the North Carolina State Implementation Plan, and applies to motor vehicles inspected, or due to be inspected, on or after that date.

12. Amends G.S. 7A-133 to allow the clerks of superior court, with the written or emailed consent of the chief district court judge, to hire one deputy or assistant clerk in lieu of one of the magistrate positions allocated to the county. Amended G.S. 7A-133 also requires the clerk of superior court's office to provide some of the services traditionally provided by the magistrates' office during some or all of the regular courthouse hours.

Effective: July 1, 2023

13. Amends G.S. 7A-30 to eliminate an appeal as of right to the Supreme Court of North Carolina in cases in which there is a dissent when the North Carolina Court of Appeals is sitting in a panel of three judges.

Effective: October 3, 2023 and applies to appellate cases filed with the North Carolina Court of Appeals on or after that date.

14. Amends G.S. 14-269.4 to allow any judge of the North Carolina Court of Appeals or justice of the Supreme Court of North Carolina who possesses a valid concealed handgun permit to carry a concealed handgun in a building housing a court of the General Court of Justice if the judge or justice is in the building to discharge his or her official duties.

Previously, district and superior court judges with valid concealed handgun permits could carry a concealed handgun in a building housing a General Court of Justice, but Appeals Court judges and Supreme Court justices could not.

Effective: July 1, 2023

15. Amends G.S. 17C-22 to eliminate the definition of “eligible county” under the North Carolina Criminal Justice Fellows Program (Fellows Program) and consequently expands its reach to every county in the State. The Fellows Program currently provides forgivable loans to applicants that demonstrate an intent to be employed for at least four years in eligible criminal justice professions, including as a sheriff, deputy sheriff, detention officer, or telecommunicator. However, currently applicants must also demonstrate the intent to be employed in eligible counties, defined as counties with populations less than 200,000 according to the latest federal decennial census.

Effective: October 3, 2023 and applies to individuals participating in the Fellows Program on or after that date and to North Carolina Criminal Justice Fellows Committee extension determinations made on or after that date.

16. Continues to authorize the North Carolina Department of Adult Correction to pay the sum of \$40 per day as reimbursement to counties for the cost of housing backlogged convicted inmates remaining in a county jail who were sentenced to imprisonment in the Department of Adult Correction, Division of Prisons.

Effective: October 2, 2023

17. Enacts G.S. 143B-1457.2 to require the North Carolina Department of Adult Correction (DAC) to report the following information for DAC employees to the Joint Legislative Oversight Committee on Justice and Public Safety no later than February 1 of each year:

- (i) The number of employees charged with a criminal offense that occurred in a State prison and during the employee’s work hours.
- (ii) The number of employees disciplined, demoted, or separated from service due to misconduct.
- (iii) A description of the screening process used to select and hire employees, including any required credentials or skills, criminal background checks, personality assessments, and the process used to verify the information provided by an applicant.

Effective: July 1, 2023

18. Amends G.S. 15A-1369 to lower the age, from 65 to 55, at which an inmate can be considered a “geriatric” and therefore be eligible for medical release from custody by the North Carolina Post-Release Supervision and Parole Commission.

Effective: October 3, 2023

19. Modifies provisions within Session Law 2021-180 that provide competitive grants to sheriffs' offices for the purposes of assisting those offices in the establishment, maintenance, or expansion of jail Medication-Assisted Treatment (MAT) programs for alcohol or opioid addiction.

The bill requires the working group that is responsible for establishing the operational criteria for the grant program, application process, and evaluation of grant applications to ensure that all Federal Drug Administration (FDA) approved drugs for the treatment of opioid dependence through MAT in jails are considered as options for treatment, including but not limited to long-acting injectable medication regimes.

Effective: October 3, 2023

20. Amends G.S. 143B-2 and G.S. 143B-6 to separate the North Carolina State Bureau of Investigation (SBI) from the North Carolina Department of Public Safety (DPS) and establish the SBI as a single, unified cabinet-level department. Currently, the SBI is administratively located within DPS.

The Director of the SBI is currently appointed by the Governor and confirmed by the North Carolina General Assembly. The bill does not modify this appointment process for the Director of the SBI. However, the bill also authorizes the General Assembly to remove the Director of the SBI for specific grounds established under current state law (such as failing to perform duties required of the office) upon three-fifths vote of the membership of the Senate and three-fifths vote of the membership of the House of Representatives present and voting.

Currently, only the Governor may remove the Director of the SBI for specific grounds established under State law, such as the failure to perform the duties required of the office (misfeasance, malfeasance, and nonfeasance).

The bill also authorizes the Director of the SBI to exempt up to 10 employees of the SBI from the State Human Resources Act, in the Director's sole discretion, upon written notification of the exemption to the Director of the Office of State Human Resources. Employees exempted from the State Human Resources Act (Act) would not be protected by various provisions within the Act and could be discharged by the Director of the SBI in a much easier and quicker manner than exists under current law.

Effective: December 1, 2023

21. Appropriates to the North Carolina Department of Public Safety \$4 million in recurring funds for the 2023-2024 fiscal year to be used for the Statewide Domestic Violence Notification System, which provides a 24-hour call monitoring center and offers victims of domestic violence a GPS notification device that provides instantaneous notification if the defendant or offender is within close proximity.

Effective: July 1, 2023

22. Authorizes the State Capitol Police to contract with State agencies to provide security services in the buildings occupied by those agencies.

Effective: July 1, 2023

23. Prohibits the North Carolina Department of Justice, North Carolina Department of Adult Correction, and the North Carolina Department of Public Safety from using federally forfeited assets for new personnel positions, new projects, acquisition of real property, or repair of buildings without having the prior approval of the General Assembly.

Effective: July 1, 2023

24. Amends G.S. 150B-21.1 to require any agency subject to the rule making procedures in Article 2A of the Administrative Procedure Act, including the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission, to supplement or submit a new statement of the need for a temporary rule to the North Carolina Rules Review Commission (Commission) within 30 days of being notified by the Commission that the proposed temporary rule does not meet the criteria in the law for adoption for a temporary rule. Currently, there is no time limit set for supplementing or submitting a new statement of the need for a temporary rule to the Commission.

Amended G.S. 150B-21.1 also authorizes any agency in receipt of a proposed temporary rule returned by the Commission to file an action for declaratory judgment in Wake County Superior Court within 30 days after notification of the return of the rule by the Commission.

Amended G.S. 150B-21.1 also provides that any temporary rule will expire, at the latest, 12 months after its effective date.

Effective: October 3, 2023

25. Amends G.S. 150B-21.2 to require any agency adopting a permanent rule to hold the public hearing on its adoption no later than 60 days after the date the notice of hearing is published in the North Carolina Register. Currently, an agency may not hold a public hearing on the adoption of a permanent rule before at least 15 days have elapsed from the publication of the notice of hearing in the North Carolina Register but there is no outer limit on when the hearing can be held.

Effective: October 3, 2023

26. Amends G.S. 150B-21.4 to require any agency to submit the text of the proposed rule change and a fiscal note to the Office of State Budget and Management, the Fiscal Research Division of the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities before publishing in the North Carolina Register the proposed text of a permanent rule change which would affect

a unit of local government. Currently, agencies are only required to do this if the permanent rule change would affect “the expenditure or revenues” of a unit of local government.

Effective: October 3, 2023

27. Amends G.S. 150B-21.8 to authorize any agency in receipt of a proposed permanent rule returned by the Commission to file an action for declaratory judgment in Wake County Superior Court within 30 days after the return of the rule by the Commission.

Effective: October 3, 2023

28. Allows for the continued use of security guards at State prisons. Session Law 2020-3, which was extended previously, temporarily expanded the authority of security guards and patrol professionals that are licensed by the North Carolina Private Protective Services Board.

The bill continues to allow security guards and patrol professionals to provide security services at State prisons, such as monitoring the movement and exit and entry of individuals into the facility, manning security towers and providing perimeter security patrols.

These temporary provisions expire on June 30, 2025, unless extended again by the North Carolina General Assembly.

Effective: October 3, 2023

29. Sets the salary schedule for State law enforcement officers for the 2023-2025 fiscal biennium at \$53,477 to \$78,033 annually, depending upon the officer’s years of experience.

Effective: July 1, 2023

30. Sets the salary schedule for law enforcement officers of the North Carolina State Highway Patrol for the 2023-2025 fiscal biennium at \$55,000 to \$80,252 annually, depending upon the officer’s years of experience.

Effective: July 1, 2023

31. Sets the salary schedule for probation and parole officers for fiscal year 2023-24 at \$44,099 to \$64,348 annually and for fiscal year 2024-25 at \$45,422 to \$66,278 annually, depending upon the officer’s years of experience.

Effective: July 1, 2023

32. Enacts G.S. 143-48.39A to allow an agency, when a covered person (including a law enforcement officer) employed by the agency is killed in the line of duty, to pay the travel

expenses (including lodging) for the spouse, children, and parents of the covered person to attend a memorial service honoring the covered person.

Effective: October 3, 2023 and applies to travel expenses incurred on or after that date.

33. Amends G.S. 20-7 to extend the duration of original and renewed drivers licenses issued to individuals at least 18 years of age but less than 66 years of age from eight years to sixteen years.

Effective: July 1, 2024

Finally, while [House Bill 259](#) 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 \$900,000 in nonrecurring funds for the 2023-2024 fiscal year for the North Carolina Center for Safer Schools to conduct a school safety awareness campaign and for school threat assessment team development.
2. The bill appropriates to the North Carolina Department of Public Instruction \$850,000 in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year for the North Carolina Center for Safer Schools to fund the school anonymous tip line that facilitates anonymous reporting of school safety threats.
3. The bill appropriates to the North Carolina Department of Health and Human Services \$10 million in nonrecurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funds for a pilot program for transporting voluntary and involuntary psychiatric admissions.
4. The bill appropriates to the North Carolina Department of Public Safety \$3.2 million in nonrecurring funds for the 2023-2024 fiscal year and \$30 million in nonrecurring funds for the 2024-2025 fiscal year for the new headquarters of the North Carolina State Bureau of Investigation.
5. The bill appropriates to the North Carolina Department of Public Safety \$2 million in nonrecurring funds for the 2023-2024 fiscal year and \$5.9 million in nonrecurring funds for the 2024-2025 fiscal year for the new logistics building to house the bomb squad and Special Services Unit of the North Carolina State Bureau of Investigation.
6. The bill appropriates to the North Carolina Department of Public Safety \$2 million in nonrecurring funds for the 2023-2024 fiscal year and \$4.3 million in nonrecurring funds for the 2024-2025 fiscal year for Phase II of the State Highway Patrol training campus redevelopment.
7. The bill appropriates to the Town of Gibsonville \$575,000 in nonrecurring funds for the

2023-2024 fiscal year and \$425,000 in nonrecurring funds for the 2024-2025 fiscal year for capital improvements or equipment for the Town of Gibsonville Police Department.

