

Legislative Update 2023



North Carolina Sheriffs' Association
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WELCOME

Matthew L. Boyatt
Deputy General Counsel
North Carolina Sheriffs' Association

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Instructors

- Matthew Boyatt, Deputy General Counsel
North Carolina Sheriffs' Association

- Jarrett McGowan, Associate General Counsel
North Carolina Sheriffs' Association

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Administrative Support and Logistics

- Gabby Atkinson
Administrative Assistant – Government Relations & Legal
North Carolina Sheriffs' Association

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Announcements

- Coffee and Water
- Breaks
- Lunch
- Restrooms
- Other Announcements

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Please turn off telephones and computers.



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What if there is an emergency?



If there is an emergency,
step out of the room....please!

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Training Credit

- Mandatory In-Service Training – **NO**
- Professional Certificate Programs – **YES**



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Partial Credit Forms

Partial Credit Certification Form

Please complete all of the following information.

Name: _____ Job Title: _____

Agency: _____

Course Title: _____

Date: _____ Location: _____

Certification

By signing below, I certify that I attended the following:
 _____ hours of credit

NOTE: Please round the hours attended down to the nearest quarter hour.

 Signature


Please fill out all the blanks on this form and check your answers for accuracy. Failure to provide the information requested may result in the inability of our registrar to provide you with a complete training transcript.

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Evaluation

- Please be sure to fill out the Evaluation Form provided with your training materials and turn it in at the end of class.



2023 Legislative Update Training Evaluation

TRAINING LOCATION (check one)

Catawba County Duplin County Haywood County Pamlico County Wake County

PLEASE INDICATE BY CHECKMARK (✓) YOUR OPINION ON THE FOLLOWING:

Feedback on Instructors	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
2023 Bills of Interest Presented by Matthew Boyett					
Information presented was clear and understandable.					
Instructor's presentation style kept my attention.					
Overall, I am satisfied with the quality of training provided to me.					
2023 Bills of Interest Presented by Jarrell McCowan					
Information presented was clear and understandable.					
Instructor's presentation style kept my attention.					
Overall, I am satisfied with the quality of training provided to me.					

OVER

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North Carolina Sheriffs' Association Law Enforcement Honorary Membership

North Carolina Sheriffs' Association Law Enforcement Membership

Please enter your name and address information in the spaces provided and mail to: North Carolina Sheriffs' Association, Post Office Box 22926, Raleigh, North Carolina 27616

Viewing and ordering by visiting our website at www.ncsheriffs.org and clicking on the **Become a Member** button.

First Name: _____
 Last Name: _____
 Mailing Address: _____
 Mailing Address (cont): _____
 City: _____
 County of Residence: _____
 State: _____
 Zip Code: _____
 Email Address: _____
 Mailing Agency: _____
 Home Office: YES NO

This membership entitles you to the following:
 • Law Enforcement Member's Card
 • Law Enforcement Member's Tag for your car or home
 • Law Enforcement Member's Driver for your car
 • Award Disk or Certificate
 • Subscription to The North Carolina Sheriff Newsletter

NOTE: This Law Enforcement Membership Category is only available to North Carolina Sheriff's Office Officers and Districts and must be used for the advancement efforts of other law enforcement agencies.

Membership: \$30.00
 Law Enforcement Auto Tag: \$10.00
 Auto Tag Frame: \$5.00
 Newsletter Subscription: _____
 Total: _____

Credit Card payments are accepted online. Please mail this form with your Check or Money Order (see instructions).

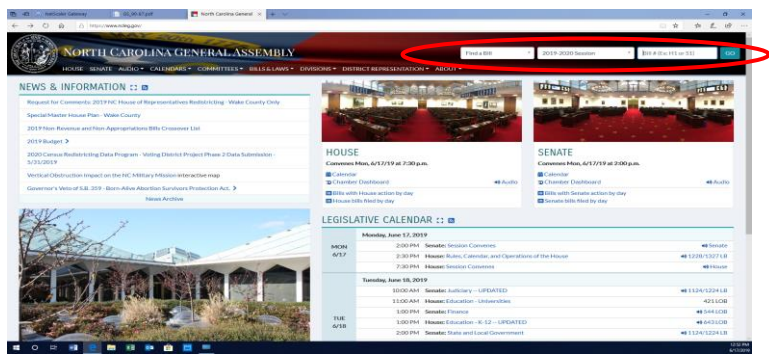
North Carolina Sheriffs' Association
 Post Office Box 22926
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Copies of Bills

- General Assembly's website: www.ncleg.gov
 (Type H or S and the bill number)



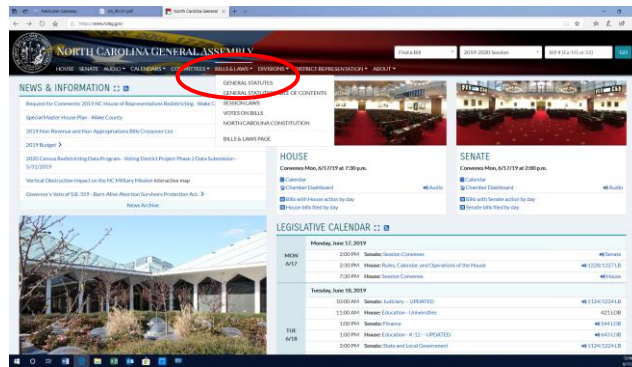
- For further assistance contact the General Assembly at (919) 733-4111.



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Finding General Statutes

- www.ncleg.gov
- Click on General Statutes link under “BILLS & LAWS.”
- You can then navigate to the General Statutes contents page.



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Finding Court Cases

- Supreme Court of the United States
www.supremecourt.gov/
- Go to opinions
- Supreme Court of North Carolina
North Carolina Court of Appeals
<https://appellate.nccourts.org/opinions/>
- Select year
- Date of opinion
- Look for name

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Course Outline

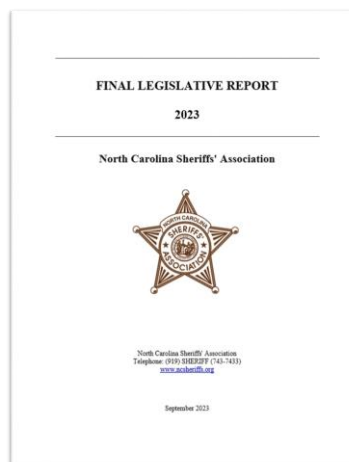
- I. Welcome and Announcements
- II. 2023 Bills of Interest
- III. Questions about any other bills we did not cover?
- IV. Adjourn

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Appendix

- Appendix A – Final Legislative Report



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Training Materials

All 2023 Legislative Update Training materials can be found at:

<http://ncsheriffs.org/2023-legislative-update>

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QUESTIONS?



