

Criminal Law and Procedure

See full summary documents for additional detail

Prevent Rioting and Civil Disorder.

SL 2023-6 (H40)

S.L. 2023-6 makes the following changes:

- Clarifies that active conduct is required for criminal prosecution of riot offenses.
- Increases some penalties for current offenses and creates new offenses related to rioting.
- Authorizes a specific civil action for injury to person or property stemming from rioting, looting or trespass during an emergency.
- Includes members of the National Guard in a prohibition on certain assaults on emergency personnel.
- Increases the penalty for certain assaults on emergency personnel.
- Creates requirements for bail and pretrial release for defendants charged with rioting, and looting or trespass during an emergency.

This act became effective December 1, 2023, and applies to offenses committed on or after that date.

Guarantee 2nd Amendment Freedom and Protections.

SL 2023-8 (S41)

S.L. 2023-8 does the following:

- Authorizes an individual who has a valid concealed handgun permit, or who is exempt from obtaining that permit, to carry a handgun in a place of religious worship that is also educational property if:
 - The property is not owned by a local board of education or county commission.
 - The property is not a public or private institution of higher education.
 - The property is not posted with a notice prohibiting carrying a concealed handgun on the premises.
 - The handgun is only possessed and carried on the property outside of school operating hours.
- Authorizes concealed carry for certain law enforcement facility employees.
- Repeals the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or transfer of a pistol.
- Creates a statewide firearm safe storage awareness initiative to educate the public about safe firearm storage, to facilitate the distribution of gun locks, and to provide local communities with a toolkit to launch local firearm safe storage initiatives.

This bill was vetoed by the Governor on March 24, 2023, and that veto was overridden by the General Assembly on March 29, 2023. This act has various effective dates. Please see the full summary for more details.

Care for Women, Children, and Families Act - Part I.

SL 2023-14 (S20)

Part I of S.L. 2023-14, as amended by Part XIII-B and Part XIV of S.L. 2023-65, repeals and replaces the current abortion law in North Carolina. Under the new law, abortion is permitted through the first 12 weeks of pregnancy for any reason, through the 20th week of pregnancy if the pregnancy resulted from rape or incest, through the 24th week of pregnancy if there is a life-limiting anomaly in the unborn child, and at any time if there is a medical emergency for the pregnant woman. Part I also bifurcates the definition of abortion into surgical and medical abortions and creates new informed consent provisions for both. Finally, Part I criminalizes the provision or advertising of abortion-inducing drugs in certain circumstances, prohibits eugenic abortions, and establishes reporting requirements for abortion.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023, and the criminal provisions apply to any offenses committed on or after that date.

Care for Women, Children, and Families Act - Part III.

SL 2023-14 (S20)

Part III of S.L. 2023-14 requires medical providers to employ the same duty of care for children born alive after attempted abortions that they would for any other child of the same gestational age. It also creates criminal penalties for the failure to exercise that duty of care.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023, and applies to offenses committed on or after that date.

Care for Women, Children, and Families Act - Part VIII.

SL 2023-14 (S20)

Part VIII of S.L. 2023-14 expands the list of crimes that make an individual subject to satellite-based monitoring and expands amount of time an individual would be subject to that monitoring. It also makes assault on a pregnant woman and domestic violence crimes.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective December 1, 2023, and applies to offenses committed on or after that date.

Controlled Substances/Opioid/Vaccine/At Home Omnibus.

SL 2023-15 (S206)

S.L. 2023-15 seeks to stop counterfeit pills by making pill counterfeiting a Class E felony; expands the definition of opioid antagonist; continues to authorize pharmacists, pharmacy interns, and pharmacy technicians to administer vaccinations and immunizations in response to the expiring Public Readiness and Emergency Preparedness Act (PREP Act); and extends the Acute Hospital Care at Home Program as implemented by the Centers for Medicare and Medicaid.

The counterfeit pills change became effective December 1, 2023, and applies to offenses committed on or after that date. The acute hospital care at home program change became effective May 19, 2023, and expires on December 31, 2024. The remaining changes became effective May 19, 2023.

