
FINAL LEGISLATIVE REPORT

2024

North Carolina Sheriffs' Association



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

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NORTH CAROLINA SHERIFFS' ASSOCIATION

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The 2024 “Short Session” of the North Carolina General Assembly convened on Wednesday, April 24th and adjourned on Thursday, June 27th for most business. The General Assembly will reconvene periodically to consider limited matters between the June 27th adjournment and Wednesday, January 29th of next year when the General Assembly is expected to return for the 2025 session. Such limited matters include, but are not limited to, bills vetoed by the Governor, bills providing for the selection, appointment, or confirmation of individuals recommended by the General Assembly to fill certain vacancies, bills related to election laws, and organizational resolutions.

During the 2024 Short Session, 176 House bills and 151 Senate bills were introduced, for a total of 327 new legislative bills available for consideration. Of the eligible legislative bills, 51 of them were enacted into law. Governor Roy Cooper signed 30 bills, allowed 1 to become law without his signature, and vetoed 9 bills. Seven of the Governor’s vetoes were overridden by the General Assembly, as of October 14, 2024, and those bills became law.

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

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

HOUSE BILLS

[HOUSE BILL 155](#), Titles for Off-Road Veh./Low Speed Veh. Insp., amends G.S. 20-121.1 to allow a “modified utility vehicle,” as defined in Chapter 20 of the North Carolina General Statutes, to be operated on streets or highways having four or more travel lanes as long as the posted speed limit is 55 miles per hour or less. Currently, modified utility vehicles cannot be operated on these types of streets and highways where the posted speed limit is greater than 35 miles per hour. Modified utility vehicles may still not be operated on streets or highways having a posted speed limit greater than 55 miles per hour.

Effective: October 1, 2024

[HOUSE BILL 198](#), DOT Legislative Changes.-AB, makes various changes to the transportation laws in the State. Of interest to the criminal justice community, the bill:

1. Repeals Article 10 of Chapter 63 of the North Carolina General Statutes, which eliminates the requirement that a person intending to operate an unmanned aircraft system (drone) for a commercial or governmental purpose (including law enforcement) successfully complete a knowledge test developed by the Division of Aviation (Division) of the North Carolina Department of Transportation prior to operating a drone in the State.

The repeal of Article 10 also eliminates the requirement that a person operating an unmanned aircraft system for commercial purposes receive a permit from the Division prior to operating a drone in the State.

However, any person operating a drone in the State must still comply with all regulations issued by the United States Federal Aviation Administration (FAA) for operation of drones.

Effective: December 1, 2024

2. Names the bridge on North Carolina Highway 87 that crosses over U.S. Highway 701 in Bladen County the “Deputy Sheriff James B. Collins Bridge.” Deputy Sheriff James B. Collins was killed in the line of duty during a vehicle pursuit. His end of watch was September 26, 2001.

Effective: June 27, 2024

3. Names the bridge on U.S. Highway 701 that crosses over Browns Creek in Bladen County the “Deputy Sheriff J. Roger Stocks Bridge.” Deputy Sheriff J. Roger Stocks suffered a heart attack while on duty. His end of watch was October 28, 1993.

Effective: June 27, 2024

4. Names the bridge on North Carolina Highway 410 that crosses over Crawley Swamp in Bladen County the “Deputy Sheriff Dewayne C. Hester Bridge.” Deputy Sheriff Dewayne Charles Hester was killed in the line of duty in a vehicle collision while responding to an assault in-progress. His end of watch was June 8, 2012.

Effective: June 27, 2024

5. Names the bridge on U.S. Highway 701 that crosses over Turnbill Creek in Bladen County the “Detention Officer James A. Smith Bridge.” Detention Officer James A. Smith suffered a stroke while supervising inmates performing roadside cleanup. His end of watch was January 6, 2019.

Effective: June 27, 2024

6. Amends G.S. 18B-108 to expand the railroad trains in the State on which alcoholic

beverages may be sold to include trains on rail lines that are at least 100 miles long and that connect to the national rail network. Previously, a rail line had to carry at least 60,000 passengers annually in order to be eligible to sell alcoholic beverages in the State.

This amendment is intended to allow rail lines that carry a relatively low number of annual passengers to sell alcoholic beverages to its passengers. Specifically, the target of this amendment was to allow the sale of alcoholic beverages on the rail line from Raleigh to Pinehurst, which attracts rail line passengers periodically for golf tournaments in Pinehurst.

Effective: June 27, 2024

[HOUSE BILL 199](#), [DMV Proposed Legislative Changes.-AB](#), makes various changes to the laws surrounding drivers license. Of interest to the criminal justice community, the bill:

1. Amends G.S. 20-7 to authorize the North Carolina Commissioner of Motor Vehicles to issue, upon request, a “mobile drivers license” to a person with an existing valid drivers license. A “mobile drivers license” is defined in the bill as a supplemental digital version of a valid drivers license that can be displayed on a mobile device owned by the person to whom the valid drivers license is issued. Once issued, a “mobile drivers license” is the legal equivalent of a valid drivers license.

Effective: July 1, 2025

2. Amends G.S. 20-17.8 to clarify that an ignition interlock system is required when the North Carolina Division of Motor Vehicles restores the drivers license of any person convicted of death or serious injury by vehicle, with the exception of misdemeanor death by vehicle, and who was: (1) engaged in driving while impaired and had an alcohol concentration of .08 or more at the time of the offense; or (2) engaged in driving a commercial vehicle while impaired and had an alcohol concentration of .04 or more at the time of the offense.