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2023 General Assembly

- During the 2023 Long Session of the General Assembly, 881 House Bills and 739 Senate Bills were introduced, for a total of 1,620 new legislative bills available for consideration.
- 122 Bills were enacted into law.
- Governor Roy Cooper:
 - Signed 63 bills;
 - Allowed 9 to become law without his signature; and
 - Vetoed 16 bills, with 14 of the Governor's vetoes being overridden by the General Assembly.

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2023 BILLS OF INTEREST



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House Bill 11

Schools for the Deaf and Blind

- Enacts G.S. 115C-150.12C.
- 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.

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House Bill 11

Schools for the Deaf and Blind (continued)

- 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

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House Bill 34

Protect Those Who Serve and Protect Act

- Enacts G.S. 14-34.1A.
- Creates the new criminal offense of “Discharging certain barreled weapons or a firearm at or into certain unoccupied emergency vehicles.”



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Makes it a Class H felony to willfully or wantonly discharge or attempt to discharge any firearm at or into any unoccupied emergency vehicle, including a law enforcement vehicle.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- 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.

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Amends G.S. 14-34.8.
- Makes 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:



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Law enforcement officers
- Probation officers or parole officers
- Detention and correctional personnel (such as a detention officer working for a sheriff)
- Firefighters
- Juvenile court counselors

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Emergency medical technicians or other emergency health care providers
- Members of the North Carolina National Guard or any branch of the Armed Forces of the United States

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- 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.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- 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.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Amends G.S. 14-34.2.
- Makes 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.

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Currently, such conduct is a Class F felony.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Amends G.S. 14-34.5.
- Makes 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.

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Currently, such conduct is a Class E felony.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Amends G.S. 14-34.7.
- Makes 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 person is performing their official duties.

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Currently, such conduct is a Class F felony.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- 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 person is performing their official duties.

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Currently, such conduct is a Class I felony.



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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- Amends G.S. 14-32.
- Makes it a Class D felony to assault an emergency worker with a deadly weapon: (1) with intent to kill; or (2) inflicting serious injury.

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House Bill 34

Protect Those Who Serve and Protect Act (continued)

- "Emergency worker" is defined 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.

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House Bill 40

Prevent Rioting and Civil Disorder

- Amends G.S. 14-288.2.
- Make it a Class H felony if a person brandishes any dangerous weapon or uses a dangerous substance while engaging in a riot.



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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- 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.



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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- 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.



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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Amended G.S. 14-288.2 also makes it a Class E felony if a person causes a death while willfully engaging in a riot.



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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- The punishment is increased 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.
- However, [Senate Bill 626](#), Modify Human Trafficking and Rioting Laws, enacted into law after this bill, excludes “urging” another to engage in a riot from the scope of the criminal offense of rioting.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Amended G.S. 14-288.2 makes 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.
- But, [Senate Bill 626](#) again excludes “urging” another to engage in a riot from the scope of this amendment as well.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- 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.



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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Amended G.S. 14-288.2 makes 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.
- But remember, [Senate Bill 626](#) excludes “urging” another to engage in a riot from the scope of this amendment as well.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Finally, amended G.S. 14-288.2 clarifies that mere presence at a riot alone without an overt act is not sufficient to sustain a conviction for rioting.
- All of the amendments to G.S. 14-288.2 have the following effective date:
 - Effective: December 1, 2023 and apply to offenses committed on or after that date.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

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

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Amended G.S. 14-288.9 also no longer requires 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.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Amended G.S. 14-288.9 makes 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.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- All of the amendments to G.S. 14-288.9 have the following effective date:



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

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Enacts G.S. 15A-534.8.
- Requires 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.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- 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.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- Effective March 21, 2023, the bill 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.

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House Bill 40

Prevent Rioting and Civil Disorder (continued)

- The bill requires DOJ to report the model policies to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2024.



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House Bill 87

Probation Modifications/Sheriff Authority

- Amends G.S. 143-131.1
- Allows 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).



- Effective: June 16, 2023

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House Bill 87

Probation Modifications/Sheriff Authority (continued)

- 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.

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House Bill 116

Modify Laws Affecting District Attorneys

- Amends G.S. 7A-413.
- Provides 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:

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House Bill 116

Modify Laws Affecting District Attorneys (continued)

- 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

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House Bill 125

NC Health & Human Services Workforce Act

- Enacts G.S. 131E-88.
- 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 in the emergency department or on the same campus of the emergency department unless temporarily required to leave in connection with the discharge of their duties.

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House Bill 125

NC Health & Human Services (continued)

- “Law enforcement officer” is defined as a sworn law enforcement officer, a special police officer, or a campus police officer who is duly authorized to carry a concealed weapon.



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House Bill 125

NC Health & Human Services (continued)

- Exception: This does not apply if the hospital in good faith determines that a different level of security is necessary based upon findings in the required security risk assessment.



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House Bill 125

NC Health & Human Services (continued)

- If a hospital makes this determination, the bill requires the basis for that determination to be included in its security risk assessment and the security plan must include the following signatures and approvals:
 1. The signature of the county sheriff.
 2. The signature of the municipal police chief, if applicable.

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House Bill 125

NC Health & Human Services (continued)

3. The approval and signature of the county emergency management director.



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House Bill 125

NC Health & Human Services (continued)

- The mandatory security plan must include all of the following components:
 - Training for law enforcement officers employed or contracted by the hospital that is appropriate for the populations served by the emergency department.



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House Bill 125

NC Health & Human Services (continued)

- 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.

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House Bill 125

NC Health & Human Services (continued)

- 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.

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House Bill 125

NC Health & Human Services (continued)

- 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.

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House Bill 125

NC Health & Human Services (continued)

- Safety protocols based on the following 3 factors:
 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.

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House Bill 125

NC Health & Human Services (continued)

2. The results of a security risk assessment of the emergency department.
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.

- Effective: October 1, 2024

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House Bill 125

NC Health & Human Services (continued)

- Enacts G.S. 131E-88.3.
- 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.

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House Bill 125

NC Health & Human Services (continued)

- DHHS must then share this information with the North Carolina Sheriffs' Association, the North Carolina Association of Chiefs of Police, and the North Carolina Emergency Management Association.
- DHHS must 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

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House Bill 125

NC Health & Human Services (continued)

- Amends G.S. 14-34.6.
- Makes 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.

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House Bill 125

NC Health & Human Services (continued)

- The bill increases the penalty for the crime to a Class F felony if the defendant inflicts serious bodily injury or uses a deadly weapon.



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House Bill 125

NC Health & Human Services (continued)

- The bill increases the penalty for the crime 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.

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House Bill 125

NC Health & Human Services (continued)

- Amends G.S. 14-16.6.
- Increases 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.

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House Bill 125

NC Health & Human Services (continued)

- Amends G.S. 15A-1340.16.
- Makes 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.

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House Bill 140

Civilian Traffic Investigators

- Enacts G.S. 160A-499.6.
- Authorizes any city to employ nonsworn personnel, to be known as "Civilian Traffic Investigators" (investigators), to investigate traffic crashes that only involve property damage.