Modify Laws Affecting District Attorneys.

SL 2023-34 (H116)

S.L. 2023-34 allows District Attorneys (DAs) to recuse themselves from a case for "good cause." The Act also provides for each DA to appoint at least one special investigator, and clarifies that written materials related to criminal investigations and prosecutions are not subject to the Public Records Act.

Except as otherwise provided, this act became effective June 9, 2023.

Sports Wagering/Horse Racing Wagering.

SL 2023-42 (H347)

S.L. 2023-42, effective January 8, 2024, does the following:

- Authorizes, regulates, and taxes sports wagering in North Carolina. The Lottery Commission is responsible for issuing licenses to involved parties and regulating sports wagering in North Carolina. Section 11.18 of S.L. 2023-134 amended these provisions.
- Authorizes and regulates pari-mutuel wagering on horse racing in North Carolina. The Lottery Commission is responsible for issuing licenses to involved parties and regulating pari-mutuel wagering in North Carolina.
- Authorizes live horse racing in North Carolina. The Lottery Commission is responsible for regulation of horse racing.
- Creates and provides funding for the North Carolina Major Events, Games, and Attractions Fund, which is administered by the Department of Commerce to provide grants for local governments or nonprofit entities working with local governments to attract major entertainment, musical, political, sporting, and theatrical events to the State to stimulate economic activity and create jobs. Section 11.18 of S.L. 2023-134 amended these provisions.

Protect Critical Infrastructure.

SL 2023-47 (S58)

S.L. 2023-47 does the following:

- Updates and consolidates statutes that relate to damage to utility property (electric, gas, and telecommunications).
- Increases penalties for acts of damage to energy facilities.
- Increases the penalty for trespass to energy facilities, and adds a specific prohibition on trespass to wastewater treatment facilities.
- Increases the penalty for willful injury to wires and other fixtures of telephone, broadband, broadcast, or cable telecommunications.

This act became effective December 1, 2023, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of the act are not abated or affected by the act, and the statutes that would have been applicable but for the changes made by the act remain applicable to those prosecutions.

Civilian Traffic Investigators.

SL 2023-52 (H140)

S.L. 2023-52 allows municipalities to hire civilian traffic investigators to investigate car crashes involving only property damage. Civilian traffic investigators have no power to arrest and do not replace current law enforcement officials. Civilian traffic investigators may write reports that are admissible in court, but not carry weapons or perform arrests.

This act became effective June 23, 2023.

Modify Training/Standards Commissions Power.

SL 2023-56 (H611)

S.L. 2023-56 modifies the powers of the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission and provides that certain expunged crimes committed by minors cannot prevent law enforcement certification.

This act became effective June 23, 2023.

Create a Class 3 Misdemeanor for Leaving the Scene of an Animal Waste Spill – North Carolina Farm Act of 2023.

SL 2023-63 (S582), Sec. 4.1

Section 4.1 of S.L. 2023-63 makes it a Class 3 misdemeanor for the driver of any vehicle who knows or reasonably should know that animal waste, except for excreta from live animals; dead animals or animal parts, except for feathers from live birds; or animal byproducts have been blown, scattered, spilled, thrown, or placed from the vehicle to leave the scene of the incident. There are exceptions allowing the driver to leave the scene to call for a law enforcement officer, call for assistance in removing the materials that were blown, scattered, thrown, spilled, or placed from the vehicle, or to remove oneself or others from significant risk of injury. The court can also order restitution for the cost of removing the materials that were blown, scattered, thrown, spilled, or placed from the vehicle.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

Conform Penalties for Assault With a Deadly Weapon on Department of Agriculture and Consumer Services Inspectors – North Carolina Farm Act of 2023.

SL 2023-63 (S582), Sec. 5.1

Section 5.1 of S.L. 2023-63 makes the penalty for assault with a deadly weapon on an inspector from the Sleep Products Division of the Department of Agriculture and Consumer Services (Department) or a poultry inspector from the Meat and Poultry Inspection Division a Class A1 misdemeanor.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

Prohibit Use of an Unmanned Aircraft Near a Forest Fire – North Carolina Farm Act of 2023.

