

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 862
HOUSE BILL 118

AN ACT TO REQUIRE THE REPORTING OF COMPLETE AND ACCURATE CRIMINAL HISTORIES TO THE STATE BUREAU OF INVESTIGATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is hereby amended by inserting a new Article 86, to read as follows:

"ARTICLE 86.
"Reports of Dispositions of
Criminal Cases.

"§ 15A-1381. Definition of disposition. — As used in this Article, the term 'disposition' means any action which results in termination or indeterminate suspension of the prosecution of a criminal charge. A disposition may be any one of the following actions:

- (1) A finding of no probable cause pursuant to G.S. 15A-511(c)(2);
- (2) An order of dismissal pursuant to G.S. 15A-604;
- (3) A finding of no probable cause pursuant to G.S. 15A-612(3);
- (4) A return of not a true bill pursuant to G.S. 15A-629;
- (5) Dismissal of a charge pursuant to G.S. 15A-703;
- (6) Dismissal pursuant to G.S. 15A-931 or 15A-932;
- (7) Dismissal pursuant to G.S. 15A-954, 15A-955 or 15A-959;
- (8) Finding of a defendant's incapacity to proceed pursuant to G.S. 15A-1002 or dismissal of charges pursuant to G.S. 15A-1008;
- (9) Entry of a plea of guilty or no contest pursuant to G.S. 15A-1011, without regard to the sentence imposed upon the plea, and even though prayer for judgment on the plea be continued;
- (10) Dismissal pursuant to G.S. 15A-1227;
- (11) Return of verdict pursuant to G.S. 15A-1237, without regard to the sentence imposed upon such verdict and even though prayer for judgment on such verdict be continued.

"§ 15-1382. Reports of disposition; fingerprints. — (a) When the defendant is fingerprinted pursuant to G.S. 15A-502 prior to the disposition of the case, a report of the disposition of the charges shall be made to the State Bureau of Investigation on a form supplied by the State Bureau of Investigation within 60 days following disposition.

(b) When a defendant is found guilty of any felony, regardless of the class of felony, a report of the disposition of the charges shall be made to the State Bureau of Investigation on a form supplied by the State Bureau of Investigation within 60 days following disposition. If a convicted felon was not fingerprinted pursuant to G.S. 15A-502 prior to the disposition of the case, his fingerprints shall be taken and submitted to the State Bureau of Investigation along with the report of the disposition of the charges on forms supplied by the State Bureau of Investigation.

"§ 15-1383. Plans for implementation of Article. — (a) On the effective date of this Article the senior resident superior court judge of each judicial district shall file a plan with the

Director of the State Bureau of Investigation for the implementation of the provisions of this Article. The plan shall be entered as an order of the court on that date. In drawing up the plan, the senior resident superior court judge may consult with the chief district judge, the district attorney, the clerks of superior court within the district, the Department of Correction, the sheriffs and chiefs of police within the district and other persons as he may deem appropriate. Upon the request of the senior resident superior court judge, the State Bureau of Investigation shall provide such technical assistance in the preparation of the plan as the judge desires.

(b) A person who is charged by the plan with a duty to make reports who fails to make such reports as required by the plan is punishable for civil contempt under Article 2 of Chapter 5A of the General Statutes.

(c) When the senior resident superior court judge modifies, alters or amends a plan under this Article, the order making such modification, alteration or amendment shall be filed with the Director of the State Bureau of Investigation within 10 days of its entry.

(d) Plans prepared under this Article are not 'rules' within the meaning of Chapter 150A of the General Statutes or within the meaning of Article 6C of Chapter 120 of the General Statutes."

Sec. 2. Chapter 7A of the General Statutes is hereby amended by adding thereto a new section 7A-608.1 to read:

"§ 7A-608.1. Fingerprinting juvenile transferred to superior court. — When jurisdiction over a juvenile is transferred to the superior court, the juvenile shall be fingerprinted and his fingerprints shall be sent to the State Bureau of Investigation."

Sec. 3. G.S. 15A-502(a) is amended by adding at the end of that subsection the following new sentence:

"It shall be the duty of the arresting law enforcement agency to cause a person charged with the commission of a felony to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation."

Sec. 4. Nothing herein contained shall be construed to obligate the General Assembly to appropriate additional funds to implement the provisions of this act.

Sec. 5. This act shall become effective on January 1, 1982.

In the General Assembly read three times and ratified, this the 8th day of July, 1981.