

Courts, Justice, and Corrections

See full summary documents for additional detail

H103 - 2022 Appropriations Act.

Sec. 9K.1: Expand the Rights of Appeal Pursuant to Inspections of Local Confinement Facilities. (SL 2022-74)

Section 9K.1 of S.L. 2022-74 amends the statute (G.S. 153A-222) pertaining to inspections of local confinement facilities. The section requires that within 30 days of receiving the semiannual inspection report required by law, the governing body must (i) initiate action to bring the facility into conformity with minimum standards (G.S. 153A-221), or (ii) request a contested case hearing regarding any or all findings in the report. To comply with these changes, the Department of Health and Human Services is required to adopt temporary rules in accordance with the statute (G.S. 150B-21.1) and adopt permanent rules by October 1, 2023.

This section becomes effective October 1, 2022, and applies to actions taken by a governing body, sheriff, or other administrator of a local confinement facility related to inspection reports received on or after that date.

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Sec. 9K.2: Clarify Treatment of Pregnant Female Inmates. (SL 2022-74)

Section 9K.2 of S.L. 2022-74 amends the statute (G.S. 153A-221) establishing the minimum standards for the operation of local confinement facilities to require compliance with the Dignity for Women Incarcerated in Local Confinement Facilities law (Part 2B of Article 10 of Chapter 153A). Additionally this section amends the statute (G.S. 153A-229.2(c)) pertaining to nutrition for pregnant female incarcerated persons to require that local confinement facilities follow the orders of a physician or physician staff regarding dietary needs or restrictions for any particular pregnant incarcerated person or follow the guidelines for women who are pregnant or lactating, as set forth in the most recent edition of Dietary Guidelines for Americans published by the U.S. Department of Health and Human Services and the U.S. Department of Agriculture.

This section became effective July 11, 2022.

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Sec. 16.5: Add Magistrates to Various Counties. (SL 2022-74)

Section 16.5 of S.L. 2022-74 increases the number of magistrates in Caswell, Wake, Mecklenburg, Cleveland, and Lincoln Counties.

This section became effective July 1, 2022.

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Sec. 16.6: Add Assistant District Attorneys to Various Counties. (SL 2022-74)

Section 16.6 of S.L. 2022-74 increases the number of full-time assistant district attorneys allowed in certain prosecutorial districts.

This section became effective July 1, 2022.

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Sec. 16.7: Increase Former Law Enforcement Officer Witness Pay. (SL 2022-74)

Section 16.7 of S.L. 2022-74 increases the witness fee for attendance by former law enforcement officers subpoenaed to testify in a proceeding from \$5 per day or fraction thereof to \$20 per hour or fraction thereof.

This section became effective July 11, 2022, and applies to motions or applications for costs filed on or after that date.

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Sec. 17.1: Public Defender Districts 2 and 5. (SL 2022-74)

Section 17.1 of S.L. 2022-74 creates new Public Defender District 2, which includes Beaufort, Hyde, Martin, Tyrell, and Washington counties, and adds Pender County to Public Defender District 5.

This section became effective July 1, 2022.

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Sec. 17.2: Extend Setoff Debt Collection Act Notice Requirements for Indigent Defense Services. (SL 2022-74)

Section 17.2 of S.L. 2022-74 extends the deadline, in the Setoff Debt Collection Act, from 10 to 30 days for the Office of Indigent Defense Services to send a debtor written notice that it has received the debtor's refund.

This section became effective July 1, 2022, and applies to refunds of a debtor received before, on, or after that date.

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Sec. 19.C.1: Make Prison Wardens Exempt Employees. (SL 2022-74)

Section 19.C.1 of S.L. 2022-74 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and

compensation opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. Employees in these positions are public servants and must file Statements of Economic Interest.

This section became effective July 1, 2022, and applies to persons hired before, on, or after that date.

*Please note that Sec. 20 of S.L. 2022-58 makes a similar change to the same statute.

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Sec. 19C.2: Requires Persons on Post-Release Supervision to Receive Credit for Compliance with Certain Reintegrative Conditions. (SL 2022-74)

Section 19C.2 of S.L. 2022-74 requires that a person on post-release supervision receive earned time credit to reduce a period of post-release supervision for compliance with the requirements of certain reintegrative conditions of post-release supervision.