SL 2023-63 (S582), Sec. 10

Section 10 of S.L. 2023-63 prohibits the use of an unmanned aircraft system 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, with exceptions for law enforcement and employees of the North Carolina Forest Service.

There is a range of penalties for violation of this section. A person who operates an unmanned aerial system in violation of this section would be fined at least \$1,000 and otherwise punished as follows:

- If the person is the proximate cause of death of another person, the person is guilty of a Class D felony.
- If the person is the proximate cause of serious bodily injury to another person, the person is guilty of a Class E felony.
- If the person is the proximate cause of serious mental or physical injury to another person, the person is guilty of a Class F felony.
- If the person interferes with emergency operations and such interference proximately causes damage to any real or 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, the person is guilty of a Class G felony.
- If the person interferes with emergency operations, the person is guilty of a Class H felony.
- If the person is the proximate cause of mental or physical injury to another person, the person is guilty of a Class I felony.
- If the person does not cause any of the injuries specified in this list, the person is guilty of a Class A1 misdemeanor.

A law enforcement agency is authorized to seize an unmanned aircraft system operating in violation of this section.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

Amend Timber Larceny Statute – North Carolina Farm Act of 2023.

SL 2023-63 (S582), Sec. 11

Section 11 of S.L. 2023-63 adds two acts to the offense of larceny of timber, which is a class G felony:

- Knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another person without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land. There is an exception for electric power suppliers who believe in good faith that either (i) consent of the owner had been obtained prior to aiding, hiring, or counseling the individual to cut down, injure, or remove the timber, or (ii) the cutting down, injuring, or

removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard.

- Knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

Modify Human Trafficking and Rioting Laws.

SL 2023-71 (S626)

S.L. 2023-71 makes the following changes:

- Allows for the issuance of a permanent civil no-contact order under Chapter 50D for victims of human trafficking offenses.
- Allows victims of human trafficking offenses to collect under the Crime Victims Compensation Act if the victim committed certain wrongful conduct under duress.
- Provides that it is a violation of the laws prohibiting human trafficking and sexual servitude if a person patronizes or solicits another person who is a victim under those laws.
- Removes urging provisions from G.S. 14-288.2 so that urging another person to engage in a riot is not a crime under the statute.

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

The Pretrial Integrity Act.

SL 2023-75 (H813)

S.L. 2023-75 does the following:

- Authorizes hearings for continued secure custody of 13-, 14-, or 15-year-olds alleged to have committed a Class A felony to be held every 30 days.
- Provides judicial discretion in determining whether defendants charged with certain felonies must be granted pretrial release, and requires a judge to set any conditions of release.
- Requires a judge to determine pretrial release conditions for any defendant charged with a new offense, other than non-DWI motor vehicle offenses contained in Chapter 20, while under conditions of pretrial release for a prior offense, but authorizes a magistrate to set conditions if no judge has acted within 48 hours of arrest.

Sections 1 and 2 of the act became effective October 1, 2023, and apply to offenses committed on or after that date. The remainder of the act became effective July 7, 2023.

Protect Those Who Serve and Protect Act.

SL 2023-76 (H34)

S.L. 2023-76 does the following:

- Creates an offense for discharging or attempting to discharge a firearm at or into an unoccupied emergency vehicle.
- Increases the punishment for pointing a laser device at a law enforcement officer.
- Creates an offense for pointing a laser device at law enforcement agency animals and other emergency personnel.
- Modifies certain laws to increase the criminal punishments for assaults committed against law enforcement officers and other government personnel.

This act became effective December 1, 2023, and applies to offenses committed on or after that date.

Property Owners Protection Act.

SL 2023-85 (S246)

S.L. 2023-85 modifies the law of second degree trespass to include entering or remaining on the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M.

This act became effective December 1, 2023, and applies to offenses committed on or after that date.

Amend Rule 4/Acceptance of Service - Part II.

SL 2023-97 (S91)

Part II of S.L. 2023-97, as amended by Section 8 of S.L. 2023-114, creates offenses for unauthorized street takeovers such as blocking traffic to perform stunts or contests.