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

[HOUSE BILL 237](#), [Various Criminal and Election Law Changes](#), makes various changes to the laws surrounding criminal conduct and elections. Of interest to the criminal justice community, the bill:

1. Amends G.S. 14-12.11 to allow a person to wear a medical or surgical grade mask for the purpose of preventing the spread of contagious diseases without violating the State’s masking laws.

Previously, an individual was allowed to wear a mask to ensure “the physical health or safety” of the individual or others. This former provision of law was prompted by the COVID-19 pandemic.

Amended G.S. 14-12.11 also requires an individual wearing a medical or surgical grade mask for the purpose of preventing the spread of contagious disease to remove the mask

upon request by a law enforcement officer or upon request by the owner of public or private property where the individual is present to allow for the identification of the person wearing the mask.

Previously, if an individual was wearing a mask for the purpose of ensuring their or others' physical health or safety, a law enforcement officer could only require the individual to remove the mask during a traffic stop or if the law enforcement officer had reasonable suspicion or probable cause during a criminal investigation.

Effective: June 27, 2024, and applies to offenses committed on or after that date.

2. Enacts G.S. 15A-1340.16G to provide that a person is guilty of a misdemeanor or felony that is one class higher than the underlying offense for which the person was convicted if it is found that the person wore a mask or other item to conceal the person's identity at the time of the offense.

Effective: June 27, 2024, and applies to offenses committed on or after that date.

3. Amends G.S. 20-174.1 to increase the penalties for standing, sitting, or lying on highways or streets. Amended G.S. 20-174.1 makes it a Class A1 misdemeanor for an individual to willfully stand, sit, or lie upon a highway or street while participating in a demonstration intended to prohibit or impede the use of the highway or street on the first offense and a Class H felony for subsequent offenses.

Amended G.S. 20-174.1 also makes it a Class A1 misdemeanor for an individual to willfully stand, sit, or lie upon a highway or street and obstruct an emergency vehicle from accessing the highway or street.

Currently, standing, sitting, or lying on highways or streets is punished as a Class 2 misdemeanor regardless of whether the act is part of a demonstration or obstructs emergency vehicle access.

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

[HOUSE BILL 250, Public Safety/Other Changes](#), makes various changes to the laws surrounding the medical examiner's jurisdiction and ignition interlock requirements. Of interest to the criminal justice community, the bill:

1. Amends G.S. 130A-385 to provide that when a death falls within the jurisdiction of the medical examiner under G.S. 130A-383, the Chief Medical Examiner or the county medical examiner may: (1) inspect the body; (2) inspect and copy the person's medical records; (3) collect the person's body and personal possessions associated with the death, including clothing on the body; and (4) collect tissue and blood samples, cultures, medical images, X-rays, and other medical information.

Effective: October 1, 2024

2. Amends G.S. 130A-385 to provide that when a death falls within the jurisdiction of the medical examiner under G.S. 130A-383 and the death is under criminal investigation, the Chief Medical Examiner or county medical examiner is not authorized to inspect other physical evidence or documents other than those listed above except as permitted by the investigating law enforcement agency.

The investigating law enforcement agency or district attorney is required to inform the Chief Medical Examiner, the county medical examiner, or the autopsy center, as applicable, that the death is under criminal investigation.

The bill does not prohibit the Chief Medical Examiner or county medical examiner from being present during the execution of a search warrant by the investigating law enforcement agency.

Effective: October 1, 2024

3. Amends G.S. 130A-385 to clarify that the medical examiner is required to provide the investigation file to the district attorney upon request while the death is under criminal investigation. Amended G.S. 130A-385 also requires the district attorney or investigating law enforcement agency to inform the Chief Medical Examiner, the county medical examiner, or the autopsy center, as applicable, when the death is no longer under criminal investigation.

Effective: October 1, 2024

4. Amends G.S. 130A-389 to require the district attorney or investigating law enforcement agency, within 24 hours of a pronouncement of death, to notify the Chief Medical Examiner or county medical examiner that the district attorney may be asserting that there is probable cause to believe the death was caused by distribution of certain controlled substances.

If this notification is made, amended G.S. 130A-389 then requires the district attorney to tell the Chief Medical Examiner or county medical examiner that there is probable cause to believe the death was caused by distribution of certain controlled substances within 72 weekday hours of the pronouncement of death.

Effective: October 1, 2024

5. Amends G.S. 20-179.3 to allow a person convicted of impaired driving to obtain a limited driving privilege if: (1) the person has not been convicted of more than one offense involving impaired driving within the preceding 7 years; (2) at the time of the offense the person held a valid driver's license or one that had been expired less than a year; (3) the person did not have an alcohol concentration of 0.15 or more; (4) certain punishment levels were imposed as detailed in the bill; (5) the person has not been convicted or charged with a new offense involving impaired driving; and (6) the person has filed a substance abuse

assessment with the court.

Currently a person cannot obtain a limited driving privilege if they are convicted of impaired driving and had been convicted of another impaired driving offense within the preceding 7 years.

Effective: December 1, 2024, and applies to limited driving privileges issued on or after that date.