This provision becomes effective December 1, 2022, and applies to any person on post-release supervision on or after that date.

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Sec. 19D.2: Juvenile Justice HIE Network Report. (SL 2022-74)

Section 19D.2 of S.L. 2022-74 requires the Department of Public Safety to report to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division, on the use of funds appropriated to the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, for the digitization of juvenile health records and the ongoing resources necessary to report digital health records to the Health Information Exchange network. The report is required no later than April 1, 2023.

This section became effective July 1, 2022.

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Sec. 21.1: Office of Administrative Hearings Staffing Flexibility. (SL 2022-74)

Section 21.1 of S.L. 2022-74 provides the Chief Administrative Law Judge the same authority granted each head of a principal State department. Subject to the State Budget Act and the North Carolina Human Resources Act, the Chief Administrative Law Judge of the Office of Administrative Hearings may do the following:

- Create necessary subordinate positions and appoint and remove employees appointed to those subordinate positions.
- Supervise, direct, and control all employees within the Office of Administrative Hearings.
- Transfer officers and employees within offices as determined necessary by the Chief Administrative Law Judge.

- Change the duties, titles, and compensation of existing offices as determined necessary by the Chief Administrative Law Judge.

This section became effective July 1, 2022.

H252 - Bail Bond/Bondsmen Provisions/Other Changes. (SL 2022-73)

S.L. 2022-73 does all of the following:

- Revises the qualifications and examination requirements for bail bondsmen and runners.
- Modifies the grounds for setting aside a bail bond forfeiture and makes conforming changes to the disclosures required to be contained in a notice of forfeiture.
- Authorizes the State to exercise concurrent jurisdiction for offenses committed by juveniles on United States military bases located within the State.
- Authorizes all Department of Defense special agents to assist State and local law enforcement agencies.
- Provides the process for conducting an election held following a vacancy in the office of district court judge as required by S.L. 2021-180, depending on when in the election cycle the vacancy occurs.
- Makes technical corrections to other legislation.

This act contains varying effective dates. Please see the full summary for details.

H560 - Public Safety Reform. (SL 2022-58)

S.L. 2022-58 makes changes to a variety of laws related to public safety and the Department of Public Safety. Due to the variety of topics covered by this act and the varying effective dates, please see the full summary for details.

H607 - Various Court Changes. (SL 2022-47)

S.L. 2022-47, as amended by Section 9 of S.L. 2022-73, suspends the automatic expunction of dismissed criminal charges, not guilty verdicts, and findings of not responsible and makes other changes to the expunction laws.

This act also makes certain changes requested by the Administrative Office of the Courts (AOC) to the General Statutes.

This act has various effective dates. Please see the full summary for more detail.

H615 - Jordan's Law. (SL 2022-48)

- Section 1 of the act amends G.S. 50B-3(b) to allow a court to temporarily extend a domestic violence order of protection when the court date to consider the extension is set after the expiration date on the order.
- Section 2 of the act amends G.S. 50-13.1(b) to allow optional participation in custody mediation, rather than mandatory participation, when motions for contempt or motions to show cause are filed.

Section 1 of this act becomes effective December 1, 2022, and applies to pending motions to renew filed before, on, or after that date. Section 2 of this act becomes effective December 1, 2022, and applies to motions filed on or after that date.

H776 - Remote Electronic Notarization. (SL 2022-54)

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

H869 - State Bar Grievance Process/Ethics Records. (SL 2022-61)

S.L. 2022-61 creates a grievance review panel to allow respondents to appeal privately a public discipline decision by the Grievance Committee before appealing to the Disciplinary Hearing Commission (DHC) and provides that documents in the possession of the State Bar or its staff, employees, legal counsel, councilors, or Ethics Committee advisory members concerning any request for ethics advice are not public records, unless the material, with the consent of the inquiring party, appears in a public agenda of the Ethics Committee.

This act became effective July 8, 2022, and the section of the act pertaining to the grievance review panel applies to grievances and proceedings existing on or commenced on or after that date.

S101 - Require Cooperation with ICE 2.0. (Ratified)

SB 101 would have done the following:

- Require that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses was in custody and that person's legal residency or United States citizenship status was undetermined.

- Require a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody for 48 hours or until ICE resolves the request.
- Create reporting requirements related to ICE queries.

SB 101 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.