

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-198
SENATE BILL 584**

AN ACT TO MAKE CHANGES TO FUTURE CRIMINAL LAWS RELATED TO REGULATORY OFFENSES, TO EXTEND THE TIME FOR LOCAL GOVERNMENTS TO REPORT ORDINANCES WITH CRIMINAL PENALTIES, AND TO REQUIRE THE GENERAL STATUTES COMMISSION TO STUDY CURRENT OFFENSES NOT ENACTED BY STATUTE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-4.1. Legislative review of regulatory crimes.

(a) Any rule adopted or amended pursuant to Article 2A of Chapter 150B of the General Statutes that creates a new criminal offense or otherwise subjects a person to criminal penalties is subject to G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more persons pursuant to G.S. 150B-21.3(b2).

(b) This section applies to rules adopted on or after January 1, 2020."

SECTION 2. Effective January 1, 2020, G.S. 150B-21.3(b1) reads as rewritten:

"(b1) Delayed Effective Dates. – ~~If Except as provided in G.S. 14-4.1, if~~ the Commission received written objections to the rule in accordance with subsection (b2) of this section, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a different effective date applies under this section. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill enacted into law before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section."

SECTION 3. Section 1 of S.L. 2018-69 reads as rewritten:

"SECTION 1. All State agencies, boards, and commissions that have the power to define conduct as a crime in the North Carolina Administrative Code shall create a list of all crimes defined by the agency, board, or commission that are in effect or pending implementation. Each agency, board, or commission shall submit the list to the Joint Legislative Administrative



Procedure Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety no later than ~~December 1, 2018~~ November 1, 2019."

SECTION 4. Section 3 of S.L. 2018-69 reads as rewritten:

"SECTION 3. Every ~~county, city, town, or metropolitan sewerage district~~ county with a population of 20,000 or more according to the last federal decennial census, city or town with a population of 1,000 or more according to the last federal decennial census, or metropolitan sewerage district that has enacted an ordinance punishable pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance. Each county, city, town, or metropolitan sewerage district shall submit the list to the Joint Legislative Administrative Procedure Oversight Committee ~~and the Joint Legislative Oversight Committee on Justice and Public Safety~~ no later than ~~December 1, 2018~~ November 1, 2019."

SECTION 5. No ordinance adopted on or after January 1, 2020, and before January 1, 2022, by a county, city, or town that was required to report pursuant to Section 3 of S.L. 2018-69, as amended by Section 4 of this act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that county, city, or town submitted the required report on or before November 1, 2019. Ordinances regulated by this section may still be subject to civil penalties as authorized by G.S. 153A-123 or G.S. 160A-175.

SECTION 6. The General Statutes Commission shall study the reports received pursuant to S.L. 2018-69, as amended by Section 3 and Section 4 of this act, and make recommendations regarding whether any conduct currently criminalized either (i) by an ordinance of a county, city, town, or metropolitan sewerage district or (ii) in the North Carolina Administrative Code by an agency, board, or commission, should have criminal penalties provided by a generally applicable State law. The Commission shall report to the 2020 Regular Session of the 2019 General Assembly and to the Joint Oversight Committee on General Government on or before May 1, 2020.

SECTION 7. G.S. 93A-8 reads as rewritten:

"§ 93A-8. Penalty for violation of Chapter.

Any person violating ~~the provisions of this Chapter~~ G.S. 93A-1 shall upon conviction thereof be deemed guilty of a Class 1 misdemeanor."

SECTION 8. Section 7 becomes effective December 1, 2019, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:12 p.m. this 14th day of August, 2019