6. Amends G.S. 20-179.3 to subject a person ordered to use an ignition interlock device to an additional mandatory 90-day use of the device if the person commits any ignition interlock device violation (such as driving a vehicle not equipped with the ignition interlock device or disabling the device) during the final 90 days of the person's court ordered compliance period.

Effective: December 1, 2024, and applies to limited driving privileges issued on or after that date.

7. Amends Session Law 2023-151 to allow the North Carolina State Bureau of Investigation (SBI) to enter into an agreement with the North Carolina Department of Transportation (DOT) for the placement of license plate reader systems in DOT rights-of-way on its own behalf or as an administrative agent of: (1) a local law enforcement agency in this State; (2) a state law enforcement agency; or (3) a federal law enforcement agency. Previously, the SBI could only act as the administrative agent for a local law enforcement agency in this context.

Amended Session Law 2023-151 also extends the DOT automatic license plate reader pilot program until July 1, 2026.

Effective: July 8, 2024

8. Amends G.S. 90-90 to add Tianeptine to Schedule II of the North Carolina Controlled Substances Act. Tianeptine is an antidepressant drug that has not been approved for use in the United States by the United States Food and Drug Administration.

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

[HOUSE BILL 495](#), Revise Money Laundering/Retail Crime, makes various changes to the laws regarding larceny and financial crimes. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 14-118.8, which creates a new criminal offense of "Money laundering." Newly enacted G.S. 14-118.8 criminalizes certain conduct taken with respect to "Proceeds of criminal activity" (criminal proceeds), which are defined in the bill as funds acquired or derived directly or indirectly from, produced through, realized through, or used in the commission of criminal activity, or "Funds" (funds), which are various forms of currency listed in the bill.

Newly enacted G.S. 14-118.8 criminalizes engaging or conspiring to engage in any of the following conduct if done knowingly and willfully and if, alone or in the aggregate, it involves more than \$10,000 in proceeds or funds:

- (i) Acquiring or maintaining an interest in, concealing, possessing, transferring, or transporting the criminal proceeds;
- (ii) Conducting, supervising, or facilitating a transaction involving the criminal proceeds;
- (iii) Investing, expending, or receiving, or offering to invest, expend or receive, the proceeds or funds (various forms of currency listed in the bill) that the person believes are criminal proceeds;
- (iv) Financing or investing, or intending to finance or invest, funds that the person believes are intended to further the commission of criminal activity;
- (v) Using, transporting, transmitting, or transferring, or conspiring or attempting to use, transport, transmit, or transfer the proceeds to conduct a transaction or attempt to conduct a transaction or to make other disposition of the proceeds with the intent to conceal or disguise the nature, location, source, ownership, or control of the criminal proceeds.
- (vi) Using criminal proceeds with the intent to promote commission of the criminal activity; or
- (vii) Conducting a transaction, or attempting to conduct a transaction, with the criminal proceeds to avoid federal transaction reporting requirements.

Newly enacted G.S. 14-118.8 makes it a Class H felony for a person to engage in any of the above-listed conduct if the value of the proceeds is less than \$100,000. It is a Class C felony if the value of the proceeds equals \$100,000 or more.

Newly enacted G.S. 14-118.8 requires that the defendant have knowledge of the specific nature of the criminal activity giving rise to the proceeds in order to be guilty of money laundering. Newly enacted G.S. 14-118.8 also provides that a person who acts with the intent to facilitate the lawful seizure, forfeiture, or disposition of funds or to facilitate another legitimate law enforcement purpose cannot be prosecuted for the new offense.

2. Amends G.S. 14-72.1 to expand the criminal offense of “Concealment of merchandise in mercantile establishments” to include willfully transferring any price tag, product code, or other price mechanism from goods or merchandise to other goods or merchandise having a higher selling price. Currently, the law only covers transferring a “price tag” from one product to another.

Amended G.S. 14-72.1 also makes it a Class H felony to willfully transfer any price tag, product code, or other price mechanism from one product to another if the product to which those items were transferred is more than \$200 higher in value than the product from which they were transferred.

3. Amends G.S. 14-72.11 to expand the criminal offense of “Larceny from a merchant” to include the following conduct:
 - (i) Fraudulently creating a product code or other price mechanism with the intent to fraudulently obtain goods or merchandise from a merchant at less than its actual sale price.
 - (ii) Presenting a good for purchase for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sales price knowing that a product code or any other price mechanism utilized by the merchant has been replaced by a product code or other price mechanism created by someone other than the merchant or manufacturer.

Newly amended G.S. 14-72.11 defines “product code or other pricing mechanism” as any means used by a merchant to designate or identify the price of an item by a person or a merchant, including, but not limited to, a price tag, a Universal Product Code (UPC), or a Quick Response (QR) Code.

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

[HOUSE BILL 591](#), Modernize Sex Crimes, makes various changes to the laws surrounding exploitation of minors and disclosure of private images to encompass images generated by artificial intelligence (AI). Of interest to the criminal justice community, the bill:

1. Enacts G.S. 14-202.7 to create the offenses of “Sexual extortion; aggravated sexual extortion.” Newly enacted G.S. 14-202.7 makes it a Class F felony for an adult to intentionally threaten to disclose a private image, or to decline to delete, remove, or retract a previously disclosed private image, of the victim or of an immediate family member of the victim in order to compel or attempt to compel the victim or an immediate family member of the victim to do any act or refrain from doing any act against the victim’s will, with the intent to obtain additional private images or anything else of value.