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House Bill 140

Civilian Traffic Investigators (continued)

- Newly enacted G.S. 160A-499.6 clarifies that the employment of such investigators cannot 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.

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House Bill 140

Civilian Traffic Investigators (continued)

- Any city employing such investigators must establish minimum standards for employment and investigators must 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.



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House Bill 140

Civilian Traffic Investigators (continued)

- Investigators must be issued credentials by the city and must produce those credentials when requested by a member of the public involved in a crash or who is a witness to a crash.



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House Bill 140

Civilian Traffic Investigators (continued)

- 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.



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House Bill 140

Civilian Traffic Investigators (continued)

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

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House Bill 140

Civilian Traffic Investigators (continued)

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



- Effective: June 23, 2023

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House Bill 142

Protect Our Students Act

- Amends G.S. 14-27.32.
- 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.
- “Student” is defined in amended G.S. 14-27.32 as a person enrolled in kindergarten, or in grade 1 through grade 12 in any school within six months of any violation of this section.

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House Bill 142

Protect Our Students Act (continued)

- Currently, “student” is defined as a person presently enrolled in kindergarten, or in grades 1 through 12.
- Currently, engaging in sexual activity with a student is also classified differently depending upon the position of the offender within the school and the age of the offender relative to the victimized student.
- Effective: December 1, 2023 and applies to offenses committed on or after that date.

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House Bill 142

Protect Our Students Act (continued)

- Amends 14-202.4.
- Expands 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.

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House Bill 142

Protect Our Students Act (continued)

- 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.

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House Bill 142

Protect Our Students Act (continued)

- Enacts G.S. 115C-326.20.
- Creates the new criminal offense of “Reporting misconduct of licensed school employees.”



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House Bill 142

Protect Our Students Act (continued)

- It is 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.

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House Bill 142

Protect Our Students Act (continued)

- 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.

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House Bill 142

Protect Our Students Act (continued)

- Amends G.S. 115C-105.57(c).
- Directs 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 no later than June 30, 2024.

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House Bill 142

Protect Our Students Act (continued)

- Amends G.S. 115C-12(47).
 - Requires the abuse and neglect video to 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.

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House Bill 142

Protect Our Students Act (continued)

- Amends G.S. 128-21.
- Prohibits 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.

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House Bill 142

Protect Our Students Act (continued)

- 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 offenses committed on or after that date.

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House Bill 142

Protect Our Students Act (continued)

- Amends G.S. 135-1.

- Prohibits 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.

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House Bill 142

Protect Our Students Act (continued)

- 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 offenses committed on or after that date.

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House Bill 168

DNCR Agency Bill

- Amends G.S. 132-11.

- Makes 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.



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House Bill 168

DNCR Agency Bill (continued)

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

100 YEARS

- Effective: June 30, 2023

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House Bill 186

Juv Just Mods/DOI Expenses/Tech Changes

- Enacts G.S. 7B-3103.
- Allows 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:

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House Bill 186

Juv Just Mods/.....(continued)

- the juvenile's first name, last name, and photograph;
- any offense in a juvenile petition alleged to have been committed by the juvenile;
- whether a secure custody order has been issued for the juvenile; and

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House Bill 186

Juv Just Mods/.....(continued)

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

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House Bill 186

Juv Just Mods/.....(continued)

- 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;
- 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

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House Bill 186

Juv Just Mods/.....(continued)

- there is a judicial determination that good cause exists for the disclosure.

Note: The agency seeking to release this information must 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.

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House Bill 186

Juv Just Mods/.....(continued)

- Any information released to the public regarding the juvenile must 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.

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House Bill 186

Juv Just Mods/.....(continued)

- Release Due to Exigent Circumstances:
- Newly enacted G.S. 7B-3103 does allow the Division or a law enforcement agency to release the information regarding a juvenile who meets the criteria without a court order when exigent circumstances exist.

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House Bill 186

Juv Just Mods/.....(continued)

- If information is released pursuant to exigent circumstances, the releasing agency must seek a court order authorizing the released as soon as practicable after the release.
- If, after being requested to do so, 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.

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House Bill 186

Juv Just Mods/.....(continued)

- 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.

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House Bill 186

Juv Just Mods/.....(continued)

- All of the provisions in G.S. 7B-3103 have the following effective date:



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

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House Bill 186

Juv Just Mods/.....(continued)

- Amends G.S. 7B-2101.
- Requires 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.

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House Bill 186

Juv Just Mods/.....(continued)

- “Caretaker” is defined as a:
 - stepparent or 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 county department of social services;

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House Bill 186

Juv Just Mods/.....(continued)

- 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.

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House Bill 186

Juv Just Mods/.....(continued)

- Law enforcement must 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.

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House Bill 186

Juv Just Mods/.....(continued)

- 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.

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House Bill 186

Juv Just Mods/.....(continued)

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

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House Bill 186

Juv Just Mods/.....(continued)

- If a juvenile has been detained but has not yet been served with a copy of the 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 offenses committed on or after that date.

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House Bill 186

Juv Just Mods/.....(continued)

- Enacts G.S. 7B-1904.5.
- Clarifies 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:

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House Bill 186

Juv Just Mods/.....(continued)

- has in his or her possession the secure custody order or a copy of the order;
- has reasonable cause to believe the juvenile to be taken into custody is present in the premises or vehicle; and

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House Bill 186

Juv Just Mods/.....(continued)

- 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.

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House Bill 186

Juv Just Mods/.....(continued)

- Note: 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.

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House Bill 186

Juv Just Mods/.....(continued)

- 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 unreasonable 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.

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House Bill 190

Dept. of Health and Human Services Revisions

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



*NC Chief Medical Examiner
Dr. Michelle Aurelius*

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House Bill 190 DHHS Revisions (continued)

- 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

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House Bill 190 DHHS Revisions (continued)

- Amends G.S. 90-12.7.
- Allows local health departments, law enforcement agencies, and other organizations to distribute any qualifying opioid antagonist (i.e. NARCAN[®], etc.) that is obtained over-the-counter to persons at-risk of experiencing an opiate-related overdose and to family members and friends of these persons.

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House Bill 190

DHHS Revisions (continued)

- 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.
- This is no longer required.
- Effective: June 29, 2023



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House Bill 190

DHHS Revisions (continued)

- Amends G.S. 122C-3.
- Allows 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.

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House Bill 190

DHHS Revisions (continued)

- Note: The amendments to G.S. 122C-3 require further agency action before they become effective.

- Effective: On the date emergency rules implementing these changes are adopted by the North Carolina Commission for Mental Health, Developmental Disabilities, and Substance Use Services.

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House Bill 192

2023 Wildlife Resources Changes

- Amends G.S. 113-270.3.

- Allows the North Carolina Wildlife Resources Commission (Commission) to issue a Bonus CWD (Chronic Wasting Disease) 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 chronic wasting disease during seasons and pursuant to methods authorized by the Commission.

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House Bill 192

2023 Wildlife Resources Changes (continued)

- Amends G.S. 100-2.1.
- Allows 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.