This Part became effective December 1, 2023, and applies to offenses committed on or after that date.

Amend Rule 4/Acceptance of Service - Part III.

SL 2023-97 (S91)

Part III of S.L. 2023-97 makes the following changes to courtroom procedure:

- Removes the requirement of presiding judge approval for a district court to have jurisdiction to accept a plea for a Class H or I felony.
- Authorizes the chief district court judge to schedule and assign sessions of court for the acceptance of felony pleas and requires the district attorney to calendar those pleas for these sessions.
- Clarifies that when the superior court holds a probation revocation hearing for an offense where the plea was taken in district court, the superior court shall proceed without remanding the matter back to district court except by agreement of the chief district court judge and the resident superior court judge that it is in the best interest of justice.

This Part became effective December 1, 2023. The changes to the acceptance of pleas in district court apply to pleas accepted on or after that date. The changes to probation revocation hearing procedure apply to revocation hearings held on or after that date.

Administrative Office of the Courts Court Changes/Amend Expunction.

SL 2023-103 (H193)

S.L. 2023-103 amends various provisions of the North Carolina General Statutes, as recommended by the Administrative Office of the Courts (AOC), and makes certain changes to the laws related to the expunction of criminal offenses.

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

Firefighters Criminal History Record Checks.

SL 2023-104 (H378)

S.L. 2023-104 allows an alternative statewide criminal history record check for applicants being offered a position with a fire department to be conducted through the North Carolina Department of Public Safety, a third-party vendor, or the clerk of court, if the applicant meets certain requirements. Applicants for junior membership and current junior members in a fire department under 18 years old are exempt from the criminal history record check. The criminal history record check is only required when a position is being offered.

Juvenile Justice Modifications/Department of Insurance Expenses/Technical Changes.

SL 2023-114 (H186)

Adult Correction/Law Enforcement Changes.

SL 2023-121 (S492)

S.L. 2023-121 makes the following changes to the General Statutes concerning the Department of Adult Correction (DAC) and law enforcement agencies:

- Allows drug or alcohol screening tests, other than breath, urine, or blood tests, to be used to test for the presence of alcohol or drugs in a person on probation.
- Prohibits the possession of firearm ammunition for people on probation, post-release supervision, or parole.
- Allows DAC to transfer an offender from a State prison to a local confinement facility or federal agency five days earlier than the expiration of the sentence when the offender is subject to an outstanding sentence, detainer, or other lawful process authorizing detention.
- Allows DAC to sell products made by Correction Enterprises to any individual currently incarcerated within a DAC facility.
- Authorizes carrying forward to the next fiscal year the end-of-year current operations appropriations credit balance for DAC utilities resulting from energy conservation measure savings, and makes a technical correction to the UNC system's energy conservation savings statute.
- Requires net proceeds derived from the sale or lease of property owned or used by DAC be deposited in a fund for DAC to make capital improvements.
- Adds certain DAC employees to the list of individuals who are exempt from the law prohibiting the carrying of concealed firearms.
- Exempts DAC entirely from the contested case provisions of the Administrative Procedure Act.
- Extends the date that security guards licensed under the Private Protective Services statutes are authorized to work at State prisons to June 30, 2025.
- Allows prisoners working for a certain program to earn a higher wage for their work within DAC.
- Provides that qualified probation or parole certified officers and qualified correctional officers are deemed to have satisfied the approved firearms safety and training course requirement for a concealed handgun permit.
- Expands the scope of various peer support group counselor provisions to include corrections employees, and makes clarifying changes.
- Authorizes probation officers' exercise of delegated authority in DWI cases unless the presiding judge finds delegation inappropriate.
- Allows DAC to conduct a two-year pilot program to contract for nurses from third-party non-governmental staffing agencies without a 31-day break in service after 11 months of employment.
- Requires arresting law enforcement agencies to fingerprint individuals charged with a misdemeanor crime of domestic violence and forward those fingerprints to the State Bureau of Investigation.
- Corrects references to DAC and the Department of Public Safety in various statutes.