Newly enacted G.S. 14-202.7 makes it a Class 1 misdemeanor for a minor to engage in the same conduct for the first offense and a Class F felony for a second or subsequent offense. Newly enacted G.S. 14-202.7 also makes it a Class E felony if an adult engages in the above-described conduct and the victim is a minor or an individual with a disability.

2. Amends G.S. 14-190.13 to expand the definition of “material” for the purposes of the criminal offenses of displaying material harmful to minors; disseminating or exhibiting to minors harmful material or performances; first degree, second degree, and third degree sexual exploitation of minor; and obscene visual representation of sexual exploitation of a

minor to include physical depictions or representations and digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or AI.

3. Amends G.S. 14-190.13 to include a definition for “child sex doll,” defined as an anatomically correct doll, mannequin, or robot that has the features of or features that resemble those of a minor and is intended to be used for sexual stimulation or gratification.
4. Amends G.S. 14-190.16 to expand the criminal offense of “First degree sexual exploitation of a minor” to include creating for sale or pecuniary gain any material created, adapted, or modified to appear that an identifiable minor is engaged in sexual activity or creating a child sex doll of an identifiable minor for sale or pecuniary gain.
5. Amends G.S. 14-190.17 to expand the criminal offense of “Second degree sexual exploitation of a minor” to include knowingly distributing, transporting, exhibiting, receiving, selling, purchasing, exchanging, or soliciting material created, adapted, or modified to appear that an identifiable minor is engaged in sexual activity or performing any of the previously listed actions with respect to a child sex doll.
6. Amends G.S. 14-190.17A to expand the criminal offense of “Third degree sexual exploitation of a minor” to include knowingly possessing a child sex doll or material that has been created, adapted, or modified to appear that an identifiable minor is engaged in sexual activity.
7. Enacts G.S. 14-190.17C to create the offense “Obscene visual representation of sexual exploitation of a minor.” Newly enacted G.S. 14-190.17C makes it a Class E felony for any person to knowingly produce, distribute, receive, or possess with intent to distribute material that depicts a minor engaging in sexual activity and is obscene.

Newly enacted G.S. 14-190.17C makes it a Class H felony for any person to knowingly possess material that depicts a minor engaging in sexual activity and is obscene.

8. Amends G.S. 14-202.3 to expand the criminal offense of “Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act” to include an individual soliciting a person the individual believes to be the parent, guardian, or caretaker of a child who is less than 16 years of age and at least 5 years younger than the individual to meet with the individual or another person for the purpose of committing an unlawful sex act.
9. Amends G.S. 14-208.6 to classify the newly enacted offense of “Obscene visual representation of sexual exploitation of a minor” as a sexually violent offense for purposes of our State’s Sex Offender and Public Protection Registry.
10. Amends G.S. 14-208.15A to require a business or organization that provides Internet service, electronic communications service, remote computing service, online service, electronic mail service, or electronic instant message or chat services to report to the Cyber Tip Line at the National Center for Missing and Exploited Children when the business or

organization receives a report that a user of its services may be engaged in the offense of “Obscene visual representation of sexual exploitation of a minor.”

11. Amends G.S. 14-208.18 to prohibit a person convicted of “Obscene visual representation of sexual exploitation of a minor” (or a substantially similar federal offense or offense in another state) from being: (1) on the premises of any place intended for the use, care, or supervision of minors; (2) within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors; (3) at any place where minors frequently congregate; or (4) on certain fairgrounds.
12. Amends G.S. 14-208.40A to require the North Carolina Department of Adult Correction to perform a risk assessment for the purpose of sex offender satellite-based monitoring of a sex offender if the court finds that the sex offender is a reoffender of “Obscene visual representation of sexual exploitation of a minor.”
13. Amends G.S. 14-190.5A to clarify that the images covered by our State’s criminal offense of “Disclosure of private images; civil action” include realistic visual depictions created, adapted, or modified by technological means, including algorithms or AI.
14. Amends G.S. 14-190.5A to clarify that the offense of “Disclosure of private images; civil action” includes an individual knowingly disclosing an image of another person that the individual obtained, created, adapted, or modified where the depicted person’s intimate parts are realistically depicted to be exposed or realistically depicted to be engaged in sexual conduct in the disclosed image. Amended G.S. 14-190.5 makes it clear that the offense applies to computer-generated or AI generated depictions of identifiable persons.

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

[HOUSE BILL 593](#), [Various General Local Laws](#), reallocates \$5.5 million of the grant to Duplin County for the Emergency Management Facility to be used for the construction of a co-located office and detention center for the Duplin County Sheriff.

Effective: June 30, 2024

[HOUSE BILL 834](#), [Juvenile Justice Modifications](#), makes various changes to the procedures for the transfer of delinquent juveniles between juvenile court and superior court, the secure custody process, and the punishment for solicitation to commit a crime. Of interest to the criminal justice community, the bill:

1. Amends G.S. 7B-1501(7) to exclude from the definition of “Delinquent juvenile” any juvenile who is at least 16 years of age and who commits an offense which would be a Class A through E felony if committed by an adult.

Currently these juveniles are considered delinquent juveniles and when they commit the above-listed classes of offenses they are not arrested but placed into temporary custody by

an officer pending the filing of a juvenile petition. The cases against these juveniles begin as juvenile adjudications, are transferred to criminal superior court, and may remain in criminal superior court for prosecution.