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House Bill 192

2023 Wildlife Resources Changes (continued)

- Note: all of the amendments we have covered in House Bill 192 thus far have the same effective date.

EFFECTIVE

- Effective: June 30, 2023

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House Bill 192

2023 Wildlife Resources Changes (continued)

- Amends G.S. 14-401.24.
- Allows the use of an unmanned aircraft or an 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.



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House Bill 192

2023 Wildlife Resources Changes (continued)

- 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.

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House Bill 193

AOC Ct Changes/Amd Expunction

- Amends G.S. 162-9.
- Allows 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.
- 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.

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House Bill 193

AOC Ct Changes/Amd Expunction

- This amendment will allow for a smoother transition into the Office of Sheriff by allowing the bond requirement to be satisfied in advance of the first Monday of December next after the election for the Office of Sheriff.



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House Bill 193

AOC Ct Changes/Amd Expunction (continued)

- 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.



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House Bill 193

AOC Ct Changes/Amd Expunction (continued)

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



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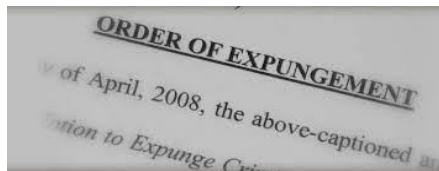
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House Bill 193

AOC Ct Changes/Amd Expunction (continued)

- The bill 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.



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House Bill 193

AOC Ct Changes/Amd Expunction (continued)

- Currently, a conviction for felony breaking or 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.



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House Bill 193

AOC Ct Changes/Amd Expunction (continued)

- Effective July 21, 2023, the bill 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.

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House Bill 347

Sports Wagering/Horse Racing Wagering

- The bill authorizes 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.



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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Enacts G.S. 18C-901.
- 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.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Enacts G.S. 18C-902.
- 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.”

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- However, the bill does not authorize wagering on: (1) youth sports; (2) the occurrence of injuries or penalties; (3) the outcome of disciplinary proceedings against a participant in a sporting event; or (4) the outcome of replay reviews.



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House Bill 347

Sports Wagering/Horse Racing...(continued)

- The following is not lawful under newly enacted G.S. 18C-902:
 - For a person under the age of 21 to engage in sports wagering;
 - For a person who has been adjudicated by law as prohibited from engaging in sports wagering to engage in sports wagering;

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- For a member or employee of the North Carolina State Lottery Commission (Commission) to place a sports wager within the State.
- 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.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- For a participant in the sporting event to engage in sports wagering on that sporting event.
- 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.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Enacts G.S. 18C-918.
- Newly enacted G.S. 18C-918 creates the following criminal penalties:
 - It is a Class 2 misdemeanor to knowingly offer or engage in sports wagering, except as authorized in the bill.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- It is a Class 2 misdemeanor to engage in sports wagering while under the age of 21.
- It is 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.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- It is 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.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Enacts 18C-1001.
- 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.



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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Enacts G.S. 18C-1015.
- Prohibits pari-mutuel wagering by any individual who:
 - Is under the age of 21.
 - Has been adjudicated by law as prohibited from engaging in pari-mutuel wagering.
 - Is a member of the Commission.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Enacts G.S. 18C-1020.
- Newly enacted 18C-1020 creates the following criminal penalties related to pari-mutuel wagering:
 - It is a Class 2 misdemeanor to knowingly offer or engage in pari-mutuel wagering except as specified in the bill.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- It is a Class 2 misdemeanor to engage in pari-mutuel wagering while under the age of 21.
- It is 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.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- It is a Class I felony for an applicant for an ADW license to willfully furnish, supply, or otherwise give false information on the license application.

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House Bill 347

Sports Wagering/Horse Racing...(continued)

- Amends G.S. 18B-1005.
- Authorizes 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

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House Bill 378

Firefighter Criminal History Record Checks

- Amends G.S. 143B-943.
- Provides 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.

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House Bill 378

Firefighter Record Checks (continued)

- Record checks of current members of fire departments can also 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.

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House Bill 378

Firefighter Record Checks (continued)

- 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.



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House Bill 378

Firefighter Record Checks (continued)

- 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.



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House Bill 378

Firefighter Record Checks (continued)

- Amends G.S. 153A-233.
- Requires 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.

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House Bill 378

Firefighter Record Checks (continued)

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

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House Bill 378

Firefighter Record Checks (continued)

- Amends G.S. 153A-234 and G.S. 160A-292.
- Requires 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.

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House Bill 378

Firefighter Record Checks (continued)

- Previously, fire marshals and fire chiefs were required 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.

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House Bill 387

Medal of Valor Award for First Responders

- Amends G.S. 147-12 and 143A-13.

- Authorizes 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.

- The “Medal of Valor Award” can be 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.

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House Bill 387

Medal of Valor Award ... (continued)

- Also authorizes 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.
- “First responder” is defined to include any firefighter, paramedic, law enforcement officer, emergency medical services personnel, or rescue squad member.

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House Bill 387

Medal of Valor Award ... (continued)

- Finally, 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

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House Bill 411

General Assembly Appointments

- The bill makes numerous appointments to State commissions and boards. The following appointments are of interest to the criminal justice community.
- The Speaker of the House of Representatives appoints:



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House Bill 411

General Assembly Appointments (continued)

- 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:

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House Bill 411

General Assembly Appointments (continued)

- 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.
- Effective March 30, 2023, Avis Watkins-Smith of Harnett County is appointed to the Domestic Violence Commission for a term expiring August 31, 2023.

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House Bill 605

School Threat Assessment Teams

- Enacts G.S. 115C-105.65.
- Requires the governing body of a public-school unit to adopt a policy for the development of "threat assessment teams."



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House Bill 605

School Threat Assessment Teams (continued)

- Threat assessment teams 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.

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House Bill 605

School Threat Assessment Teams (continued)

- The bill requires the superintendent of a public school to establish a threat assessment team for each school within the public school unit. Each threat assessment team must:
 - Provide training to students and faculty regarding recognition and reporting of threatening behavior.
 - Identify members of the school community to whom threatening behavior shall be reported.

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House Bill 605

School Threat Assessment Teams (continued)

- Utilize anonymous reporting applications for students to share information about school safety concerns.
- Upon finding a credible threat, the threat assessment team must 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.

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House Bill 605

School Threat Assessment Teams (continued)

- Note: Public school units must establish threat assessment teams no later than March 1, 2024.

Threat Assessment



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House Bill 605

School Threat Assessment Teams (continued)

- Amends G.S. 115C-105.52.
- Requires the Department of Public Instruction and the Center for Safer Schools, in consultation with the Department of Public Safety (DPS), 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.

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House Bill 605

School Threat Assessment Teams (continued)

- Amends G.S. 115C-551 and G.S. 115C-559.
- Encourages (but does not require) private church or religious schools and qualified nonpublic schools to adopt School Risk Management Plans, 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 Division of Emergency Management of DPS.