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

Fentanyl Drug Offenses and Related Changes.

SL 2023-123 (S189)

S.L. 2023-123, as amended by Section 9H.8(a) of S.L. 2023-134, does the following:

- Increases the fine amounts related to trafficking heroin, fentanyl, or carfentanil.
- Revises the laws related to Second Degree Murder and Death by Distribution to consolidate the laws and provide for new offenses related to deaths caused by the distribution of certain controlled substances.
- Provides for a limited criminal immunity for a person who possesses less than 1 gram of any controlled substance if the person seeks medical assistance for a victim of a drug-related overdose.
- Establishes the Task Force on Enforcement of Fentanyl and Heroin Drug Violations.

This act became effective December 1, 2023.

Prevent Harm to Children.

SL 2023-127 (S579)

Session Law 2023-127, as amended by Section 7 of S.L. 2023-151, does the following:

- Increases the felony classification of intentionally disseminating obscenity when it is knowingly done in the presence of a person under 18 years of age.
- Requires that any defendant who viewed child pornography and has been convicted of first-degree, second-degree, or third-degree sexual exploitation of a minor must be ordered to make restitution as required by Article 81C of Chapter 15A of the General Statutes and newly created G.S. 14-190.17B. The court is not required to order restitution if the victim has not been identified.
- Increases the felony classification for employing a minor in obscenity offenses and disseminating obscene material to a minor.
- Modifies certain indecent exposure offenses to apply to indecent exposure to any minor, rather than a person under 16 years old.

This act became effective December 1, 2023. The increased penalties and modification of offenses apply to offenses committed on or after that date. The restitution requirements apply to restitution orders entered on or after that date.

Protect Our Students Act.

SL 2023-128 (H142)

S.L. 2023-128 does the following:

- Effective December 1, 2023, makes the crimes of sexual activity with a student and taking indecent liberties with a student Class G felonies.
- Effective December 1, 2023, modifies the definition of sexual activity with a student and taking indecent liberties with a student to include individuals who were in school within six months of the violation.
- Effective December 1, 2023, requires superintendents, assistant superintendents, associate superintendents, personnel administrators, and principals to report certain misconduct to the State Board of Education (SBE) if they know, have reason to believe, or have actual notice of a complaint that an employee licensed under Article 17E of Chapter 115C of the General Statutes engaged in misconduct that resulted in dismissal, disciplinary action, or resignation. If the employee resigns within 30 days of a complaint or during an investigation, the misconduct is presumed to have resulted in the resignation. Failure to report is a Class I felony.
- Requires the Center for Safer Schools to develop and produce age-appropriate videos on child abuse and neglect, including age-appropriate information on sexual abuse. The SBE must adopt a rule that requires that students in grades 6-12 view the video no more than 5 days after the first day of the school year, beginning with the 2024-2025 school year.
- Effective July 1, 2023, forfeits the retirement benefits for school employees as a result of conduct directly related to the office or employment, which is the following:
 - An offense that would lead to an automatic revocation of a professional educator license without a hearing, and the commission of the offense occurred while the member was employed in a public school or working in a public school subject to a memorandum of understanding.
 - An offense which required the revocation of the member's licensure or certification required for the member's employment or office at the time of the commission of the offense.
 - Conduct that was directly related to the member's employment or office as determined by the Board of Trustees of the Retirement System.
- Requires the Buncombe County Board of Education and Asheville City Board of Education to jointly study the feasibility of merging the two local school administrative units, including the potential economic and educational impact of merging the school units and any other relevant information. The Boards must report their findings and recommendations to the standing committees of the General Assembly hearing elections matters no later than February 15, 2025.

Except as otherwise provided, this act became effective September 29, 2023.

North Carolina Health and Human Services Workforce Act.