8. The bill appropriates to the North Carolina Department of Health and Human Services \$165,000 in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year for two new compliance inspector positions to conduct jail inspections throughout the State.
9. The bill appropriates to the North Carolina Department of Justice \$1 million in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year for ongoing replacement and updating of equipment at the North Carolina State Crime Laboratory.
10. The bill appropriates to the North Carolina Department of Justice \$427,000 in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to support 3 additional division staff needed for the North Carolina Criminal Justice Education and Training Standards Commission.
11. The bill appropriates to the North Carolina Department of Justice \$233,000 in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to support 3 additional division staff needed for the North Carolina Sheriffs' Education and Training Standards Commission.
12. The bill appropriates to the North Carolina Department of Justice \$627,000 in nonrecurring funds for the 2023-2024 fiscal year for use by the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to fully implement the Rap Back program.
13. The bill appropriates to the Columbus County Sheriff's Office \$980,000 in nonrecurring funds for the 2023-2024 fiscal year for facility upgrades to the Columbus County jail.
14. The bill appropriates to the North Carolina Association of Chiefs of Police \$750,000 in nonrecurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide local law enforcement agencies with funding to support employee performance and wellness management systems.
15. The bill appropriates to the North Carolina Department of Public Safety \$1 million in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to fund operations at the Dillon Juvenile Detention Center in Granville County.
16. The bill appropriates to the North Carolina Department of Public Safety \$4 million in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to fund staffing and operations at the Rockingham Youth Development Center in Rockingham County.
17. The bill appropriates to the North Carolina Department of Public Safety \$3.3 million in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to fund

staffing and operations at the Richmond Juvenile Detention Center in Rockingham County.

18. The bill appropriates to the North Carolina Department of Public Safety \$450,000 in recurring funds for the 2023-2024 fiscal year and \$450,000 in recurring funds for the 2024-2025 fiscal year for 4 administrative positions at the North Carolina State Bureau of Investigation.
19. The bill appropriates to the North Carolina Department of Public Safety \$347,000 in recurring funds and \$138,746 in nonrecurring funds for the 2023-2024 fiscal year and \$694,000 in recurring funds for the 2024-2025 fiscal year for 1 sworn agent and 5 non-sworn criminal intelligence analyst positions at the North Carolina State Bureau of Investigation to aid with investigations related to “Cybertips,” a system for tracking and investigating internet and digital crimes against children.
20. The bill appropriates to the North Carolina Department of Public Safety \$1 million in nonrecurring funds for the 2023-2024 fiscal year and \$1.1 million in recurring funds for the 2024-2025 fiscal year for 8 additional sworn agent positions at the North Carolina State Bureau of Investigation to aid with investigations related to officer-involved shootings, officer-involved use of force incidents, death in custody cases and in organized retail theft cases.
21. The bill appropriates to the North Carolina Department of Public Safety \$2 million in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year to fund the continued operations of the statewide school mobile panic alarm program, the State Emergency Response Application, and the State Risk Management Portal, all of which are designed to increase school safety.
22. The bill appropriates to the North Carolina Department of Adult Correction \$1.5 million in recurring funds for both the 2023-2024 fiscal year and the 2024-2025 fiscal year for equipment and drug testing for offenders under community supervision.
23. The bill appropriates to Alamance County Community College \$5.5 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment associated with the Community College’s law enforcement training facility and indoor firing range.
24. The bill appropriates to the Alamance County Sheriff’s Office \$100,000 in nonrecurring funds for the 2023-2024 fiscal year.
25. The bill appropriates to the Beaufort County Sheriff’s Office \$125,000 in nonrecurring funds for the 2023-2024 fiscal year.
26. The bill appropriates to the Bladen County Sheriff’s Office \$150,000 in nonrecurring funds for the 2023-2024 fiscal year for a sheriff’s office training center and related equipment.
27. The bill appropriates to the Burke County Sheriff’s Office \$100,000 in nonrecurring funds

for the 2023-2024 fiscal year.

28. The bill appropriates to the Burke County Law Enforcement Assistance Foundation \$50,000 in nonrecurring funds for the 2023-2024 fiscal year.
29. The bill appropriates to Cabarrus County \$300,000 in nonrecurring funds for the 2023-2024 fiscal year to purchase bomb squad equipment.
30. The bill appropriates to the Cabarrus County Sheriff's Office \$1.3 million in nonrecurring funds for the 2023-2024 fiscal year to support a wellness program and to purchase bomb squad equipment.
31. The bill appropriates to Camden County \$108,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of law enforcement vehicles and related equipment.
32. The bill appropriates to Carteret County \$5 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements (including expansion) to the Carteret County jail and for associated equipment.
33. The bill appropriates to the City of Bessemer City \$2.1 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements to the Bessemer City police and fire departments.
34. The bill appropriates to the City of Concord \$1 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment at the City of Concord Police Department.
35. The bill appropriates to the City of Salisbury \$10 million in nonrecurring funds for the 2023-2024 fiscal year to support the City's fire and law enforcement departments.
36. The bill appropriates to the City of Southport \$201,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of equipment for the City of Southport Police Department.
37. The bill appropriates to the Cleveland County Sheriff's Office \$630,000 in nonrecurring funds for the 2023-2024 fiscal year.
38. The bill appropriates to Craven Community College \$12 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment at the College's public safety training center.
39. The bill appropriates to the Craven County Sheriff's Office \$200,000 in nonrecurring funds for the 2023-2024 fiscal year.
40. The bill appropriates to Davie County \$5.7 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements, including capital improvements for law enforcement.

41. The bill appropriates to Duplin County \$11 million in nonrecurring funds for the 2023-2024 fiscal year for the development and construction of a sheriff's office and detention center.
42. The bill appropriates to Gaston County \$325,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of safety equipment at the Gaston County Sheriff's Office.
43. The bill appropriates to Gates County \$300,000 in nonrecurring funds for the 2023-2024 fiscal year for vehicles and equipment at the Gates County Sheriff's Office.
44. The bill appropriates to Halifax County \$8.2 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements and equipment at the Halifax County Sheriff's Office, Halifax County Jail and the Halifax County Courthouse.
45. The bill appropriates to Harnett County \$166,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of body scanner and related equipment for the Harnett County Sheriff's Office.
46. The bill appropriates to Harnett County \$2.7 million in nonrecurring funds for the 2023-2024 fiscal year for the purchase of a standby power generator for the Harnett County Detention Center.
47. The bill appropriates to the Henderson County Sheriff's Office \$416,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of a bomb squad robot, X-ray equipment and crime scene lab equipment for the Henderson County Sheriff's Office.
48. The bill appropriates to the Hertford County Sheriff's Office \$245,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of equipment for the Hertford County Sheriff's Office and the detention center.
49. The bill appropriates to the Hyde County Sheriff's Office \$300,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements and equipment for the Hyde County Sheriff's Office.
50. The bill appropriates to the Iredell County Sheriff's Office \$200,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment for the Iredell County Sheriff's Office.
51. The bill appropriates to Johnston County \$222,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase or upgrade of radios to be used by water rescue teams at the Johnston County Sheriff's Office or fire departments.
52. The bill appropriates to the Lincoln County Sheriff's Office \$1.6 million in nonrecurring funds for the 2023-2024 fiscal year.

53. The bill appropriates to the Montgomery County Sheriff's Office \$300,000 in nonrecurring funds for the 2023-2024 fiscal year.
54. The bill appropriates to Nash County \$5 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements to the Nash County detention facility, and for related equipment.
55. The bill appropriates to the Nash County Sheriff's Office \$420,000 in nonrecurring funds for the 2023-2024 fiscal year to purchase and upfit vehicles, and for related equipment.
56. The bill appropriates to Nash County \$2.1 million in nonrecurring funds for the 2023-2024 fiscal year to support the construction of a warehouse for use by the Nash County Sheriff's Office and EMS.
57. The bill appropriates to the North Carolina Troopers Association Caisson Unit \$300,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment.
58. The bill appropriates to Northampton County \$2.5 million in nonrecurring funds for the 2023-2024 fiscal year to support the capital needs of the detention center.
59. The bill appropriates to the Pamlico County Sheriff's Office \$3 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements and equipment for the Pamlico County Sheriff's Office.
60. The bill appropriates to Robeson County \$350,000 in nonrecurring funds for the 2023-2024 fiscal year for law enforcement training.
61. The bill appropriates to the Robeson County Sheriff's Office \$150,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase of a helicopter and for related maintenance costs.
62. The bill appropriates to Rowan County \$720,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase or upgrade of vehicles and equipment for the Rowan County Sheriff's Office, and for training.
63. The bill appropriates to Rutherford County \$10 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements to the Rutherford County detention center or for related equipment.
64. The bill appropriates to the Rutherford County Sheriff's Office \$421,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase or upgrade of equipment at the Rutherford County Sheriff's Office.
65. The bill appropriates to the Sampson County Sheriff's Office \$150,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment at the Sampson County Sheriff's Office.

66. The bill appropriates to Stanly Community College \$8.2 million in nonrecurring funds for the 2023-2024 fiscal year for a basic law enforcement training building.
67. The bill appropriates to the Stanly County Sheriff's Office \$300,000 in nonrecurring funds for the 2023-2024 fiscal year.
68. The bill appropriates to Stokes County \$100,000 in nonrecurring funds for the 2023-2024 fiscal year for the Stokes County Sheriff's Office.
69. The bill appropriates to the Town of Ahoskie \$250,000 in nonrecurring funds for the 2023-2024 fiscal year for police department vehicles and related equipment.
70. The bill appropriates to the Town of Fuquay-Varina \$314,000 in nonrecurring funds for the 2023-2024 fiscal year for police funding.
71. The bill appropriates to the Town of Holly Springs \$400,000 in nonrecurring funds for the 2023-2024 fiscal year for the police department emergency communication center.
72. The bill appropriates to the Town of Matthews \$250,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment for the Matthews Police Department.
73. The bill appropriates to the Town of Mint Hill \$750,000 in nonrecurring funds for the 2023-2024 fiscal year for the infrastructure and equipment needs of the Mint Hill Police Department.
74. The bill appropriates to the Town of Ranlo \$150,000 in nonrecurring funds for the 2023-2024 fiscal year for the purchase or upgrade of Ranlo Police Department vehicles.
75. The bill appropriates to the Town of Spindale \$2 million in nonrecurring funds for the 2023-2024 fiscal year for improvements to the town hall and fire and police services.
76. The bill appropriates to the Town of Surf City \$200,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements and related equipment for the Surf City Police Department.
77. The bill appropriates to the Town of Swansboro \$3 million in nonrecurring funds for the 2023-2024 fiscal year for the construction of the Emergency Management and Public Safety facility.
78. The bill appropriates to the Town of Topsail Beach \$8 million in nonrecurring funds for the 2023-2024 fiscal year for the capital cost and equipment associated with the new Public Safety facility.
79. The bill appropriates to the Town of Topsail Beach \$55,000 in nonrecurring funds for the

2023-2024 fiscal year for the Town of Topsail Beach Police Department to purchase and upgrade equipment.