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House Bill 605

School Threat Assessment Teams (continued)

- The provisions related to threat assessment teams have the following effective date, with the exception of the March 1, 2024 effective date noted on slide 145:

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

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House Bill 611

Modify Training/Standards Commissions Power

- Amends G.S. 17C-13 and 17E-12.

- Prohibits the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (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.

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House Bill 611

Modify Training/Standards (continued)

- Practical Implication:
- Because of the recently enacted “Raise the Age” laws, 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.

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House Bill 611

Modify Training/Standards (continued)

- The bill also 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.

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House Bill 611

Modify Training/Standards (continued)

- The bill 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.

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House Bill 611

Modify Training/Standards (continued)

- Amends G.S. 17E-5.
 - Clarifies that any records that are placed in a criminal justice officer's personnel file maintained by the North Carolina Sheriffs' Education and Training Standards Commission are subject to the same confidentiality laws as personnel files generally.
- Effective: June 23, 2023

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House Bill 790

Innocence Inquiry Commission Provisions

- Amends G.S. 15A-211.
- Requires 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.

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House Bill 790

Innocence Inquiry Comm. Prov. (continued)

- Currently, electronic recordings of adults are only required in these scenarios for 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.



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House Bill 790

Innocence Inquiry Comm. Prov. (continued)

- The bill 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.



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House Bill 790

Innocence Inquiry Comm. Prov. (continued)

- Newly amended G.S. 15A-211 also requires recordings of non-defendant custodial interrogations to 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.

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House Bill 790

Innocence Inquiry Comm. Prov. (continued)

- Enacts G.S. 15A-981.
- 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.

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House Bill 790

Innocence Inquiry Comm. Prov. (continued)

- The bill 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.

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House Bill 813

The Pretrial Integrity Act

- Amends G.S. 7B-1906.
- Authorizes hearings on the need for continued secure custody for a juvenile to be conducted at intervals of up to 30 days.
- 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.

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House Bill 813

The Pretrial Integrity Act (continued)

- Hearings on the need for continued secure custody for a juvenile may be conducted at intervals of up to 30 days if:
 - 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
 - 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.

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House Bill 813

The Pretrial Integrity Act (continued)

- Amends G.S. 15A-533.
- Requires 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:

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House Bill 813

The Pretrial Integrity Act (continued)

- attempted murder or 1st or 2nd degree murder
- 1st or 2nd degree kidnapping, forcible rape, or forcible sexual offense
- 1st degree statutory rape or statutory sexual offense
- statutory rape or sexual offense against a child by an adult

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House Bill 813

The Pretrial Integrity Act (continued)

- statutory rape or sexual offense against a person who is 15 years or younger
- human trafficking
- assault with a deadly weapon with intent to kill inflicting serious injury

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House Bill 813

The Pretrial Integrity Act (continued)

- discharging a firearm into occupied property
- 1st degree burglary and arson
- robbery with firearm or other dangerous weapon

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House Bill 813

The Pretrial Integrity Act (continued)

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

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House Bill 813

The Pretrial Integrity Act (continued)

- Newly amended G.S. 15A-533 also requires a judge to determine the conditions of pretrial release for a defendant who is arrested for any new offense allegedly committed while the defendant was on pretrial release for another pending proceeding.



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House Bill 813

The Pretrial Integrity Act (continued)

- The judge in this scenario 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.
- Note: 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.

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House Bill 813

The Pretrial Integrity Act (continued)

- 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:
 - impaired driving
 - impaired driving in a commercial vehicle
 - habitual impaired driving

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House Bill 813

The Pretrial Integrity Act (continued)

- operating a commercial vehicle after consuming alcohol
- operating a school bus, school activity bus, childcare vehicle, ambulance, EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol
- felony or misdemeanor death by vehicle
- felony or misdemeanor serious injury by vehicle

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House Bill 813

The Pretrial Integrity Act (continued)

- Note: the new procedures for setting the conditions of pretrial release for impaired driving offenses committed while on pretrial release for another offense do not eliminate the arresting officer's need to 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.

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Senate Bill 20

Care for Women, Children and Families Act

- Enacts G.S. 14-32.5.
- 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:

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Senate Bill 20

Care for Women, Children ... Act (continued)

- a current or former spouse, parent, or guardian of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian;

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Senate Bill 20

Care for Women, Children ... Act (continued)

- a person similarly situated to a spouse, parent, or guardian of the victim; or
- a person who has a current or recent former dating relationship with the victim.

Note: A person convicted of the new offense of “Misdemeanor crime of domestic violence” will be prohibited from possessing a firearm under federal law.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Amends G.S. 14-33(c).
- Provides that a person is guilty of a Class A1 misdemeanor if the person assaults a pregnant woman.



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Senate Bill 20

Care for Women, Children ... Act (continued)

- Currently, a person 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, unless the offender is a male that is at least 18 years of age (which would be a Class A1 misdemeanor).
- Effective: December 1, 2023 and applies to offenses committed on or after that date.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Amends G.S. 14-208.40A.

- Provides 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Amends G.S. 14-208.40A.

- Requires a court to order the North Carolina Department of Adult Correction (DAC) to 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 any of the following:



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Senate Bill 20

Care for Women, Children ... Act (continued)

- first-degree or second-degree forcible rape
- statutory rape of a child by an adult
- first-degree statutory rape
- statutory rape of person who is 15 years of age or younger when the offender is at least 6 years older than the victim
- first-degree or second-degree forcible sexual offense
- statutory sexual offense with a child by an adult

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Senate Bill 20

Care for Women, Children ... Act (continued)

- 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
- human trafficking
- sexual servitude
- 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

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Senate Bill 20

Care for Women, Children ... Act (continued)

- 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
- first-degree sexual exploitation of a minor
- patronizing a prostitute who has a severe or profound mental disability
- promoting the prostitution of a minor or person who has a mental disability

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Senate Bill 20

Care for Women, Children ... Act (continued)

- felony child abuse by committing, permitting, or encouraging prostitution by or with a child less than 16 years of age; or
- felony child abuse by allowing the commission of any sexual act upon a child.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Note: 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Enacts G.S. 7B-520.

- Allows 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Enacts G.S. 7B-521.
- Allows 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:



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Senate Bill 20

Care for Women, Children ... Act (continued)

- A first responder, including a law enforcement officer, a certified emergency medical services worker, or a firefighter.
- 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.
- A social services worker who is on duty or at a local department of social services.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Enacts G.S. 7B-522.
- Requires 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- The person taking custody of the surrendered infant is authorized to inquire as to the parents' identities, the date of birth of the infant, any relevant medical history, the parents' marital status, and can advise the parent that, if the parent provides the information, it may facilitate the adoption of the child.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- However, the bill 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Enacts G.S. 7B-524.
- Provides that the surrendering parent's identity is confidential and also requires the individual taking custody of the surrendered infant to disclose any information collected from the surrendering parents to the director of county DSS.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Enacts G.S. 7B-525.
- Requires 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.