SL 2023-129 (H125)

S.L. 2023-129 makes numerous changes that impact the workforce in the health and human services sector. Sections of the act include the following: allows military relocation licenses for physician and physician assistant servicemembers and spouses; modifies the hearing aid dealers and fitters laws with regard to over-the-counter hearing aids; modifies behavior analyst

credentialing; makes modifications to optometry laws; requires evaluation of federal requirements and, if appropriate, requires development of a plan to transition the nurse aide I education and training program from the Department of Health and Human Services to the Board of Nursing; protects health care workers from violence; extends flexibility for ambulance transport; updates statutes governing the practice of audiology; adjusts Medicaid reimbursement for dental procedures performed in ambulatory centers; and amends the definition of a "bar" in the sanitation statutes.

The audiology portion of the act was amended by Section 2.7 of S.L. 2023-141.

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

Age Verification for Access to Material Harmful to Minors – Various Statutory Changes.

SL 2023-132 (H8), Sec. 3.20

Section 3.20 of S.L. 2023-132 enacts the "Pornography Age Verification Act" (PAVE Act) which requires commercial entities that publish or distribute material harmful to minors on internet websites to use a commercial age verification system and creates a civil cause of action against entities that fail to comply with the requirements of the Act.

This section becomes effective January 1, 2024, and applies to websites accessed on or after that date.

Sports Wagering Technical Corrections – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 11.18

Section 11.18 of S.L. 2023-134 makes changes to S.L. 2023-42 (Sports Wagering/Horse Racing Wagering), most notably, the following:

- Requires a prospective interactive sports wagering operator applicant to have a written designation agreement with a professional sports team, a motorsports facility, a facility that hosts a professional golf tournament annually, or certain sports governing bodies to be eligible for licensure.
- Authorizes an indoor venue that does not meet the definition of "sports facility" but hosts sporting events and is designed to host 22,000 or more live spectators to be an eligible location for grant funding from the North Carolina Major Events, Games, and Attractions Fund.

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

Competitive Grants for Nonprofit Organizations Providing Services to Victims of Human Trafficking – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 16.23

Section 16.23 of S.L. 2023-134 requires the Human Trafficking Commission to develop and implement a program to award grants to eligible nonprofit organizations that directly provide services to victims of human trafficking.

This section became effective July 1, 2023.

Allow Appellate Judges to Carry Concealed Weapons in Certain Instances – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 16.33

Section 16.33 of S.L. 2023-134 adds any judge of the North Carolina Court of Appeals and any justice of the North Carolina Supreme Court to those judges who can carry or possess 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 and the judge or justice has a concealed handgun permit.

This section became effective July 1, 2023.

Transfer a Portion of Anson Correctional Institution to Proverbs 226 – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19A.5

Section 19A.5 of S.L. 2023-134 directs the State of North Carolina to convey to the organization Proverbs 226 a 23-acre parcel of land to use for programs serving the Department of Adult Correction.

This section became effective on July 1, 2023.

Nurse Staffing at State Prison Report – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19B.2

Section 19B.2 of S.L. 2023-134 requires the Department of Adult Correction to submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2024, and February 1, 2025, with the following information on nurse staffing at the Department:

- The total number of permanent nursing positions allocated to the Department, the number of filled positions, the number of positions that have been vacant for more than six months, and information regarding the location of both filled and vacant positions.

- The extent to which temporary contract services are being used to staff vacant nursing positions, the method for funding the contract services, and any cost differences between the use of permanent employees versus contract employees.
- A progress report on the implementation of its plan to (i) reduce the use of contract services to provide nursing in State prisons and (ii) attract and retain qualified nurses for employment in permanent positions in State prisons.

This section also authorizes the Department to convert funds appropriated for contractual nursing services to permanent nursing positions when it is determined to promote security, generate cost savings, and improve health care quality, if approved by the Office of State Budget and Management, and reported to the Fiscal Research Division of the North Carolina General Assembly.

This section became effective July 1, 2023.

Codify Department of Adult Correction Report on Prison Personnel Matters – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19B.3

Section 19B.3 of S.L. 2023-134 requires the Department of Adult Correction (DAC) to report the following information to the Joint Legislative Oversight Committee on Justice and Public Safety each year:

- The number of DAC employees charged with a criminal offense during work hours.
- The number of DAC employees disciplined due to personal misconduct.
- Certain information used in the hiring and screening process of DAC employees.