Beginning December 1, 2024, these juveniles will initially be prosecuted as adults (meaning they may be arrested and charged as adults). They may be later transferred to juvenile court at the discretion of the prosecutor and defense attorney. However, these juveniles still may not be confined in the local jail but must be committed to a detention facility approved by the Division of Juvenile Justice of the North Carolina Department of Public Safety.

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

2. Amends G.S. 15A-145.8 to provide that the charges for: (1) any juvenile adjudication against a juvenile less than 16 years of age that has been transferred to criminal superior court and then remanded back to juvenile court; and (2) any criminal prosecution against a juvenile who is at least 16 years of age that has been removed to juvenile court, must be expunged upon remand or removal.

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

3. Amends G.S. 7B-1906 to provide that, as long as a juvenile remains in nonsecure or secure custody, further hearings to determine the continued need for secure custody may be held every 30 days, unless any party requests or the court orders an earlier hearing.

Currently, these hearings to determine the continued need for secure custody must be held at intervals of no more than 10 calendar days.

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

4. Amends G.S. 7B-2401.5 to prohibit a delinquent juvenile who is found incapable-to-proceed and who is ordered involuntarily committed from being placed in a situation where the juvenile will come into contact with adults.

Effective: January 1, 2025, and applies to offenses committed on or after that date.

5. Amends G.S. 14-2.6 to provide that an adult who solicits a minor to commit a felony or misdemeanor is guilty of the same class felony or misdemeanor as the felony or misdemeanor solicited.

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

[HOUSE BILL 971](#), [Human Trafficking Changes](#), makes various changes to the laws related to human trafficking and prostitution. Of interest to the criminal justice community, the bill:

1. Enacts G.S. 130A-511 and G.S. 42A-39 to require human trafficking reporting by lodging establishments and vacation rental properties. These new laws require lodging establishments (i.e. hotels, inns, etc.) and vacation rental properties: (i) to train certain employees every two years on human trafficking, with training developed or identified by the North Carolina Department of Labor; and (ii) to establish a procedure to report suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency, such as the sheriff.

Effective: July 1, 2025

2. Amends G.S. 14-205.1 to increase the penalty for the first offense of “Solicitation of prostitution” to a Class I felony. Currently such conduct is a Class 1 misdemeanor. This increase in penalty and the crime of “Solicitation of prostitution” do not apply to the person who is the prostitute.

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

3. Enacts G.S. 143-805 to prohibit all public agencies, including law enforcement agencies, from allowing an elected official or an employee of that agency to view pornography on a network or device owned, leased, maintained or otherwise controlled by the agency (such as an agency computer or agency issued cellular phone).

The bill also requires each public agency to establish a policy to implement this prohibition no later than January 1, 2025, which must also state the disciplinary actions that will be taken in response to a violation of the policy.

Newly enacted G.S. 143-805 provides various exceptions to the prohibition against viewing pornography on a public agency device, including an exception for engaging in this activity for investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.

Finally, the bill requires the public agency to report unauthorized or attempted unauthorized viewing of pornography on an agency device to the State Chief Information Officer (CIO), in the format required by the CIO, annually no later than August 1.

It is the interpretation of the North Carolina Sheriffs’ Association that the provisions of newly enacted G.S. 143-805 do not apply to sheriffs’ offices because the Office of Sheriff is not a public agency for the purposes of this statute as defined in G.S. 143-805(g)(5).

Effective: October 1, 2024

4. Amends G.S. 74G-2 to expand access to the Criminal Justice Law Enforcement Automated Data System (CJLEADS) to include campus police agencies.

Effective: July 1, 2024, and applies to requests for access made on or after that date.

5. Amends G.S. 15B-2(13) to expand the definition of “victim” in the Crime Victims Compensation Act (Act) to also include a person who suffers economic loss or substantial emotional distress. Currently, the definition of victim in the Act is limited to suffering personal injury or death that is the result of the criminal conduct of another.

Effective: October 1, 2024, and applies to victims of crimes occurring on or after that date.

SENATE BILLS

[SENATE BILL 303](#), Various Court Changes, makes various changes and technical corrections to the laws governing the administration of justice. Of interest to the criminal justice community, the bill:

1. Amends G.S. 15A-533 to allow the clerk of superior court to set the conditions of pretrial release if a person who is already on pretrial release for an offense is arrested for a new Chapter 20 offense unless the new Chapter 20 offense is an impaired driving offense or a death or serious injury by vehicle offense.

In 2023, the General Assembly amended G.S. 15A-533 to require a judge to set the conditions of pretrial release for a person who is arrested for a new offense while on pretrial release for another offense. The General Assembly carved out an exception allowing the magistrate to set the conditions of pretrial release if the new offense for which the person is arrested is a Chapter 20 offense, excluding impaired driving and death or serious injury by vehicle offenses. The new amendment to G.S. 15A-533 extends this same authority to the clerk of superior court.

Effective: October 1, 2024, and applies to defendants arrested on or after that date.

2. Amends G.S. 14-409.43 to require a petitioner and commitment examiner in an involuntary commitment proceeding to collect and provide to the court the social security number and drivers license number of the respondent, if known, for later entry into the National Instant Criminal Background Check System (NICS) upon a judicial determination in the proceeding.