80. The bill appropriates to the Town of Waxhaw \$335,000 in nonrecurring funds for the 2023-2024 fiscal year for the Town of Waxhaw Police Department to purchase public safety equipment.
81. The bill appropriates to the Town of Wilson's Mills \$3 million in nonrecurring funds for the 2023-2024 fiscal year for the capital improvements and related equipment for the Town of Wilson's Mills Police Department and town hall.
82. The bill appropriates to the Vance County Sheriff's Office \$691,000 in nonrecurring funds for the 2023-2024 fiscal year for body-worn cameras and other equipment.
83. The bill appropriates to the Warren County Sheriff's Office \$500,000 in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment.
84. The bill appropriates to Wilson County \$750,000 in nonrecurring funds for the 2023-2024 fiscal year for a command center in the Wilson County Sheriff's Office.
85. The bill appropriates to the Yancey County Sheriff's Office \$2 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment at the Yancey County Sheriff's Office.
86. The bill appropriates to Winston-Salem State University \$4 million in nonrecurring funds for the 2023-2024 fiscal year for capital improvements or equipment at campus police facilities.

[HOUSE BILL 347](#), Sports Wagering/Horse Racing Wagering, enacts Article 9 and Article 10 in Chapter 18C of the North Carolina General Statutes, which together authorize sports wagering on professional sports, amateur sports, and college sports and the placing of pari-mutuel wagers on the outcome of horse races within the State subject to regulation and licensing by the North Carolina State Lottery Commission. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 18C-901, which defines "sports wager or sports wagering" as the placing of wagers on any of the following: (1) a sporting event; (2) a portion of a sporting event, or (3) the individual performance statistics of athletes in a sporting event or combination of sporting events.
2. Enacts G.S. 18C-902, which provides that any sports wagering (such as betting on college sports and professional sports) conducted lawfully under the terms of the bill will not constitute a crime under Article 37 of Chapter 14 of the North Carolina General Statutes, "Lotteries, Gaming, Bingo and Raffles."

Newly enacted G.S. 18C-902 does not authorize wagering on youth sports, wagering on the occurrence of injuries or penalties, the outcome of disciplinary proceedings against a participant in a sporting event, or the outcome of replay reviews.

Newly enacted G.S. 18C-902 makes it unlawful:

- (i) For a person under the age of 21 to engage in sports wagering.
 - (ii) For a person who has been adjudicated by law as prohibited from engaging in sports wagering to engage in sports wagering.
 - (iii) For a member or employee of the North Carolina State Lottery Commission (Commission) to place a sports wager within the State.
 - (iv) For an employee or key person of an interactive sports wagering operator or service provider licensee to place sports wagers with that interactive sports wagering operator.
 - (v) For a participant in the sporting event to engage in sports wagering on that sporting event.
 - (vi) For an employee or staff member of a sports governing body to place a sports wager on a sporting event with which that individual or governing body is affiliated.
3. Enacts G.S. 18C-918, which creates the following criminal penalties:
- (i) Makes it a Class 2 misdemeanor to knowingly offer or engage in sports wagering except as specified in the bill.
 - (ii) Makes it a Class 2 misdemeanor to engage in sports wagering while under the age of 21.
 - (iii) Makes it a Class G felony to knowingly attempt to suborn, collude, or otherwise conspire to influence the outcome of any competition or aspect of any competition that is the subject of lawful sports wagering under the bill.
 - (iv) Makes it a Class I felony for an applicant for an interactive sports wagering license, a service provider license, or sports wagering supplier license to willfully furnish, supply, or otherwise give false information on the license application.
4. Enacts 18C-1001, which defines “pari-mutuel wager or pari-mutuel wagering” as a form of wagering on the outcome of horse races, whether live or simulcast, in which wagers are

made on one or more horses and all wagers are pooled and held by the host of the race or the advance deposit account wager (ADW) licensee for distribution.

5. Enacts G.S. 18C-1015, which prohibits pari-mutuel wagering by any individual who:
 - (i) Is under the age of 21.
 - (ii) Has been adjudicated by law as prohibited from engaging in pari-mutuel wagering.
 - (iii) Is a member or employee of the Commission.
 - (iv) Has requested and not revoked a voluntary exclusion designation from sports wagering.

6. Enacts G.S. 18C-1020, which creates the following criminal penalties:
 - (i) Makes it a Class 2 misdemeanor to knowingly offer or engage in pari-mutuel wagering except as specified in the bill.
 - (ii) Makes it a Class 2 misdemeanor to engage in pari-mutuel wagering while under the age of 21.
 - (iii) Makes it a Class G felony to knowingly attempt to suborn, collude, or otherwise conspire to influence the outcome of any competition that is the subject of pari-mutuel wagering.
 - (iv) Makes it a Class I felony for an applicant for an ADW license to willfully furnish, supply, or otherwise give false information on the license application.

7. Amends G.S. 18B-1005 to authorize holders of North Carolina Alcoholic Beverage Control Commission permits (ABC permittees) to allow lawful sports wagering and pari-mutuel wagering conducted under Articles 9 and 10 of Chapter 18C of the General Statutes to be conducted on their premises.

Effective: January 8, 2024

[HOUSE BILL 378, Firefighters Criminal History Record Checks](#), makes various changes to the law surrounding criminal records checks for firefighters. Of interest to the criminal justice community, the bill:

1. Amends G.S. 143B-943 to provide that the criminal history record check required by [Session Law 2022-8, Arson Law Revisions](#), for applicants for paid or volunteer positions providing fire-fighting or prevention services can be conducted through the office of the

clerk of superior court or a third-party vendor if the applicant has been a resident of North Carolina for 5 years or more and does not report any charges or convictions on their application.

Amended G.S. 143B-943 also provides that criminal history record checks of current members of fire departments can be conducted through the office of the clerk of superior court or a third-party vendor if the person has been a resident of North Carolina for 5 years or more and does not report any charges or convictions on their application.

Previously, all required criminal history records checks for current members of and applicants to fire departments were required to be conducted through the North Carolina Department of Public Safety.

Amended G.S. 143B-943 also exempts applicants for junior membership and junior members of fire departments under the age of 18 from being subjected to a criminal history record check.

Previously, all applicants for positions providing fire-fighting or prevention services were required to have a criminal history record check performed upon them, regardless of age.

2. Amends G.S. 153A-233 to require counties to ensure that any city or other unit of local government or nonprofit volunteer fire department which whom they contract for fire-fighting or prevention services obtains criminal history record checks on any applicants for paid or volunteer positions providing fire-fighting or prevention services prior to offering those applicants positions.

Previously, counties were required to ensure that cities, other units of local government, and incorporated volunteer fire department with whom they contracted obtained criminal history record checks for any applicant, regardless of if the position was ultimately offered to the applicant.

3. Amends G.S. 153A-234 and G.S. 160A-292 to require fire marshals and fire chiefs to obtain a criminal history record check on an applicant for a paid or volunteer position with the fire department prior to offering that applicant the position.

Previously, fire marshals and fire chiefs had to obtain criminal history record checks for any applicant to a paid or volunteer position, regardless of if the position was ultimately offered to the applicant.

Effective: July 21, 2023 and applies to applications submitted and current members serving on or after that date.

[HOUSE BILL 387](#), [Medal of Valor Award for First Responders](#), amends G.S. 147-12 and 143A-13 to authorize the Governor and the Lieutenant Governor to each award the “Medal of Valor Award” to two first responders and one entire unit of first responders each calendar year.

Amended G.S. 147-12 and 143A-13 also authorize the Governor and the Lieutenant Governor to each award the “Medal of Valor Award” to one additional first responder each calendar year, under special circumstances to be determined by the Governor or Lieutenant Governor.

The “Medal of Valor Award” is awarded to first responders who have performed great acts of heroism, while under threat of personal risk to their safety, beyond the call of duty in the field.

Amended G.S. 147-12 and G.S. 143A-13 defines a “first responder” to include any firefighter, paramedic, law enforcement officer, emergency medical services personnel, or rescue squad member.

The bill also requires the Governor and the Lieutenant Governor to each maintain an internet accessible link and application form on a State website where nominations can be submitted and which contains information about the Medal of Valor Award.

Effective: July 10, 2023

[HOUSE BILL 411](#), General Assembly Appointments, 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 March 30, 2023, Alexis T. Townsend of Burke County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term expiring June 30, 2023.

The President Pro Tempore of the Senate appoints:

1. Effective March 30, 2023, Richard A. Epley of Burke County is appointed to the North Carolina Private Protective Services Board for a term expiring July 1, 2024.
2. Effective March 30, 2023, Avis Watkins-Smith of Harnett County is appointed to the Domestic Violence Commission for a term expiring August 31, 2023.

[HOUSE BILL 415](#), Stop Addiction Fraud Ethics Act of 2023, enacts Article 5H in Chapter 90 of the North Carolina General Statutes, which governs the advertising of substance use disorder treatment service providers and facilities. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 90-113.151 which makes it a Class G felony to do any of the following:
 - (i) For a treatment provider, treatment facility, recover residence, or third party providing services to the previously mentioned provider, facility or residence to knowingly make a materially false or misleading statement, with the intent to defraud any person, about the nature, identity, or location of substance use disorder treatment services or a recovery residence in any advertising materials, on a call line, on an internet website, or in any other marketing materials.

- (ii) For a treatment provider, treatment facility, recovery residence, or third party providing services to the previously mentioned provider, facility or residence to knowingly make a false or misleading statement, with the intent to defraud any person, about the treatment provider's status as an in-network or out of network provider, the credentials, qualifications, or experiences of persons providing treatment or services, or the rate of recovery or success in providing services.
 - (iii) For any person or entity to knowingly provide, or direct any other person or entity to provide, false or misleading information, with the intent to defraud another person, about the identity of, or contact information for, any provider.
 - (iv) For any person or entity to knowingly include false or misleading information, with the intent to defraud another person, about the internet website or any treatment provider, or to surreptitiously direct or redirect the reader to another website.
 - (v) For any person or entity to knowingly make a materially false or misleading statement that a relationship with a treatment provider exists, with the intent to defraud another person, unless the treatment provider has provided express, written consent to indicate such a relationship.
 - (vi) For any person or entity to knowingly make a materially false or misleading statement about substance use disorder treatment services, with the intent to defraud another person.
2. Enacts G.S. 90-113.152 which makes it a Class G felony for any person or entity, including a treatment provider, treatment facility, recovery residence, or third party providing services to the previously mentioned provider, facility or residence, to do any of the following:
- (i) Knowingly offer or pay anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient to or from a treatment provider or laboratory.
 - (ii) Knowingly solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient to or from a treatment provider or laboratory.
 - (iii) Knowingly solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgement or treatment from a health care provider or health care facility.
 - (iv) Knowingly aid or abet any conduct described above.