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Senate Bill 20

Care for Women, Children ... Act (continued)

- Amends G.S. 14-322.3.
- 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.

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Senate Bill 41 Guarantee 2nd Amend Freedom and Protections

Amends G.S 14-269.2.

Allows 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.



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Senate Bill 41 Guarantee 2nd Amend Freedom ... (continued)

- 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.

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Senate Bill 41

Guarantee 2nd Amend Freedom ... (continued)

- Note: Property owned by a local board of education or county commission cannot be a place of religious worship where carrying handguns is permitted.
- Posted Property: 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.

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Senate Bill 41

Guarantee 2nd Amend Freedom ... (continued)

- 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 when it is being used for religious worship.

- Effective: December 1, 2023

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Senate Bill 41

Guarantee 2nd Amend Freedom ... (continued)

- Amends G.S. 14-415.27.
- Allows 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.

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Senate Bill 41

Guarantee 2nd Amend Freedom ... (continued)

- Note: The agency head (such as the sheriff) 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

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Senate Bill 41

Guarantee 2nd Amend Freedom ... (continued)

- The bill completely 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.

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Senate Bill 41

Guarantee 2nd Amend Freedom ... (continued)

- The bill 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

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Senate Bill 58

Protect Critical Infrastructure

- Enacts G.S. 14-150.2.
- Creates the new criminal offense, “Injuring energy facility.”
- 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.

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Senate Bill 58

Protect Critical Infrastructure (continued)

- A violation is a Class B2 felony if the violation results in the death of another, and, in all other cases, is 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.



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Senate Bill 58

Protect Critical Infrastructure (continued)

- 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:
 - the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy; or

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Senate Bill 58

Protect Critical Infrastructure (continued)

- research, development, or demonstration related to the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy.



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Senate Bill 58

Protect Critical Infrastructure (continued)

- The term energy facility also includes:
 - line, wire, pipe, or other property or equipment used as part of the normal operation of the facility; and
 - hardware, software, or other digital infrastructure necessary for the operations of a facility.



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Senate Bill 58

Protect Critical Infrastructure (continued)

- Amends G.S. 14-159.12.
- Makes 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.

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Senate Bill 58

Protect Critical Infrastructure (continued)

- 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.

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Senate Bill 58

Protect Critical Infrastructure (continued)

- Amends G.S. 14-154.
- Makes 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).

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Senate Bill 58

Protect Critical Infrastructure (continued)

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

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Senate Bill 91

Amend Rule 4/Acceptance of Service

- Amends G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure.
- Allows 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.

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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)

- 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 a copy of the civil summons and by signing and dating the summons.

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

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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)

- Enacts G.S. 20-141.10.

- Makes it unlawful for any person to operate a motor vehicle in a “street takeover.”

- “Street takeover” is defined 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.

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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)

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



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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)

- 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.
- It a Class A1 misdemeanor to knowingly participate in, coordinate through social media or otherwise, or to facilitate a street takeover.

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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)

- Newly enacted 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, a vehicle involved in a street takeover is subject to seizure in the same manner as a vehicle used in a prearranged speed competition.

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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)



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

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Senate Bill 91

Amend Rule 4/Acceptance...Serv. (continued)

- Amends G.S. 18B-1000.
- No longer prohibits a brewery, winery, or distillery from being considered a “bar” under our State’s alcoholic beverage control laws.
- This means these businesses can now engage in the business of selling alcohol beverages for consumption on premises.
- Effective: August 1, 2023

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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.



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Senate Bill 157

Limited Prov. License Modification (continued)

- 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

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Senate Bill 157

Limited Prov. License Modification (continued)

- Amends G.S. 20-11.
- Requires 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.

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Senate Bill 157

Limited Prov. License Modification (continued)

- Amends G.S. 20-11.

- Allows 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.

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Senate Bill 157

Limited Prov. License Modification (continued)

- 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

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Senate Bill 171

Department of Public Safety Agency Bill

- Amends G.S. 143B-911.
- Expands 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.

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Senate Bill 171

DPS Agency Bill (continued)

- 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



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Senate Bill 171

DPS Agency Bill (continued)

- Amends G.S. 143B-1015.
- Requires 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.

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Senate Bill 171

DPS Agency Bill (continued)

- Note: Law enforcement agencies may still enter information into NamUs prior to the 90-day period expiring.
 - 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.
- Effective: July 10, 2023

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Senate Bill 171

DPS Agency Bill (continued)

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

((☎))
SILVER ALERT

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Senate Bill 171

DPS Agency Bill (continued)

- The bill requires a law enforcement agency to issue an alert for rapid statewide dissemination whenever:
 - 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

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Senate Bill 171

DPS Agency Bill (continued)

- the law enforcement agency receives a request to issue an alert within 72 hours of the person or child going missing.
- Note: Currently, the North Carolina Center for Missing Persons is the only entity required to issue such alerts.

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Senate Bill 171

DPS Agency Bill (continued)

- The bill 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.

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Senate Bill 171

DPS Agency Bill (continued)

- Enacts G.S. 127A-63.
- Requires a law enforcement agency or medical examiner to 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.

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Senate Bill 171

DPS Agency Bill (continued)



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

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Senate Bill 171

DPS Agency Bill (continued)

- Amends G.S. 14-208.6.
- Clarifies 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.

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Senate Bill 171

DPS Agency Bill (continued)



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

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Senate Bill 171

DPS Agency Bill (continued)

- Enacts G.S. 143B-1001.

- Codifies 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.

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Senate Bill 171

DPS Agency Bill (continued)

- Note: 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

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Senate Bill 189

Fentanyl Drug Offenses and Related Changes

- Amends G.S. 90-95.
- Subjects 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.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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.



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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 90-95.
- Subjects 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.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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.



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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 90-95.
- Subjects 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.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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.



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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 14-18.4.
- Expands 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.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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.



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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 14-18.4.
- Creates 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.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 14-18.4.
- Increases the penalty for “Aggravated Death by Distribution Through Unlawful Sale of Certain Controlled Substances” from a Class B2 to a Class B1 felony.
- A person is guilty of the offense if:

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

1. they unlawfully sell at least one controlled substance;
2. the ingestion of the controlled substance causes the user's death;
3. the unlawful sale of the controlled substance was the proximate cause of the user's death; and

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

4. the person has a prior conviction for any of the following offenses within 10 years of the date of the offense:
 - death by distribution;
 - manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance (PWISD);
 - drug trafficking;

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- engaging in a continuing criminal enterprise to distribute controlled substances;
- employing or using a minor to manufacture, sell, or commit PWISD of controlled substance; or
- promoting drug sales by a minor.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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."