Effective: July 8, 2024

3. Amends G.S. 7A-171.2 to expand the list of individuals who are eligible for nomination as a magistrate without an advanced degree (i.e. associate degree, bachelor’s degree, or higher) to include a law enforcement officer in this State with at least 8 years’ experience.

Under previous law, a law enforcement officer with at least a two-year associate degree and four years of experience as a law enforcement officer (or other related field) was eligible for nomination as a magistrate. With this amendment to the law, both law enforcement officers with 8 years’ experience and individuals with a combination of an

associate's degree and 4 years' experience in certain fields (including law enforcement) are eligible for nomination as a magistrate.

Effective: July 8, 2024

[SENATE BILL 508](#), [2023 Budget Tech/Other Corrections](#), makes various technical corrections to last year's State budget bill, [Session Law 2023-134](#), [2023 Appropriations Act](#). The bill also makes various appropriations and changes to State law. Of interest to the criminal justice community, the bill:

1. Amends G.S. 135-5.6 to allow law enforcement officers employed by The University of North Carolina Health Care System (UNCHCS) on or after January 1, 2024 and who are members of the Teachers' and State Employees' Retirement System or the Optional Retirement Program for The University of North Carolina to retain their membership in those systems unless they make a one-time, irrevocable election to cease membership in those systems in favor of membership in UNCHCS.

Effective: January 1, 2024

2. Amends G.S. 17E-4 and G.S. 17C-6 to require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (Commissions) to establish initial and in-service educational and training standards for school resource officers stationed in non-public (private) schools.

The Commissions already require by regulation school resource officers in public schools to attend special training.

Effective: May 15, 2024, and applies to agreements entered into or renewed on or after that date.

3. Amends G.S. 153A-103 to provide that the sheriff, in addition to the number of salaried employees fixed by the board of county commissioners, shall also be entitled by law to the number of school resource officers necessary to satisfy any agreements with non-public schools to provide these officers.

Effective: May 15, 2024, and applies to agreements entered into or renewed on or after that date.

4. Amends G.S. 159-13 to require that any funds received by the governing board of a county or city pursuant to any agreement entered into by the sheriff or police chief to provide school resource officers to a non-public school be appropriated for the purpose of providing these school resource officers.

Effective: May 15, 2024, and applies to agreements entered into or renewed on or after that date.

5. Enacts G.S. 160A-288.5 and G.S. 162-26.5 to clarify that police chiefs and sheriffs may enter into agreements with public or non-public schools to provide school resource officers.

Non-public schools must provide funds at least equal to the compensation, benefits, and related expenses of any school resource officer assigned to the school.

Effective: May 15, 2024, and applies to agreements entered into or renewed on or after that date.

6. Amends Session Law 2023-134 to provide that the requirement that the North Carolina Office of the Chief Medical Examiner conduct a comprehensive toxicology screening in all child death cases that fall under the jurisdiction of the medical examiner will only apply to child death cases initiated on or after January 1, 2024.

Effective: January 1, 2024

7. Amends Session Law 2023-134 to provide that the South Piedmont Regional Autopsy Center (Center) will be providing service to the counties to be served by the Center (Anson, Cabarrus, Gaston, Montgomery, Moore, Richmond, Rowan, Stanly, and Union) on different dates, with the earliest date being the date the Center becomes operational and the latest date being June 30, 2026.

Effective: July 1, 2024

8. Amends Session Law 2023-134 to provide that the \$325,000 in nonrecurring funds for the 2023-2024 fiscal year appropriated to the Gaston County Sheriff's Office for the purchase or upgrading of safety equipment shall instead be appropriated as follows: \$175,000 to the Gaston County Sheriff's Office and \$150,000 to the Gaston County Police Department for a mobile command unit.

Effective: July 1, 2023

9. Amends G.S. 58-32-1 to administratively locate the Public Officers and Employees Liability Insurance Commission (Commission) within the Office of the State Fire Marshal of the North Carolina Department of Insurance (Department) going forward. Previously, the Commission was located in the Department but not within the Office of the State Fire Marshal, which exercises its powers and duties independently of the Department. The Commission has the power to acquire professional liability insurance covering law enforcement officers and public officers and employees of State or local government.

Previously, the North Carolina Sheriffs' Association (Sheriffs' Association) provided a list of nominees for the Commission to the Commissioner of Insurance. The North Carolina Association of Chiefs of Police (Chiefs of Police) and the North Carolina Police Executives Association (Police Executives) also provided a joint list of nominees for the Commission to the Commissioner of Insurance. The Commissioner of Insurance then appointed

members to the Commission from the lists provided, choosing one member from the list provided by the Sheriffs' Association and one member from the joint list provided by the Chiefs of Police and Police Executives.

Amended G.S. 58-32-1 requires the Sheriffs' Association to submit its list of nominees and the Chiefs of Police and Police Executives to submit their joint list of nominees to the State Fire Marshal, who is empowered under the bill to make the appointments.

Effective: July 1, 2023

[SENATE BILL 527](#), [ABC Omnibus 2023-24](#), makes various changes to the laws surrounding the sale and consumption of alcoholic beverages in the State. Of interest to the criminal justice community, the bill:

1. Amends G.S. 18B-802 to allow North Carolina Alcoholic Beverage Control (ABC) stores to open on New Year's Day, Independence Day (July 4th), and Labor Day.