Effective: January 1, 2024 and applies to offenses committed on or after that date.

[HOUSE BILL 605](#), [School Threat Assessment Teams](#), makes various changes to the laws surrounding school safety. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 115C-105.65 which requires the governing body of a public-school unit to adopt a policy for the development of “threat assessment teams,” which are multidisciplinary teams that include, but are not limited to, persons with expertise in counseling, instruction, school administration, and law enforcement that work to identify, assess, and manage students who might pose a threat to the safety of the school.

Newly enacted G.S. 115C-105.65 also requires the superintendent of a public school to establish a threat assessment team for each school within the unit. Each threat assessment team must: (1) provide training to students and faculty regarding recognition and reporting of threatening behavior; (2) identify members of the school community to whom threatening behavior shall be reported; (3) utilize anonymous reporting applications for students for sharing information about school safety concerns; and (4) upon finding a credible threat, recommend that the individual involved be referred for mental health services and/or provide notice to the individuals who are the subject of threatening behavior.

Effective: July 7, 2023 and applies beginning with the 2024-2025 school year. Note: Public school units must also establish threat assessment teams as required by the bill no later than March 1, 2024.

2. Amends G.S. 115C-105.52 to require the Department of Public Instruction and the Center for Safer Schools, in consultation with the Department of Public Safety, to develop and adopt policies on the placement of school crisis kits in schools and on the contents of those kits, which must include at a minimum, basic first-aid supplies and communications devices.

Effective: July 7, 2023 and applies beginning with the 2024-2025 school year.

3. Amends G.S. 115C-551 and G.S. 115C-559 to encourage private church or religious schools and qualified nonpublic schools to adopt School Risk Management Plans (SRMP), provide schematic diagrams and keys to the main entrance to local law enforcement, stock school crisis kits, conduct annual school safety exercises with local law enforcement, and provide schematic diagrams and requested information to the Department of Public Safety, Division of Emergency Management.

Effective: July 7, 2023 and applies beginning with the 2024-2025 school year.

[HOUSE BILL 611](#), [Modify Training/Standards Commissions Power](#), makes various changes to the authority of the North Carolina Sheriffs’ Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (the Commissions). Of interest to the criminal justice community, the bill:

1. Amends G.S. 17C-13 and 17E-12 to prohibit the Commissions from denying, suspending, or revoking a person’s certification based on a felony conviction which has been expunged, pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A, because the felony was a non-violent or low-level felony committed by a person under the age of 18.

Due to Section 16D.4 of [Session Law 2017-57](#), also known as the “Raise the Age Act,” and subsequent amendments, the number of individuals qualifying for expunction under G.S. 15A-145.4 or G.S. 15A-145.8A should steadily decrease moving forward as individuals under the age of 18 who commit crimes are now considered delinquent juveniles and are evaluated for “adjudication” in juvenile court as a starting point, rather than being automatically subject to “conviction” in adult court.

2. Prohibits the Commissions from finding that a person has performed the acts necessary to satisfy the elements of a specified criminal offense and using that finding in denying, suspending, or revoking a person’s certification if a conviction for that offense has been expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A.
3. Requires the Commissions to adopt a permanent administrative rule specifying that the terms “commission of offense,” “convicted,” and “conviction” in Chapter 12 of the North Carolina Administrative Code do not include offenses expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A.
4. Amends G.S. 17E-5 to clarify that any papers, documents, or other records which become the property of the North Carolina Sheriffs’ Education and Training Standards Commission (Sheriffs’ Commission) that are placed in a criminal justice officer’s personnel file maintained by the Sheriffs’ Commission are subject to the same confidentiality laws as personnel files generally.

Effective: June 23, 2023

[HOUSE BILL 790, Innocence Inquiry Commission Provisions](#), makes various changes to the laws relating to the North Carolina Innocence Inquiry Commission and relating to criminal procedure. Of interest to the criminal justice community, the bill:

1. Amends G.S. 15A-211 to require the electronic recording, in its entirety, of any custodial interrogation occurring at a place of detention (such as a county jail) involving a juvenile in a criminal investigation or a person of any age being interviewed in a criminal investigation about any felony criminal offense. Newly amended G.S. 15A-211 also requires the electronic recording to reflect all starting and ending times and dates, including the starting time and date of the recess and the resumption of the interrogation.

Currently, electronic recordings are required for all custodial interrogations taking place at a place of detention that involve either a detained juvenile in any criminal investigation or a person of any age being detained and interviewed in a criminal investigation regarding the following criminal offenses: any Class A, B1, or B2 felony, and any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious

injury.

Newly amended G.S. 15A-211 also requires that recordings of non-defendant custodial interrogations be provided to the juvenile or criminal defendant pursuant to juvenile or criminal discovery.

Effective: October 1, 2023 and applies to custodial interrogations occurring on or after that date.

2. Enacts G.S. 15A-981 which requires all interviews of in-custody informants by a law enforcement officer to be recorded using a visual recording device that provides an authentic, accurate, unaltered, and uninterrupted record of the interview that clearly shows both the interviewer and the in-custody informant.

Newly enacted G.S. 15A-981 defines “in-custody informant” as a person, other than a co-defendant, accomplice, or co-conspirator, whose testimony is based on statements allegedly made by the defendant while both the defendant and the informant were held within a city or county jail or a State correctional institution or otherwise confined, where statements relate to offenses that occurred outside of the confinement.

Effective: October 1, 2023 and applies to offenses committed on or after that date.

[HOUSE BILL 813](#), The Pretrial Integrity Act, makes various changes to the laws surrounding pre-trial detention. Of interest to the criminal justice community, the bill:

1. Amends G.S. 7B-1906 to allow hearings on the need for continued secure custody for a juvenile to be conducted at intervals of up to 30 days if:
 - (i) the juvenile was 13, 14, or 15 years of age at the time of allegedly committing an offense that would be a Class A felony if committed by an adult; or
 - (ii) the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.

Currently, hearings on the need for continued secure custody for these juveniles under the age of 16 must be conducted at an interval of no more than 10 calendar days.

Effective: October 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 15A-533 to require a judge to determine, in the judge’s discretion, if an adult defendant charged with any of the following crimes should be released before trial, and if so, upon what conditions:
 - (i) 1st or 2nd degree murder;

- (ii) attempted murder;
- (iii) 1st or 2nd degree kidnapping, forcible rape, or forcible sexual offense;
- (iv) 1st degree statutory rape or statutory sexual offense;
- (v) statutory rape or sexual offense against a child by an adult;
- (vi) statutory rape or sexual offense against a person who is 15 years or younger;
- (vii) human trafficking;
- (viii) assault with a deadly weapon with intent to kill inflicting serious injury;
- (ix) discharging a firearm into occupied property;
- (x) 1st degree burglary and arson; and
- (xi) robbery with firearm or other dangerous weapon.

Currently, a magistrate can make pretrial release determinations for all offenses except capital offenses and a judicial official must order pretrial release with appropriate conditions for a defendant charged with a noncapital offense, in some cases release upon execution of an appearance bond or house arrest with electronic monitoring.

Newly amended G.S. 15A-533 also requires a judge to determine the conditions of pretrial release for a defendant who is arrested for a new offense allegedly committed while the defendant was on pretrial release for another pending proceeding. The judge is required to direct a law enforcement officer, pretrial services program, or district attorney to provide a criminal history report, if available, for the judge to consider when setting conditions of pretrial release. A magistrate must set conditions of pretrial release under these circumstances if a judge has not done so within 48 hours of the defendant's arrest.

Newly amended G.S. 15A-533 allows a magistrate to set the conditions of pre-trial release at any time if the new offense is a violation of Chapter 20 of the General Statutes, unless the new offense is:

- (i) impaired driving;
- (ii) impaired driving in a commercial vehicle;
- (iii) operating a commercial vehicle after consuming alcohol;
- (iv) operating a school bus, school activity bus, childcare vehicle, ambulance, EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol;

- (v) habitual impaired driving;
- (vi) felony or misdemeanor death by vehicle; or
- (vii) felony or misdemeanor serious injury by vehicle.

Regardless of the new procedures for setting the conditions of pretrial release for impaired driving offenses committed while on pretrial release for another offense, arresting officers should still advise arrestees of their rights under G.S. 20-16.2 (including the right to call an attorney for advice and have a witness to any chemical analysis) and their right to an additional test under G.S. 20-139.1(d).

Effective: October 1, 2023 and applies to offenses committed on or after that date.

SENATE BILLS

[SENATE BILL 20](#), Care for Women, Children, and Families Act, makes various changes to the laws surrounding reproductive rights, safe surrender of infants, satellite monitoring of registered sex offenders, and crimes of domestic violence. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 14-32.5 which creates the offense of “Misdemeanor crime of domestic violence.” Under this new offense, a person is guilty of a Class A1 misdemeanor if that person uses or attempts to use physical force, or threatens the use of a deadly weapon, against another person and the person who commits the offense is:
 - (i) a current or former spouse, parent, or guardian of the victim;
 - (ii) a person with whom the victim shares a child in common;
 - (iii) a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian;
 - (iv) a person similarly situated to a spouse, parent, or guardian of the victim; or
 - (v) a person who has a current or recent former dating relationship with the victim.

If a person is convicted of the new offense of “Misdemeanor crime of domestic violence,” they will be prohibited from possessing a firearm under federal law.

Currently, if a person is convicted of assault on a female, even on a female with whom they have a personal relationship under Chapter 50B, they will still not be disqualified from possessing a firearm under federal law, assuming the person has no other firearms disqualifiers.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 14-33 to provide that a person is guilty of a Class A1 misdemeanor if the person assaults a pregnant woman. Currently, a person who is not a male of at least 18 years of age is only guilty of a Class 2 misdemeanor if that person assaults a pregnant woman without making contact with the pregnant woman, without inflicting serious injury or without using a deadly weapon.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Amends G.S. 14-208.40A to provide that a court may order an eligible sex offender to enroll in satellite-based monitoring for life. Currently, a court may only order a sex offender to enroll in satellite-based monitoring for a period of up to 10 years.

Effective: October 1, 2023 and applies to court orders for enrollment in satellite-based monitoring programs issued on or after that date.

4. Amends G.S. 14-208.40A to require a court to order that the North Carolina Department of Adult Correction (DAC) perform a risk assessment of an offender to determine if the offender should be enrolled in satellite-based monitoring if the court finds that the offender is a reoffender of:

- (i) first-degree or second-degree forcible rape;
- (ii) statutory rape of a child by an adult;
- (iii) first-degree statutory rape;
- (iv) statutory rape of person who is 15 years of age or younger when the offender is at least 6 years older than the victim;
- (v) first-degree or second-degree forcible sexual offense;
- (vi) statutory sexual offense with a child by an adult;
- (vii) statutory sexual offense with a person who is 15 years of age or younger when the offender is at least 6 years older than the victim;
- (viii) human trafficking;
- (ix) sexual servitude;
- (x) incest against a child under the age of 13 and the offender is at least 12 years old and at least 4 years older than the child;

- (xi) incest against a child who is 13, 14, or 15 and the offender is more than 4 but less than 6 years older than the child;
- (xii) first-degree sexual exploitation of a minor;
- (xiii) patronizing a prostitute who has a severe or profound mental disability;
- (xiv) promoting the prostitution of a minor or person who has a mental disability;
- (xv) felony child abuse by committing, permitting, or encouraging prostitution by or with a child less than 16 years of age; or
- (xvi) felony child abuse by allowing the commission of any sexual act upon a child.