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 90-96.2.
- Expands the Good Samaritan immunity law to provide limited immunity from prosecution for possession of a controlled substance to victims and Good Samaritans who possess less than one gram of any controlled substance, provided that:

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

1. 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;
2. 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;

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

3. the person provided his or her own name to the 911 system or to a law enforcement officer upon arrival;
4. The person did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search; and
5. the evidence for the prosecution was obtained as a result of the person seeking medical assistance for the drug-related overdose.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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:

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- the Chairman of the North Carolina Sheriffs' Association;
- the Secretary of the North Carolina Department of Public Safety;
- the Director of the North Carolina State Bureau of Investigation;

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- the Commander of the North Carolina State Highway Patrol;
- the President of the North Carolina Association of Chiefs of Police; and
- the Executive Director of the North Carolina Conference of District Attorneys or their designee.

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- 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

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Senate Bill 189

Fentanyl Drug Offenses ... (continued)

- Amends G.S. 130A-389.
- Requires 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 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.

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Senate Bill 203

Authorize Skateboarding 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.



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Senate Bill 203

Authorize Skateboarding Restrictions/ Polk County (continued)

- 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.



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Senate Bill 203

Authorize Skateboarding Restrictions/ Polk County (continued)

- Note: 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.

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus

- Amends G.S 90-108.
- Make it a 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

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus

- 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.

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Senate Bill 206
Control Sub./Opioid/Vaccine/At Home
Omnibus (continued)

- It is a 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

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Senate Bill 206
Control Sub./Opioid/Vaccine/At Home
Omnibus (continued)

- 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.

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus (continued)

- 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

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus (continued)

- 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.

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus (continued)

- Note: 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 day.

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus (continued)

- Amends G.S. 90-12.7 and G.S. 90-113.27.

- Expands 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.

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Senate Bill 206

Control Sub./Opioid/Vaccine/At Home Omnibus (continued)

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



- Effective: May 19, 2023

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Senate Bill 246

Property Owners Protection Act

- Amends G.S. 14-159.13.
- Expands 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.
- Curtilage is the area around a dwelling that is part of the property (such as sheds, outbuildings or fenced in areas).

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Senate Bill 246

Property Owners Protection Act (continued)

- 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.

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Senate Bill 276

Union County/Use Wheel Locks

- Amends G.S. 153A-170.
- Authorizes 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.



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Senate Bill 276

Union County/Use Wheel Locks (continued)

- Note: This bill applies only to Union County.



- Effective: May 25, 2023

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Senate Bill 492

Modify Provisions Affecting Adult Correction

- Amends G.S. 15A-1343.
- Allows any type of alcohol and drug screening to be performed on a probationer pursuant to a regular condition of probation, such as 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 offenses committed on or after that date.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 15A-1343; G.S. 15A-1368.4; and G.S.15A-1374.
- Includes 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Currently, probationers, post-release supervisees, and parolees may not possess firearms while under supervision, but they are not prohibited from possessing firearm ammunition.



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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 15A-1352.

- Allows 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- The bill provides that transfers are 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- This provision of the bill allows 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.
- Effective: October 1, 2023 and applies to transfers occurring on or after that date.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 14-269.
- Allows 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:

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 14-415.12A.
- Includes 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 14-415.10.
- Defines qualified correctional officer and qualified State probation or parole certified officers as officers 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 15A-502.
- Requires 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.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- Amends G.S. 20-179.
- Allows (unless the presiding judge orders otherwise) the Division of Community Supervision and Reentry of DAC (Division) 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:

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

1. 20 hours of community service;
2. house arrest with electronic monitoring;
3. substance abuse assessment, monitoring, and treatment;
4. curfew; and
5. submitting to periods of confinement in a local confinement facility for up to 6 days per month, in 2 or 3-day increments.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- The Division must 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 these conditions.

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Senate Bill 492

Modify Prov.... Adult Correction (continued)

- 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.

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

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Senate Bill 579

Prevent Harm to Children

- Amends G.S. 14-190.1.

- Increases 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.

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Senate Bill 579

Prevent Harm to Children (continued)

- Amends G.S. 14-190.6.
- Makes 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, this conduct is punished as a Class I felony.

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Senate Bill 579

Prevent Harm to Children (continued)

- Amends G.S. 14-190.7.
- Makes 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, this conduct is punished as a Class I felony.

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Senate Bill 579

Prevent Harm to Children (continued)

- Amends G.S. 14-190.8.
- Makes 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, this conduct is punished as a Class I felony.

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Senate Bill 579

Prevent Harm to Children (continued)

- Amends G.S. 14-190.9.
- Expands 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.

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Senate Bill 579

Prevent Harm to Children (continued)

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



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Senate Bill 579

Prevent Harm to Children (continued)

- Amended G.S. 14-190.9 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.

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Senate Bill 579

Prevent Harm to Children (continued)

- 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 on or after that date.

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Senate Bill 582

North Carolina Farm Act of 2023

- Enacts G.S. 14-399.3.

- Makes it a Class 3 misdemeanor for the driver of any vehicle to fail to immediately stop and remain at the scene of the incident if the driver 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.



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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- The bill 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.

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- It is also 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.

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- Amends G.S. 106-65.105D and G.S. 106-549.34.
- Increases 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.

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- Enacts G.S. 15A-300.4
- 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.



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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- This provision does not apply to 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.



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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- Use of an unmanned aircraft system near a forest fire is 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;
 - interferes with emergency operations, or

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- damages 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.

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- 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.

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- Amends G.S. 14-135.
- Expands the criminal offense of larceny of timber to include 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.

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Senate Bill 582

North Carolina Farm Act of 2023 (continued)

- The expanded criminal offense also includes 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.

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Senate Bill 626

Modify Human Trafficking and Rioting Laws

- 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.

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- Amends G.S. 15B-11.
- No longer allows a court to deny an award under the Crime Victims' Compensation Act (CVCA) because the claimant was participating in a nontraffic misdemeanor at the time the claimant's injury if the claimant:

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- 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.

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- The bill no longer allows a court to deny an award under the CVCA because the claimant engaged in contributory misconduct if:
 - the claimant was a victim of human trafficking, involuntary servitude, or sexual servitude; and

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- 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.

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- Amends G.S. 14-43.11.
- Expands 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.

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- Amends G.S. 14-43.13.
- Expands 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.

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Senate Bill 626

Modify Human Traff...Riot...Laws (continued)

- Amends G.S. 14-288.2.
- Excludes “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.

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Senate Bill 754

General Assembly Appointments

- The bill makes numerous appointments to State commissions and boards. The following appointments are of interest to the criminal justice community.
- The President Pro Tempore of the Senate appoints:



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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.
- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- The Speaker of the House of Representatives appoints:
- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.
- 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.

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Senate Bill 754

General Assembly Appointments (continued)

- 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.
- 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.

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House Bill 259

2023 Appropriations Act

- The bill contains the State budget for the 2023-2025 fiscal biennium.



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House Bill 259

2023 Appropriations Act (continued)

- The bill makes numerous changes to the laws of this State.
- Those items of interest to the criminal justice community include:

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House Bill 259

2023 Appropriations Act (continued)

- The bill appropriates to the North Carolina Department of Public Instruction \$25 million and \$35 million in nonrecurring funds each year of the 2023-2025 fiscal biennium for the School Safety Grants Program.
- These grants are used to support students in crisis and for 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.