Effective: July 8, 2024

2. Amends G.S. 18B-1001 to allow a holder of: (1) an on-premises fortified wine permit that is a restaurant, hotel, private club, bar, brewery or winery; (2) an on-premises unfortified wine permit that is a restaurant, eating establishment, hotel, private club, bar, brewery, winery or wine producer; or (3) a mixed beverages permit that is a restaurant, hotel, private club, bar, brewery, winery, or also a holder of a distillery permit, to sell at retail permitted alcoholic beverages for consumption off-premises (to-go), including delivery by the permittee or a delivery service permittee, provided the beverages are sold with food and are sealed and packaged as detailed below.

Amended G.S. 18B-1001 requires any permitted alcoholic beverage sold at retail for off-premises consumption to be sold with food and to be either: (1) a "premixed cocktail" in the manufacturer's original closed container, or (2) packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap. Amended G.S. 18B-1001 also requires the container to be no greater than 24 fluid ounces.

Effective: July 8, 2024

3. Amends G.S. 18B-101 to add the definition of "Premixed cocktail," defined as a single-serving drink in the manufacturer's original closed container of 24 fluid ounces or less containing at least 0.5% and not more than 13% alcohol by volume and consisting of spirituous liquor premixed with nonalcoholic beverages, flavoring, or coloring.

Effective: July 8, 2024

4. Amends G.S. 18B-1001 to allow the establishments listed above in paragraph 2 that are holders of the permits listed above in paragraph 2 to sell more than one permitted alcoholic

beverage at one time, notwithstanding the general prohibition on selling more than one mixed beverage or spiritous liquor at one time or selling more than two malt beverages, unfortified wines, or fortified wines at one time found in G.S. 18B-1010, if the permitted alcoholic beverages are sold for delivery or consumption off the permittee's premises.

Effective: July 8, 2024

5. Amends G.S. 20-138.7 to provide that transporting alcoholic beverages in the passenger area of a motor vehicle is not unlawful so long as the alcoholic beverages are sealed and packaged for consumption off-premises as detailed in amended 18B-1001.

Effective: July 8, 2024

6. Amends G.S. 18B-108 in a manner identical to [House Bill 198](#), DOT Legislative Changes.- AB, summarized above.

Effective: July 8, 2024

7. Amends G.S. 18B-1001 to allow the holder of an on-premises malt beverage permit to sell at retail malt beverages for consumption on the premises, either alone or mixed with other beverages.

Effective: July 8, 2024

8. Amends G.S. 18B-1001 to allow the North Carolina ABC Commission (Commission) to issue a "Malt Beverage Shop Permit," which authorizes the holder to sell malt beverages, unfortified wine, and fortified wine at retail for consumption off premises: (1) in the original manufacturer's container; and (2) dispensed from tap into a refillable and sealed container. The permit also authorizes the holder to conduct malt beverages tastings on the premises and to ship malt beverages, unfortified wine, and fortified wine to customers in and out of the State.

The permit also allows its holder to sell malt beverages for consumption on the premises, provided that the sale of malt beverages, combined, for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period.

Effective: July 8, 2024

9. Amends G.S. 18B-1105 to allow the holder of a distillery permit to sell mixed beverages for consumption off-premises, including delivery by the permittee or a delivery service permittee, provided the beverages are sealed and packaged as detailed in amended G.S. 18B-1001.

Effective: July 8, 2024

10. Amends G.S. 18B-1001 to allow the ABC Commission to issue a "Bring Your Own

Beverage Permit” to adult live entertainment businesses, authorizing the permit holder to allow patrons of the businesses to bring closed containers of malt beverages and unfortified wine and to consume those alcoholic beverages on the premises.

Effective: July 1, 2024

11. Enacts G.S. 18B-301.1 to prohibit the consumption of alcoholic beverages at any adult live entertainment business except pursuant to a valid permit issued by the ABC Commission.

Effective: July 1, 2024

12. Amends G.S. 18B-1001 to allow the ABC Commission to issue a “Mobile Bar Services Permit,” which authorizes the holder to provide bartending services for events on the premises of businesses that are not ABC permittees and to serve alcoholic beverages to guests at the event. A holder of a “Mobile Bar Services Permit” cannot serve alcoholic beverages on the premises of any location owned or possessed by the holder.

Effective: July 1, 2024

13. Amends G.S. 18B-502 to require a local Alcohol Law Enforcement (ALE) agent or local ABC officer who issues a citation for a violation of Chapters 14 or 18B of the North Carolina General Statutes to an employee of a permitted establishment who is not the named holder of the ABC permit to send notice of the violation by electronic means or certified mail to the ABC permit holder within 5 business days of the issuance of the citation.

Amended G.S. 18B-502 also requires the Commission to send notice of a violation of Chapters 14 or 18B of the North Carolina General Statutes to the holder of the ABC permit if it receives a report of a violation from a local ABC officer or from a law enforcement agency other than the Division of Alcohol Law Enforcement (ALE) of the North Carolina Department of Public Safety. Amended G.S. 18B-502 requires the Commission to send the notice within 5 business days of receipt of the report.

Effective: September 1, 2024, and applies to violations occurring on or after that date.

14. Enacts G.S. 18B-1114.8 to allow the ABC Commission to issue a “Home maker special event permit” to a “Home maker club,” as defined in detail in the bill, authorizing the club to give free tastings of homemade malt beverages and wines on the premises of retail ABC permittees, at shopping malls, at trade shows, conventions, street festivals, holiday festivals, agricultural festivals, farmers markets, local fundraisers, and other similar events approved by the ABC Commission.