Currently, a court is only required to order DAC to perform a risk assessment if it finds the offender is classified as a sexually violent predator, has committed an aggravated offense, was convicted of statutory rape or sexual offense of a child by an adult, or committed an offense that involved the physical, mental, or sexual abuse of a minor.

Effective: October 1, 2023 and applies to court orders for enrollment in satellite-based monitoring programs issued on or after that date.

5. Enacts new Article 5A within Chapter 7B of the General Statutes which regulates safe surrender of infants. Of interest to the criminal justice community, Article 5A of Chapter 7B of the General Statutes:

- (i) Enacts G.S. 7B-520 to allow an infant's parent(s) to surrender the infant if the infant is not reasonably believed to be more than 30 days old and does not show signs of abuse or neglect.

Currently, an infant cannot be lawfully surrendered if it is seven days of age or older.

- (ii) Enacts G.S. 7B-521 to allow any of the following individuals to take temporary custody, without a court order, of an infant reasonably believed to not be more than 30 days of age that is voluntarily delivered to the individual by the infant's parent who does not express an intent to return for the infant:
 - (a) A health care provider who is on duty or at a hospital or at a local or district health department or at a nonprofit community health center.
 - (b) A first responder, including a law enforcement officer, a certified emergency medical services worker, or a firefighter.
 - (c) A social services worker who is on duty or at a local department of social services.

- (iii) Enacts G.S. 7B-522 requiring any individual taking temporary custody of a surrendered infant to take any act necessary to protect the physical health and well-being of the infant and to immediately notify the department of social services (DSS) in the county where the infant is surrendered.

G.S. 7B-522 allows the individual taking custody of a surrendered infant to inquire as to the parents' identities, the date of birth of the infant, any relevant medical history, the parents' marital status, and to advise the parent that, if the parent provides the information, it may facilitate the adoption of the child.

However, G.S. 7B-522 requires the individual(s) taking custody to advise the parents that they are not required to provide information and, if practical, to distribute to the parents written information created by the North Carolina Department of Health and Human Services, Division of Social Services.

- (iv) Enacts G.S. 7B-524 providing that the surrendering parent's identity is confidential and requiring that the individual taking custody of the surrendered infant disclose any information collected from the surrendering parents to the director of county DSS.
- (v) Enacts G.S. 7B-525 requiring a director of county DSS who receives a safely surrendered infant to notify law enforcement of the safely surrendered infant and to provide law enforcement with information necessary to investigate through the North Carolina Center for Missing Persons and other national and State resources for missing persons.

Effective: October 1, 2023 and applies to infants safely surrendered on or after that date.

- 6. Amends G.S. 14-322.3 to provide that parents who lawfully surrender an infant under new Article 5A of Chapter 7B of the General Statutes are immune from prosecution for child abandonment or unlawful sale, surrender, or purchase of a minor.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[SENATE BILL 41](#), [Guarantee 2nd Amend Freedom and Protections](#), makes various changes to the laws surrounding firearms in the State. Of interest to the criminal justice community, the bill:

- 1. Amends G.S. 14-269.2 to allow anyone with a concealed handgun permit, or who is exempt from having to obtain one, to carry a handgun on school grounds if the school grounds also house a place of religious worship. Amended G.S. 14-269.2 allows for the carrying of a handgun on the premises of the school grounds only when the premises are NOT being used for curricular or extracurricular activities, school-sponsored activities (such as on weekends or during holidays), or for any programs for minors conducted by entities unaffiliated with the religious institution.

Amended G.S. 14-269.2 provides that property owned by a local board of education or county commission is NOT a place of religious worship where carrying handguns is permitted and also provides that carrying of handguns is prohibited, even on qualifying school grounds, if the persons in possession or control of the school grounds have posted a conspicuous notice stating that carrying handguns is prohibited.

Currently, carrying a weapon on educational property is prohibited, except in very limited circumstances. Those circumstances do not include allowing a person to carry a concealed handgun on school property that is being used for religious worship.

Effective: December 1, 2023

2. Amends G.S. 14-415.27 to allow a civilian employee of a law enforcement agency with a valid North Carolina or out-of-state concealed handgun permit to carry a concealed handgun in a law enforcement facility so long as the person has been designated in writing by the agency head to carry the handgun and has in their possession written proof of the designation. The agency head may rescind this designation at any time.

Previously, civilian employees of a law enforcement agency could not carry a concealed handgun inside a law enforcement facility, even with a valid concealed handgun permit.

Effective: July 1, 2023

3. Eliminates the requirement to obtain a pistol purchase permit before selling, giving away, transferring, purchasing, or receiving a pistol in this State. Previously, a pistol purchase permit issued by the sheriff was required to sell, give away, transfer, purchase, or receive a pistol in North Carolina.

Effective: March 29, 2023 and applies to pistols sold, given away, transferred, purchased, or received on or after that date.

4. Requires the North Carolina Department of Public Safety, in collaboration with the North Carolina Department of Health and Human Services and the North Carolina Wildlife Resources Commission, to conduct a statewide firearm safe storage awareness initiative to educate the public about the importance of the safe storage of firearms.

Effective: July 1, 2023

[SENATE BILL 58](#), Protect Critical Infrastructure, makes various changes to the laws regarding public utilities. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 14-150.2, which creates the new criminal offense, “Injuring energy facility.” Newly enacted G.S. 14-150.2 makes it a crime to knowingly and willfully destroy, injure, or otherwise damage an energy facility; to obstruct, impede, or impair the services or transmissions of an energy facility; or to attempt to do any of the acts previously mentioned.

A violation of newly enacted G.S. 14-150.2 is punished as a Class B2 felony if the violation results in the death of another, and, in all other cases, as a Class C felony. G.S. 14-150.2 also carries a mandatory fine of two hundred and fifty thousand dollars (\$250,000) for each violation.

Newly enacted G.S. 14-150.2 defines “energy facility” as any facility in operation, under construction, or otherwise not functioning that is involved in: (1) the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy; or (2) research, development, or demonstration related to the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy. The term also includes:

- (i) line, wire, pipe, or other property or equipment used as part of the normal operation of the facility; and
 - (ii) hardware, software, or other digital infrastructure necessary for the operations of a facility.
2. Amends G.S. 14-159.12 to make it a Class I felony to trespass on an energy facility or a facility owned by a public utility or a unit of local government that is used for the treatment of wastewater.

Currently, it is a Class A1 misdemeanor to trespass on an electric power supply or natural gas facility.

Amended G.S. 14-159.12 also makes it a Class G felony if the trespass is committed with the intent to disrupt the normal operation of the facility or involves an act that places the trespasser or others at risk of serious bodily injury.

Currently, this is punished as a Class H felony.

3. Amends G.S. 14-154 to make it a Class C felony to willfully injure, destroy, or pull down any telephone, broadband, broadcast, or cable telecommunications pedestal or pole, or any apparatus, equipment, or fixture used in the transmission of telephone, broadband, cable telecommunications, or wireless communications regulated by the Federal Communications Commission (FCC).

Currently, it is a Class I felony to injure, destroy, or pull down any telegraph, telephone, cable telecommunications, electric power transmission, or wireless communications pedestal, pole, or equipment. Broadband equipment is not included.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[SENATE BILL 91](#), [Amend Rule 4/Acceptance of Service](#), makes various changes to the laws regarding acceptance of service, street takeovers, courtroom procedures, sanitary district boards, and the regulation of alcoholic beverages. Of interest to the criminal justice community, the bill:

1. Amends G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure to allow a person in the State to accept service of civil process by completing an acceptance of service form provided by the North Carolina Administrative Office of the Courts.

Currently, the only way a person can accept service of civil process in the State is by notating acceptance of service on the original or copy of the civil summons and by signing and dating said summons.

Effective: December 1, 2023 and applies to actions commenced on or after that date.

2. Enacts G.S. 20-141.10 to make it unlawful for any person to operate a motor vehicle in a “street takeover.” The bill defines “street takeover” as the unauthorized taking over of a portion of highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt, contest, or exhibition.

The bill defines motor vehicle “stunt” as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. “Contest” and “exhibition” are not defined in the bill.

Newly enacted G.S. 20-141.10 makes it a Class A1 misdemeanor for a first offense of operating a motor vehicle in a street takeover, and a Class H felony for a subsequent violation within 24 months.

G.S. 20-141.10 makes it a Class A1 misdemeanor to knowingly participate in, coordinate through social media or otherwise, or to facilitate a street takeover.

G.S. 20-141.10 also makes it a Class H felony to operate a vehicle in a street takeover and assault or knowingly and willfully threaten a law enforcement officer.

Finally, newly enacted G.S. 20-141.10 subjects a vehicle involved in a street takeover to seizure in the same manner as a vehicle used in a prearranged speed competition.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Amends G.S. 18B-1000 to no longer prohibit a brewery, winery, or distillery from being considered a “bar” under our State’s alcoholic beverage control laws.

Effective: August 1, 2023

[SENATE BILL 157, Limited Provisional License Modification](#), allows, until December 31, 2023, a person who is 16 or 17 years of age to obtain a limited provisional license if the person has held a limited learner’s permit for at least 6 months.

Previously, these individuals were required to hold a limited learner’s permit for 12 months before being eligible for a limited provisional license.

Effective: May 6, 2023

The bill also amends G.S. 20-11 to require that individuals who are 16 or 17 years of age and who apply for a limited provisional license on or after January 1, 2024 to hold a limited learner's permit for at least 9 months before being eligible for the license.

Effective: January 1, 2024 and applies to applications for licenses submitted on or after that date.

Finally, the bill amends G.S. 20-11 to allow a limited provisional license holder who is not accompanied by a supervising driver to have a second passenger under 21 years of age who is not a member of the license holder's immediate family or household when that passenger is a student being driven directly to or from school.

Previously, a limited provisional license holder who was not accompanied by a supervising driver was limited to one passenger under 21 years of age who was not a member of the license holder's immediate family or household.

Effective: August 1, 2023

[SENATE BILL 171](#), [Department of Public Safety Agency Bill.-AB](#), makes various changes to the laws surrounding criminal and missing persons investigations. Of interest to the criminal justice community, the bill:

1. Amends G.S. 143B-911 to expand the jurisdiction of State Capitol Police officers to include the same authority as a deputy sheriff in a building or portion of a building owned or leased by the State, located anywhere in the State, when the State agency responsible for that building executes a written agreement for service with the State Capitol Police related to that specific building.