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House Bill 259

2023 Appropriations Act (continued)

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

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House Bill 259

2023 Appropriations Act (continued)

- Enacts G.S. 115C-391.2.
- Requires 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.
- Newly enacted G.S. 115C-391.2 would also require 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.

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House Bill 259

2023 Appropriations Act (continued)

- The bill would allow 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

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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:



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**



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House Bill 259

2023 Appropriations Act (continued)

- Community-based pre-arrest diversion and reentry programs and to fund local partnerships between law enforcement, counties, and behavioral health providers.
- Community-based and detention center-based restoration programs.



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House Bill 259

2023 Appropriations Act (continued)

- Note: DHHS must consult with the North Carolina Department of Adult Correction (DAC) in developing, implementing and operating the programs above.



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House Bill 259

2023 Appropriations Act (continued)

- The bill 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:

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House Bill 259

2023 Appropriations Act (continued)

- Clay County- \$1 million for the 2024-2025 fiscal year.
- Pamlico County- \$1 million for the 2024-2025 fiscal year.
- Surry County- \$1 million for the 2024-2025 fiscal year.

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House Bill 259

2023 Appropriations Act (continued)

- Note: These grants may only be used to fund opioid remediation programs, services, and activities within the State.



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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 130A-385.
- Requires the North Carolina Office of the Chief Medical Examiner 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.

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 130A-389.
- Requires 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.

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House Bill 259

2023 Appropriations Act (continued)

- The bill also increases the fee for certain autopsies, including the autopsy described above, to \$5,800.
- The county in which the deceased resided is required to pay \$3,625 of the autopsy cost and 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

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House Bill 259

2023 Appropriations Act (continued)

- The bill appropriates to the North Carolina Office of the Chief Medical Examiner \$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.



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House Bill 259

2023 Appropriations Act (continued)

- The bill requires the North Carolina Office of the Chief Medical Examiner to develop and submit to the General Assembly 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.

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House Bill 259

2023 Appropriations Act (continued)

- The bill appropriates to the North Carolina Office of the Chief Medical Examiner \$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.

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House Bill 259

2023 Appropriations Act (continued)

- Enacts G.S. 7B-905.2.
- Allows 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.

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.

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House Bill 259

2023 Appropriations Act (continued)

- “High-risk juvenile transporter” is defined 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.

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House Bill 259

2023 Appropriations Act (continued)

- Newly enacted 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.

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House Bill 259

2023 Appropriations Act (continued)

- Finally, newly enacted G.S. 7B-905.2 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

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 143-215.107A.
- Only requires motor vehicle emissions inspections on vehicles in Mecklenburg County.

- Effective: October 3, 2023

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House Bill 259

2023 Appropriations Act (continued)

- Previously, motor vehicle emissions inspections were 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.

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 7A-133.
- Allows 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.

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House Bill 259

2023 Appropriations Act (continued)

- Amended G.S. 7A-133 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

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 7A-30.
- Eliminates 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 if enacted into law.

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 14-269.4.
- Allows 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.
- Effective: July 1, 2023

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House Bill 259

2023 Appropriations Act (continued)

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



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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 17C-22.
- Eliminates the definition of “eligible county” under the North Carolina Criminal Justice Fellows Program (Fellows Program) and consequently expand its reach to every county in the State.
- Effective: October 3, 2023 and applies to participants in the Program on or after that date.

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House Bill 259

2023 Appropriations Act (continued)

- 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.
- 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.

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.

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House Bill 259

2023 Appropriations Act (continued)

- Enacts G.S. 143B-1457.2.
- Requires 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:

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House Bill 259

2023 Appropriations Act (continued)

- The number of employees charged with a criminal offense that occurred in a State prison and during the employee's work hours.
- The number of employees disciplined, demoted, or separated from service due to misconduct.

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House Bill 259

2023 Appropriations Act (continued)

- 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

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 15A-1369.
- Lowers 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

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.

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House Bill 259

2023 Appropriations Act (continued)

- 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

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House Bill 259

2023 Appropriations Act (continued)

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

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House Bill 259

2023 Appropriations Act (continued)

- Note: The Director of the SBI is currently appointed by the Governor and confirmed by the North Carolina General Assembly. The bill would not modify this appointment process for the Director of the SBI.
- However, the bill would also authorize 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.

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House Bill 259

2023 Appropriations Act (continued)

- 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 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.

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House Bill 259

2023 Appropriations Act (continued)

- These employees exempted from the State Human Resources Act (Act) are not protected by various provisions within the Act and can be discharged by the Director of the SBI in a much easier and quicker manner than exists under current law.

- Effective: December 1, 2023

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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 tangible GPS notification device that provides instantaneous notification if the defendant or offender is within close proximity.

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House Bill 259

2023 Appropriations Act (continued)

- The bill continues to authorize the State Capitol Police to contract with State agencies to provide security services in the buildings occupied by those agencies.



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House Bill 259

2023 Appropriations Act (continued)

- The bill continues to prohibit 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.

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 150B-21.1.
- Requires any agency subject to the rule making procedures of the Administrative Procedure Act 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.

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House Bill 259

2023 Appropriations Act (continued)

- This will apply to the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission.
- Currently, there is no time limit set for supplementing or submitting a new statement of the need for a temporary rule to the Commission.

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.

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House Bill 259

2023 Appropriations Act (continued)

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

- Effective: October 3, 2023

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 150B-21.2.
- Requires 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.

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House Bill 259

2023 Appropriations Act (continued)

- 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

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 150B-21.4.
- Requires 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.

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House Bill 259

2023 Appropriations Act (continued)

- 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

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 150B-21.8.
- Authorizes 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

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House Bill 259

2023 Appropriations Act (continued)

- 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 provisions were originally enacted in Session Law 2020-3.

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House Bill 259

2023 Appropriations Act (continued)

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

- Effective: October 3, 2023

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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.



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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.



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House Bill 259

2023 Appropriations Act (continued)

- The bill 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.



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House Bill 259

2023 Appropriations Act (continued)

- Enacts G.S. 143-48.39A.
- Allows 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 for the spouse, children, and parents of the covered person to attend a memorial service honoring the covered person (including lodging costs).
- Effective: October 3, 2023 and applies to travel expenses incurred on or after that date.

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House Bill 259

2023 Appropriations Act (continued)

- Amends G.S. 20-7.
- Extends 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

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House Bill 259

2023 Appropriations Act (continued)

- Finally, the bill makes hundreds of appropriations that benefit both State and local government and the citizens of this State.
- The appropriations that enhance public safety and are of particular interest to the criminal justice community can be located in the Final Legislative Report in Appendix A.

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QUESTIONS ABOUT ANY OTHER 2023 BILLS WE DID NOT COVER?



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QUESTIONS?



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Closing Remarks

Please Turn in Evaluation Forms



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