Newly enacted G.S. 18B-1114.8 places certain limits on consumer tastings as set forth in detail in the statute.

Effective: October 1, 2024

15. Amends G.S. 18B-1001.5 to clarify that only one Common Area Entertainment Permit is required at a multi-tenant establishment regardless of how many common areas have been designated as consumption areas and that all indoor and outdoor common areas designated by the multi-tenant are covered by that permit.

Amended G.S. 18B-1001.5 also clarifies that, if there are adjacent indoor and outdoor designated consumption areas, a patron may transition from the indoor designated consumption area to the outdoor designated consumption area, and vice-versa, without disposing of their alcoholic beverage.

Effective: July 8, 2024

16. Enacts G.S. 18B-300.3, allowing establishments with certain types of ABC permits to sell, with the written approval of the airport authority, the alcoholic beverages it is permitted to sell for consumption throughout the Transportation Security Administration (TSA)-screened portion of the airport terminal.

Newly enacted G.S. 18B-300.3 requires any alcoholic beverage served for consumption throughout the TSA-screened portion of an airport terminal to be served in a container that: (1) is not glass; (2) displays the statement, “Drink Responsibly – Be 21;” and (3) does not hold more than 16 fluid ounces.

Effective: July 8, 2024

17. Amends G.S. 95-25.5 to allow holders of ABC permits authorizing on-premises sale or consumption of alcoholic beverages to employ individuals 15 years of age to sell alcoholic beverages at the point-of-sale for consumption off-premises and in any other capacity that does not involve the preparation, service, dispensation, or sale of any alcoholic beverages.

Previously, holders of these types of ABC permits could only employ a 15-year-old if the permit holder obtained the written consent of the 15-year-old’s parent or guardian and the 15-year-old was employed to work on the outside grounds of the permit holder’s premises for a purpose that did not involve the preparation, serving, dispensing, or sale of alcoholic beverages.

Effective: July 8, 2024

[SENATE BILL 565](#), Revise Automatic Expunction, amends G.S. 15A-146 to require the automatic expunction, between 180 days and 210 days after the date of final disposition of the case, of criminal charges that are dismissed without leave, dismissed by the court, or that result in a finding of not guilty or not responsible.

Under the law, the responsibility is on the law enforcement agency to obtain any orders it needs (including orders to dispose of any evidence) related to any case that is eligible for automatic expunction under the Second Chance Act **before** 180 days have passed from the final disposition

of the case.

For cases that are dismissed without leave, the law enforcement agency should communicate with the district attorney's office to determine if the prosecutor is dismissing the case in order to submit the case for indictment before a grand jury. In this event, the prosecutor may want any seized evidence to be retained.

The bill also amends [Session Law 2022-47](#) to give the North Carolina Administrative Office of the Courts (AOC) 365 days from the end of the temporary pause on the automatic expunctions under the Second Chance Act, [Session Law 2020-35](#) to expunge all charges eligible for expunction under that Act that occurred while the temporary pause was in effect. Previous legislation extended the temporary pause on the automatic expunctions under the Second Chance Act until July 1, 2024.

Under this bill, AOC has until July 1, 2025 to expunge all charges eligible for expunction under the Second Chance Act that took place while the temporary pause was in effect.

Effective: July 8, 2024

[SENATE BILL 915](#), [General Assembly Appointments](#), makes numerous appointments to State commissions and boards. Those appointments of interest to the criminal justice community are:

The President Pro Tempore of the Senate appoints the following individuals:

1. Effective July 1, 2024, Richard A. Epley of Burke County is appointed to the North Carolina Private Protective Services Board for a term expiring July 1, 2027.
2. Effective June 27, 2024, Laddie "Brian" B. Rice of Carter County, Tennessee, is appointed to the North Carolina 911 Board for a term expiring December 31, 2026.
3. Effective September 1, 2024, Christine F. Strader of Rockingham County, Kim S. Eagle of Gaston County, Sarah M. Kirkman of Iredell County, and Steven M. Nunn of Randolph County are appointed to the North Carolina Domestic Violence Commission for terms expiring August 31, 2026.
4. Effective June 27, 2024, Brent Culbertson of Stanly County is appointed to the North Carolina Criminal Justice Information Network Governing Board for a term expiring June 30, 2025.

The Speaker of the House of Representatives appoints the following individuals:

1. Effective June 27, 2024, Brian K. Gates of Surry County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term expiring June 30, 2025.
2. Effective September 1, 2024, Tiffany Bell of Buncombe County, Joetta Shepard of Forsyth County, Dawn L. "Kriquette" Davis of Wayne County, Kathy G. Current of Gaston

County, George E. Wilson, Jr. of Stanly County, and W. Eric Whitten of Rockingham County are appointed to the North Carolina Domestic Violence Commission for terms expiring August 31, 2026.

3. Effective January 1, 2025, Joseph B. Nelson of Wake County, Earl W. Struble of Wake County, and Gregory Coltrain of Beaufort County are appointed to the North Carolina 911 Board for terms expiring December 31, 2028.
4. Effective September 1, 2024, Sheriff Alan Norman of Cleveland County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring August 31, 2027.

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

North Carolina Sheriffs' Association, Inc.

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