Previously, the State Capitol Police only had territorial jurisdiction to arrest in the corporate limits of the City of Raleigh, within one (1) mile of the corporate limits of the City of Raleigh, on property owned by or leased by the City of Raleigh, and on property owned, leased, or maintained by the State located in Wake County.

Effective: July 10, 2023

2. Amends G.S. 143B-1015 to require a law enforcement agency to enter information into The National Missing and Unidentified Persons System (NamUs) regarding a missing person or child who has been missing for more than 90 days and regarding an unidentified deceased person who has not been identified for more than 90 days.

Previously, law enforcement agencies were required to enter information into NamUs about missing persons, children and unidentified deceased persons once they had been missing/unidentified for more than 30 days.

Law enforcement agencies may still enter information into NamUs prior to the 90-day

period expiring.

Effective: July 10, 2023

3. Amends G.S. 143B-1022 to rename the North Carolina Silver Alert System the North Carolina Missing Endangered System.

Newly amended G.S. 143B-1022 requires a law enforcement agency to issue an alert for rapid statewide dissemination whenever: (1) a person or child who is believed to be suffering from dementia, Alzheimer's disease, or a cognitive impairment that would make the person or child at risk for abuse, harm, neglect or exploitation has gone missing; and (2) the law enforcement agency receives a request to issue an alert within 72 hours of the person or child going missing.

Currently, the North Carolina Center for Missing Persons is the only entity required to issue such alerts.

Amended G.S. 143B-1022 also requires law enforcement agencies to adopt guidelines and procedures for issuing such alerts and to consult with the North Carolina Department of Transportation to develop a procedure for such alerts to be posted on overhead permanent changeable message signs to enable motorists to assist in the recovery of a missing person or child.

Effective: October 1, 2023 and applies to persons or children reported missing on or after that date.

4. Enacts G.S. 127A-63 to require that a law enforcement agency or medical examiner provide records of criminal investigation or criminal intelligence to the North Carolina Adjutant General or the National Guard Staff Judge Advocate upon request, for use in a court-martial action or administrative investigation involving a member of the National Guard, unless release is prohibited by a court order.

Effective: July 10, 2023 and applies to requests made on or after that date.

5. Amends G.S. 14-208.6 to clarify that a final conviction in a State court-martial proceeding imposing confinement for any offense which is substantially similar to an offense against a minor or a sexually violent offense is a "reportable conviction," requiring a person convicted of these crimes in a court martial proceeding to be placed on North Carolina's Sex Offender and Public Protection Registry.

Effective: October 1, 2023 and applies to convictions occurring on or after that date.

6. Enacts G.S. 143B-1001 to codify that the Samarcand Training Academy (Samarcand) is established within the North Carolina Department of Public Safety (DPS) and requires Samarcand to develop a predetermined fee structure, designed to cover the actual costs of material services, for the use of its facilities. Samarcand is and was previously housed

within DPS and provides basic, in-service, and advanced training primarily for DPS law enforcement agencies, correctional officers, probation and parole officers, and juvenile justice employees.

Effective: July 10, 2023

[SENATE BILL 189, Fentanyl Drug Offenses and Related Changes](#), makes various changes to the laws surrounding drug trafficking, death by distribution, and autopsies. Of the interest to the criminal justice community, the bill:

1. Amends G.S. 90-95 to subject a person guilty of the offense of “trafficking in opium, opiate, opioid, or heroin” to a fine of \$500,000 if the substance trafficked is at least 4 grams but less than 14 grams of heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances.

Currently, the fine for trafficking at least 4 but less than 13 grams of opiate or opioid derivatives is \$50,000, regardless of the type of opiate or opioid derivative trafficked.

2. Amends G.S. 90-95 to subject a person guilty of the offense of “trafficking in opium, opiate, opioid, or heroin” to a fine of \$750,000 if the substance trafficked is at least 14 grams but less than 28 grams of heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances.

Currently, the fine for trafficking at least 14 but less than 28 grams of opiate or opioid derivatives is \$100,000, regardless of the type of opiate or opioid derivative trafficked.

3. Amends G.S. 90-95 to subject a person guilty of the offense of “trafficking in opium, opiate, opioid, or heroin” to a fine of \$1 million dollars if the substance trafficked is 28 or more grams of heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances.

Currently, the fine for trafficking 28 or more grams of opiate or opioid derivatives is \$500,000, regardless of the type of opiate or opioid derivative trafficked.

4. Amends G.S. 14-18.4 to expand the “Death by Distribution” criminal laws to include the offense of “Death by Distribution Through Unlawful Delivery of Certain Controlled Substances,” which makes it a Class C felony for a person to unlawfully deliver a controlled substance that results in the death of the person upon ingestion.

Currently, the “Death by Distribution” laws only apply to individuals who sell a controlled substance that results in the death of the person upon ingestion.

5. Amends G.S. 14-18.4 to create the offense of “Death by Distribution Through Unlawful Delivery with Malice of Certain Controlled Substances,” which makes it a Class B2 felony for a person to unlawfully deliver a controlled substance with malice that results in the death of a person upon ingestion.

6. Amends G.S. 14-18.4 to increase the penalty for “Aggravated Death by Distribution Through Unlawful Sale of Certain Controlled Substances” from a Class B2 to a Class B1 felony and to provide that a person is guilty of the offense if:
- (i) they unlawfully sell at least one controlled substance;
 - (ii) the ingestion of the controlled substance causes the user’s death;
 - (iii) the unlawful sale of the controlled substance was the proximate cause of the user’s death; and
 - (iv) the person has a prior conviction for any of the following offenses within 10 years of the date of the offense: (1) death by distribution; (2) manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance (PWISD); (3) drug trafficking; (4) engaging in a continuing criminal enterprise to distribute controlled substances; (5) employing or using a minor to manufacture, sell, or commit PWISD of controlled substance; or (6) promoting drug sales by a minor.

Currently, a person must have a conviction for one of the above offenses within 7 years of the date of the offense to be guilty of “Aggravated Death by Distribution Through Unlawful Sale of Certain Controlled Substances.”

7. Amends G.S. 90-96.2 to expand the Good Samaritan immunity law to provide limited immunity from prosecution for possession of a controlled substance to victims and Good Samaritan’s who possess less than one gram of any controlled substance, provided that:
- (i) the person sought medical assistance for an individual experiencing a drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency services personnel;
 - (ii) the person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance;
 - (iii) the person provided his or her own name to the 911 system or to a law enforcement officer upon arrival;
 - (iv) the person did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search; and
 - (v) the evidence for the prosecution was obtained as a result of the person seeking medical assistance for the drug-related overdose.

Currently, immunity from prosecution for felony possession of a controlled substance afforded under the Good Samaritan immunity law only extends to possession of less than one gram of cocaine or heroin.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

The bill also establishes a Task Force on Enforcement of Fentanyl and Heroin Drug Violations (Task Force) to study ways to enhance the ability of law enforcement throughout the State to combat the illegal manufacturing, importation, and distribution of fentanyl, heroin, and similar controlled substances. The Task Force consists of: (1) the Secretary of the North Carolina Department of Public Safety; (2) the Director of the North Carolina State Bureau of Investigation; (3) the Commander of the North Carolina State Highway Patrol; (4) the Chairman of the North Carolina Sheriffs' Association; (5) the President of the North Carolina Association of Chiefs of Police; and (6) the Executive Director of the North Carolina Conference of District Attorneys or their designees. The bill requires the Task Force to submit an interim report to the 2023 General Assembly when it reconvenes in 2024 and a final report to the 2025 General Assembly.

Effective: September 28, 2023

Finally, the bill in conjunction with [House Bill 259, 2023 Appropriations Act](#), amends G.S. 130A-389 to require the Chief Medical Examiner or a competent pathologist designated by the Chief Medical Examiner to perform a complete autopsy in any case in which the district attorney of the county in which the body was located asserts to the Chief Medical Examiner or county medical examiner that there is probable cause to believe that a death by distribution offense has occurred.

Effective: December 1, 2023 and applies to autopsies conducted on or after that date.

[SENATE BILL 203, Authorize Skateboard Restrictions/Polk County](#), allows Polk County to restrict or prohibit the use of skateboards on any public street or road in the county by passing an ordinance. The bill also allows Polk County to pass an ordinance specifying: (1) streets or roads where skateboarding is prohibited; (2) persons authorized to use a skateboard; (3) equipment required when using a skateboard; and (4) hours and method of use of a skateboard.

This bill applies only to Polk County.

Effective: May 25, 2023. However, any ordinance adopted by Polk County pursuant to the bill may not become effective prior to October 1, 2023.

[SENATE BILL 206, Control Sub./Opioid/Vaccine/At Home Omnibus](#), makes various changes to the laws surrounding controlled substances in the State. Of interest to the criminal justice community, the bill:

1. Amends G.S 90-108 to make it a: (1) Class 1 misdemeanor to possess, manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to create a counterfeit controlled substance, knowing, intending, or

having reasonable cause to believe that it will be used to create a counterfeit controlled substance; and (2) Class I felony to intentionally possess, manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to create a counterfeit controlled substance, knowing, intending, or having reasonable cause to believe that it will be used to create a counterfeit controlled substance.

Amended G.S. 90-108 also makes it a Class E felony for a person to possess, manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a genuine controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance. This new crime does not apply to any lawfully licensed pharmacy, pharmacist, pharmacy technician, or pharmacy intern possessing the items listed above when it is used in the compounding, dispensing, delivering, or administering of a controlled substance pursuant to a prescription.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 90-12.7 and G.S. 90-113.27 to expand the definition of “opioid antagonist” for the purposes of treatment of overdoses and use in authorized needle and hypodermic syringe exchange programs to include any opioid antagonist approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose.

Previously, naloxone hydrochloride (i.e. NARCAN[®]) was the only substance defined as an “opioid antagonist” under State law.

Effective: May 19, 2023

[SENATE BILL 246](#), Property Owners Protection Act, amends G.S. 14-159.13 to expand the criminal offense of second-degree trespass to make it a Class 2 misdemeanor for a person to enter or remain on the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M.

Currently, any form of second-degree trespass is a Class 3 misdemeanor.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[SENATE BILL 276](#), Union County/Use Wheel Locks, amends G.S. 153A-170 to authorize the use of wheel locks or similar devices to immobilize vehicles parked in violation of county parking ordinances on county-owned or county-leased property in Union County.

This bill applies only to Union County.

Effective: May 25, 2023

[SENATE BILL 409](#), Various Changes to Criminal and Civil Laws, makes various changes to the laws regarding breaking or entering into or breaking out of certain conveyances (railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft), as well as to the laws regarding financial crimes and automatic license plate reader systems. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-56 to make it a Class H felony if the goods, wares, freight, or other things of value taken from inside the conveyance have a value of more than \$1,500 but no more than \$20,000, aggregated over a 90-day period.

Amended G.S. 14-56 makes it a Class G felony if the goods, wares, freight, or other things of value taken from inside the conveyance have a value of more than \$20,000 but no more than \$50,000, aggregated over a 90-day period.

Amended G.S. 14-56 makes it a Class F felony if the goods, wares, freight, or other things of value taken from inside the conveyance have a value of more than \$50,000 but no more than \$100,000, aggregated over a 90-day period.

Amended G.S. 14-56 makes it a Class C felony if the goods, wares, freight, or other things of value taken from inside the conveyance have a value of more than \$100,000, aggregated over a 90-day period.

Amended G.S. 14-56 also makes it a Class H felony to break or enter into or break out of a conveyance, regardless of the value of goods taken, if: (1) the conveyance is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States; (2) the person knows or reasonably should know that the conveyance is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States; and (3) the offense does not involve the taking of goods, wares, freight, or any other thing of value that would be punishable as a Class G, F, or C felony as specified above.

Finally, amended G.S. 14-56 makes it a Class I felony for any other offense of breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft that is not specifically referenced above.

Currently, all violations of breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft are punished as Class I felonies, unless the conveyance is owned or operated by a law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States, in which case it is a Class H felony.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 14-86.1 to provide that any conveyance used in the commission of an offense of breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft is subject to forfeiture.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Enacts G.S. 15A-1340.16F which allows the aggregation for sentencing of “financial crime offenses,” defined in the bill as embezzlement, obtaining property by false pretenses, and exploitation of older adults, if: (1) the person committed the financial crime offenses against more than one victim or in more than one county; and (2) the financial crime offenses are based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a common scheme or plan.

Newly enacted G.S. 15A-1340.16F sets the level of punishment for the aggregated financial crime offenses based on the aggregated value of money, goods or other thing of value embezzled or obtained. The aggregated offenses are punished as: (1) a Class H felony if the aggregated value exceeds \$1,500; (2) a Class G felony if the aggregated value exceeds \$20,000; (3) a Class F felony if the aggregated value exceeds \$50,000; or (4) a Class C felony if the aggregated value exceeds \$100,000.

Effective: March 1, 2024 and applies to offenses committed on or after that date.

4. Establishes a pilot program that allows, but does not require, the North Carolina Department of Transportation (DOT) to enter into agreements with the North Carolina State Bureau of Investigation (SBI) for the placement and use of automatic license plate reader systems in DOT rights-of-way. The bill allows the SBI to enter into an agreement with DOT for the placement of license plate reader systems in a DOT rights-of-way on its own behalf or as an administrative agent of a local law enforcement agency in this State.

Currently, State law does not authorize the placement of automatic license plate reader system equipment on rights-of-way owned or maintained by DOT.

The authority described above is temporary and DOT is authorized to remove or relocate these license plate reader systems as explained in greater detail in the bill.

Effective: January 1, 2024 and expires July 1, 2025, and any agreement entered into under the pilot program established in the bill shall terminate no later than that date.

5. The bill also repeals (eliminates) various provisions of law that were enacted in the 2021 State Budget Bill. Specifically, the bill repeals those provisions of law that appeared to authorize DOT or a public utility to “relocate” automatic license plate reader system equipment that is on a right-of-way owned or maintained by DOT.

The provisions of law enacted in the 2021 State Budget Bill related to the “relocation” of automatic license plate reader system equipment had no real effect because at that time DOT was not authorized to allow the placement of automatic license plate reader system equipment in DOT rights-of-way.

Effective: January 1, 2024

6. Amends G.S. 20-183.32 to prohibit the disclosure of data obtained by an automatic license plate reader system, except to a criminal justice officer at a State or local law enforcement agency or similar official at a federal law enforcement agency for a legitimate “law enforcement purpose” and pursuant to a written request from the requesting agency. The bill defines “law enforcement purpose” as: (1) actions relating to criminal investigations, arrests, prosecutions, post-conviction confinement, or supervision; (2) apprehending an individual with an outstanding felony warrant; (3) locating a missing or endangered person; or (4) locating a lost or stolen vehicle.

Effective: January 1, 2024

7. Enacts G.S. 20-183.33 to make it a Class 1 misdemeanor for any person to obtain, access, preserve, or disclose data obtained from an automatic license plate reader system except as allowed in the bill.

Effective: January 1, 2024 and applies to offenses committed on or after that date.

[SENATE BILL 492](#), [Modify Provisions Affecting Adult Correction.-AB](#), makes various changes to the laws regarding correctional and probation officers. Of interest to the criminal justice community, the bill:

1. Amends G.S. 15A-1343 to allow any type of alcohol and drug screening to be performed on a probationer pursuant to a regular condition of probation, including but not limited to hair follicle tests and saliva tests. Currently, a probationer is required to give a breath, urine, or blood specimen for an alcohol or drug screening.

Effective: December 1, 2023 and applies to offense committed on or after that date.

2. Amends G.S. 15A-1343, G.S. 15A-1368.4, and G.S.15A-1374 to include in the regular conditions of probation and the appropriate conditions of post-release supervision and parole that a person under supervision may not possess firearm ammunition. Currently, probationers, post-release supervisees, and parolees may not possess firearms while under supervision, but they are not prohibited from possessing firearm ammunition.

Amended G.S. 15A-1368.4 and G.S. 15A-1374 also no longer allow a post-release supervision or parole officer to give written permission to an individual subject to post-release supervision or parole to possess a firearm.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Amends G.S. 15A-1352 to allow a person serving a sentence with the North Carolina Department of Adult Correction (DAC) who is also subject to an outstanding sentence, detainer, or other lawful process authorizing detention to be transferred up to 5 days before the expiration of the person’s sentence with DAC upon the request of a local confinement facility, including a sheriff’s jail, or a federal agency.

Amended G.S. 15A-1352 requires requested transfers to be conducted at the expense of the receiving local confinement facility or federal agency and requires any person transferred to serve the remainder of their DAC sentence in the custody of the local confinement facility or federal agency.

This provision of the bill allows DAC and sheriffs more flexibility in scheduling the transfer of an inmate who has a sentence to be served in a local confinement facility at the expiration of their prison sentence and helps ensure that a sheriff or other local law enforcement will not have to locate and apprehend an inmate released outright from DAC custody at the end of their prison sentence who has time yet to serve in the custody of the sheriff.

Effective: October 1, 2023 and applies to transfers occurring on or after that date.

4. Amends G.S. 14-269 to allow a person employed by DAC who is not consuming alcohol or a controlled substance and who has no such substance in their body to carry concealed weapons if they: (1) have been designated in writing by the Secretary of DAC to carry weapons; (2) have a valid North Carolina or out-of-state concealed handgun permit; and (3) have in their possession the written designation by the Secretary of DAC.

Previously, civilian employees of the North Carolina Department of Public Safety (DPS) who possessed a written designation and State correctional officers could carry concealed weapons, but employees of DAC who are not correctional officers could not.

Effective: September 22, 2023 and applies to designations made on or after that date.

5. Amends G.S. 148-18 to allow the Division of Prisons of DAC to pay inmates working in the Division's BRIDGE program up to \$5 per day. The BRIDGE (Building, Rehabilitating, Instructing, Developing, Growing, Employing) program is a cooperative effort between DAC and the North Carolina Forest Service to train and utilize young non-violent offenders. Previously, inmates could not be paid more than \$1 per day unless the Secretary of DAC determines that the work assignment requires special skills or training.

Effective: September 22, 2023 and applies to work performed on or after that date.

6. Amends G.S. 14-415.12A to include a "qualified correctional officer" and a "qualified State probation or parole certified officer" to the list of individuals who are not required to take the approved firearms safety and training course to be qualified to be issued a concealed handgun permit.

G.S. 14-415.10, also amended by the bill, defines qualified correctional officer and qualified State probation or parole certified officers as authorized by DAC to carry a handgun in the course of their duties, who meet any requirement of DAC regarding handguns, and who are not subject to any disciplinary actions by DAC.

Previously, qualified retired probation or parole officers and qualified retired correctional officers who have been retired for less than two years from the date of the permit application were exempt from the firearms safety and training course requirement, but active probation or parole officers or correctional officers authorized to carry a handgun in the course of their duties were not.

Effective: September 22, 2023 and applies to permit applications submitted on or after that date.

7. Amends G.S. 20-179 to allow, unless the presiding judge specifically finds in the judgment of the court that it is not appropriate, the Division (Division) of Community Supervision and Reentry of DAC to require a person placed on supervised probation pursuant to a conviction for impaired driving, impaired driving in a commercial vehicle, or operation of various motor vehicles after consuming alcohol to meet certain conditions, such as:
 - (i) 20 hours of community service;
 - (ii) house arrest with electronic monitoring;
 - (iii) substance abuse assessment, monitoring, and treatment;
 - (iv) curfew; and
 - (v) submitting to periods of confinement in a local confinement facility for up to 6 days per month, in 2 or 3-day increments.

Amended G.S. 20-179 requires the Division to first determine that the offender has failed to comply with one or more conditions of probation or that the offender is high-risk for reoffending based on a validated instrument to assess risk of reoffending before imposing any of the conditions above. Before requiring the offender to submit to periods of confinement the Division must determine the offender has failed to comply with one or more conditions of probation and the offender must be given a hearing with a right to counsel and certain other procedural protections.

Amended G.S. 20-179 also allows the offender's probation officer to be delegated the authority to implement these conditions after administrative review and approval by a Chief Probation Officer.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

8. Amends G.S. 15A-502 to require a law enforcement officer to fingerprint the arrestee and to forward the fingerprints to the North Carolina State Bureau of Investigation upon arresting a person charged with committing the new offense of "Misdemeanor crime of domestic violence" created by [Senate Bill 20](#), Care for Women, Children, and Families Act.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[SENATE BILL 512](#), Greater Accountability for Boards/Commissions, makes various changes to the appointment structure of public boards and commissions in North Carolina. Of interest to the criminal justice community, the bill amends G.S. 143-241 to increase the number of appointees to the North Carolina Wildlife Resources Commission (Commission) that the General Assembly can appoint from 8 to 10.

Amended G.S. 143-241 allows 5 appointments upon the recommendation of the Speaker of the House and 5 appointments upon the recommendation of the President Pro Tempore of the Senate.

Effective: October 10, 2023

Amended G.S. 143-241 also reduces the number of at-large appointees to the Commission that the Governor can appoint from 2 to 1 and now allows the North Carolina Commissioner of Agriculture to appoint 1 at-large member to the Commission.

Effective: June 30, 2025

[SENATE BILL 579](#), Prevent Harm to Children, makes various changes to the laws regarding disseminating obscenity, sexual exploitation of minors, and indecent exposure. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-190.1 to increase the penalty for disseminating obscenity to a Class H felony if the violation was committed knowingly in the presence of an individual under 18 years of age.

Currently, disseminating obscenity is a Class I felony regardless of the age of the person in whose presence the obscene material is disseminated.

2. Enacts G.S. 14-190.17B to clarify that when a court orders restitution for a victim's losses as a result of sexual exploitation of a minor, that restitution can include, in addition to injuries and damages: (1) medical services relating to physical, psychiatric, or psychological care; (2) physical and occupational therapy or rehabilitation; (3) transportation, temporary housing, and child care expenses; (4) loss of income; and (5) reasonable attorneys' fees and other litigation costs associated with the order of restitution or its enforcement.
3. Amends G.S. 14-190.6 to make it a Class H felony for any person 18 years of age or older to employ or permit a minor under the age of 16 to assist with disseminating obscenity.

Currently, such conduct is a Class I felony.

4. Amends G.S. 14-190.7 to make it a Class H felony for any person 18 years of age or older to disseminate obscenity to any minor under the age of 16 years.

Currently, such conduct is a Class I felony.

5. Amends G.S. 14-190.8 to make it a Class G felony for any person 18 years of age or older to disseminate obscenity to any minor under the age of 13 years.

Currently, such conduct is a Class I felony.

6. Amends G.S. 14-190.9 to expand the crime of indecent exposure to make it a Class H felony for any person 18 years of age or older to willfully expose his or her private parts in any public place for the purpose of arousing or gratifying sexual desire in the presence of an individual who is less than 18 years of age and is not married or judicially emancipated.

Currently, such conduct is a Class H felony if done in the presence of any other person less than 16 years of age.

Amended G.S. 14-190.9 also makes it a Class 2 misdemeanor for any person 18 years of age or older to willfully expose his or her private parts in a private residence of which they are not a resident and in the presence of an individual who is less than 18 years of age and is not married or judicially emancipated who is a resident of that private residence.

Currently, such conduct is a Class 2 misdemeanor if done in the presence of any other person less than 16 years of age who is a resident of that private residence.

Effective: December 1, 2023 and applies to offenses committed and orders for restitution entered on or after that date.

[SENATE BILL 582](#), [North Carolina Farm Act of 2023](#), makes various changes to the agricultural and wastewater laws of the State. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 14-399.3 which makes it a Class 3 misdemeanor for the driver of any vehicle who knows or reasonably should know that animal waste, dead animals or animal parts, or animal by-products have been blown, scattered, spilled, thrown, or placed from the vehicle to fail to immediately stop and remain at the scene of the incident.

Newly enacted G.S. 14-399.3 requires the driver of such a vehicle to remain at the scene of the incident until a law enforcement officer completes the investigation of the incident and authorizes the driver to leave, unless remaining at the scene presents a significant risk of injury to the driver or others.

Newly enacted G.S. 14-399.3 would also make it a Class 3 misdemeanor for the driver to facilitate, allow, or agree to the removal of the vehicle from the scene of the incident for any reason, except to call law enforcement, to call for assistance to remove the materials spilled, or to avoid a significant risk of injury.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 106-65.105D and G.S. 106-549.34 to increase the criminal penalty from a Class 1 misdemeanor to a Class A1 misdemeanor if a person uses a deadly weapon to willfully resist, oppose, impede, intimidate, or interfere with a North Carolina Department of Agriculture and Consumer Services inspector.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

3. Enacts G.S. 15A-300.4 which prohibits any person, entity, or State agency from using an unmanned aircraft system (i.e., drone) within either a horizontal distance of 3,000 feet or a vertical distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

Newly enacted G.S. 15A-300.4 exempts from its provisions law enforcement officers using an unmanned aircraft system in accordance with the already established law enforcement exceptions contained in G.S. 15A-300.1 for use of a drone.

Newly enacted G.S. 15A-300.4 provides that use of an unmanned aircraft system near a forest fire would be punishable as either a Class D, E, F, G, H, or I felony, depending upon if the use of the drone is a proximate cause of the injury or death of another, interference with emergency operations, or damage to real property, personal property, or any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being on the land.

If use of the drone in violation of the statute is not a proximate cause of any of previously listed injuries, it is punishable as a Class A1 misdemeanor. Unmanned aircraft systems used in violation of newly enacted G.S. 15A-300.4 are also subject to seizure by a law enforcement agency and forfeiture.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

4. Amends G.S. 14-135 to expand the criminal offense of larceny of timber to include:
 - (i) knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another without the consent of the owner or without a lawful easement running with the land; and
 - (ii) knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without consent or without a lawful easement running with the land.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[SENATE BILL 626, Modify Human Trafficking and Rioting Laws](#), modifies various laws relating to human trafficking. Of interest to the criminal justice community, the bill:

1. Amends Chapter 50D of the General Statutes to expand the availability of permanent civil no-contact orders to include victims of human trafficking offenses.

Previously, permanent civil no-contact orders were only available to victims of registerable sex offenses.

Effective: August 1, 2023 and applies to actions filed on or after that date.

2. Amends G.S. 15B-11 to no longer allow a court to deny an award under the Crime Victims' Compensation Act because the claimant was participating in a nontraffic misdemeanor at the time the claimant's injury if the claimant was a victim of human trafficking, involuntary servitude, or sexual servitude and was coerced or deceived into participating in the nontraffic misdemeanor as a direct result of the claimant's status as a victim of human trafficking, involuntary servitude, or sexual servitude.

Amended G.S. 15B-11 also no longer allows a court to deny an award under the Crime Victims' Compensation Act because the claimant engaged in contributory misconduct if the claimant was a victim of human trafficking, involuntary servitude, or sexual servitude and was coerced or deceived into participating in the contributory misconduct as a direct result of the claimant's status as a victim of human trafficking, involuntary servitude, or sexual servitude.

Effective: June 30, 2023 and applies to denials or award reductions issued on or after that date.

3. Amends G.S. 14-43.11 to expand the criminal offense of human trafficking to include knowingly or recklessly patronizing or soliciting another person with the intent that the person be held in involuntary servitude or sexual servitude.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

4. Amends G.S. 14-43.13 to expand the criminal offense of sexual servitude to include knowingly or recklessly patronizing or soliciting another person for the purposes of sexual servitude.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

5. Makes technical changes to [House Bill 40, Prevent Rioting and Civil Disorder](#), summarized above in this Final Legislative Report. The bill amends G.S. 14-288.2 to exclude "urging" another to engage in a riot from the scope of the criminal offense of rioting. Amended G.S. 14-288.2 still includes "inciting" another to engage in a riot which results in a riot or is directly and imminently likely to produce a riot within the criminal offense of rioting.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

[SENATE BILL 747, Elections Law Changes](#), makes various changes regarding elections laws. Of interest to the criminal justice community, the bill:

1. Amends G.S. 163-274 to make it a Class 1 misdemeanor for any person to impersonate a chief judge, judge of election, or other precinct official while in the discharge of duties in the registration of voters or in conducting any primary or election.

Amended G.S. 163-274 also makes it a Class 1 misdemeanor for any person other than the State Board of Elections or a county board of elections, or any employee of the State Board of Elections or a county board of elections, to affix or print any identifier to any absentee ballot request form for the purpose of tracking the form.

Effective: December 1, 2023 and applies to offenses committed on or after that date.

2. Amends G.S. 163-22 to require the State Board of Elections to report violations of the election laws to the North Carolina State Bureau of Investigation for investigation and prosecution. Currently, the State Board of Elections is required to report violations of the election laws to the North Carolina Attorney General or district attorney or prosecutor of the district where the violation occurred.

Effective: January 1, 2024 and applies to elections on or after that date.

3. Amends G.S. 143-166.42 to provide that retirement allowance payments would not be suspended if a retired law enforcement officer is employed by a local government in service to a county board of elections during the hours of early voting. Currently, retirement allowance payments are not suspended when a retired law enforcement officer works in service to a county board of elections on election day.

Effective: January 1, 2024 and applies to elections on or after that date.

[SENATE BILL 754, General Assembly Appointments](#), makes numerous appointments to State commissions and boards. Those appointments of interest to the criminal justice community are:

The President Pro Tempore of the Senate appoints:

1. Effective July 1, 2023, Sheriff Pete Herron of Montgomery County is appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for a term expiring June 30, 2026.
2. Effective July 1, 2023, Richard Epley of Burke County, Ronald L. Parrish of Alamance County, Michael D. Slagle of Mitchell County, and Jamie L. Bullard of Columbus County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring June 30, 2025.
3. Effective September 1, 2023, Avis Watkins-Smith of Harnett County, Cathy Cloninger of Gaston County, Carianne E. Fisher of Durham County, Kathleen A. Lockwood of Durham

County, and TeAndra M. Miller of Wake County are appointed to the North Carolina Domestic Violence Commission for terms expiring August 31, 2025.

4. Effective July 1, 2023, William Marc Nichols of Johnston County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring June 30, 2025.
5. Effective August 17, 2023, Benjamin J. Curtis of Rockingham County and Pamela T. Thompson of Alamance County are appointed to the Governor's Crime Commission for terms expiring February 28, 2025.
6. Effective August 17, 2023, Ellen N. Thomas of Mecklenburg County is appointed to the North Carolina Criminal Justice Information Network Governing Board for a term expiring June 30, 2025, to fill the unexpired term of Crystal Combs.
7. Effective July 1, 2023, Dr. Gary G. Gammon of Moore County and Dr. Michael P. Moulton of New Hanover County are appointed to the North Carolina Compassionate Use Advisory Board for terms expiring June 30, 2027. Note: These appointments will only become effective if [Senate Bill 3](#), NC Compassionate Care Act, becomes law.
8. Effective July 1, 2023, Steve Windham of Brunswick County is appointed to the North Carolina Medical Cannabis Production Commission for a term expiring June 30, 2027. Note: This appointment will only become effective if [Senate Bill 3](#), NC Compassionate Care Act, becomes law.

The Speaker of the House of Representatives appoints:

1. Effective July 1, 2023, The Honorable John W. Kahl of Iredell County is appointed to the Crime Victims Compensation Commission for a term expiring June 30, 2027.
2. Effective July 1, 2023, Chet. A. Effler of McDowell County, David L. Rose of Stokes County, Angela L. Williams of Guilford County, and Shawn L. Owens of Davidson County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring June 30, 2025.
3. Effective July 1, 2023, Jeffrey M. Oliver of Cleveland County and Duncan E. Jagers of Harnett County are appointed to the North Carolina Criminal Justice Information Network Governing Board for terms expiring June 30, 2027.
4. Effective September 1, 2023, Saira Estrada of Durham County, Nathan M. Knust of Cabarrus County, and Michelle C. Bardsley of Guilford County are appointed to the Domestic Violence Commission for terms expiring August 31, 2025.
5. Effective July 1, 2023, Vernon Ray Clifton, Jr., of Bladen County, John A. Stone of Moore County, John T. Coley, IV, of Wake County, and Tommy Fonville of Wake County are appointed to the North Carolina Wildlife Resources Commission for terms expiring June

30, 2025.

6. Effective July 1, 2023, Alexis T. Townsend of Burke County is appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Use Services for a term expiring June 30, 2026.

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

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