This section became effective July 1, 2023.

Make Drug and Alcohol Screening a Regular Condition of Probation – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19C.2

Section 19C.2 of S.L. 2023-134 changes a regular condition of probation to require that defendants on probation submit to drug and alcohol testing without restricting the type of test.

This section of the act became effective December 1, 2023.

Revise Law Governing Medical Release of Inmates – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19C.6

Section 19C.6 of S.L. 2023-134 revises Article 84B of Chapter 15A of the General Statutes regarding medical release of inmates as follows:

- Modifies the definition of a "geriatric" inmate by lowering the minimum age requirement to 55 years of age (previously 65 years of age) and revises the risk requirement from no risk to "no risk or low risk to public safety."
- Removes the no risk requirement from the definition of "permanently and totally disabled."
- Modifies the definition of "terminally ill" to require that death is likely within nine months (previously six months) and revises the risk requirement from no risk to "no risk or low risk to public safety."
- Modifies the eligibility criteria to change the risk requirement from no risk to "no risk or low risk to public safety."

This section also provides that inmates who received a previous denial of medical release can reapply or be reconsidered for medical release under these new provisions, but any denial after reapplication or reconsideration pursuant to this section is subject to the standard provisions requiring a demonstrated change in medical condition before reconsideration.

This section became effective October 3, 2023.

Make State Bureau of Investigation Independent Department – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19F.4

Section 19F.4 of S.L. 2023-134 establishes the State Bureau of Investigation (SBI) as a cabinet-level department, removing it from the Department of Public Safety, and does the following:

- Authorizes the Director of the SBI to exempt up to 10 employees from portions of the State Human Resources Act. This section became effective October 3, 2023.
- Authorizes the General Assembly to remove the Director of the SBI by a three-fifths vote of the Senate and House of Representatives membership present and voting for influencing elections or political activities, misfeasance, malfeasance, and nonfeasance.
- Reduces the fee for an expunction under G.S. 15A-145.8A from \$175.00 to \$52.50.
- Eliminates the State Human Resources Act exemption for SBI employees if the exemption was provided by the Governor. This section became effective October 3, 2023.
- Makes conforming changes.

The remainder of the section became effective December 1, 2023.

Use of Seized and Forfeited Property – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 19G.2

Section 19G.2 of S.L. 2023-134 provides direction to the Department of Justice, Department of Public Safety, and Department of Adult Correction about the accounting, use, and reporting of seized and forfeited assets.

This section of the act became effective July 1, 2023.

Surveyors Right of Entry/Expedite Commercial and Multifamily Building Projects.

SL 2023-142 (S677)

S.L. 2023-142:

- Gives licensed professional land surveyors and their agents, employees, or personnel under their supervision, a limited right to enter into the lands of others if necessary to perform surveys and after making a reasonable effort to notify adjoining landowners upon whose land entry is necessary.
- Expedites plan review processes and authorizes the use of limited at-risk construction permitting options for certain commercial and multifamily building projects.

The section of the act pertaining to professional land surveyor right-of-entry becomes effective July 1, 2024, and applies to acts on or after that date. The section of the act pertaining to commercial and multifamily building permits becomes effective July 1, 2024, and applies to permit applications submitted on or after that date.

Breaking or Entering Into or Breaking Out of Railroad Cars, Motor Vehicles, Trailers, Aircraft, Boats, or Other Watercraft; Aggregation of Financial Crimes; Hearsay Exceptions; Availability of Declarant Immaterial – Various Changes to Criminal and Civil Laws.

SL 2023-151 (S409), Sec. 1-3

Section 1 of S.L. 2023-151 modifies the criminal law for breaking and entering a vehicle of any kind to increase the punishment depending on the value of the property taken from the vehicle and provides concurrent jurisdiction to the court of each county where each incident occurred. This section became effective December 1, 2023, and applies to offenses committed on or after that date.

Section 2 of S.L. 2023-151 permits the aggregation of multiple convictions of financial crimes for sentencing and provides concurrent jurisdiction to the court of each county where one of the financial crimes occurred. This section becomes effective March 1, 2024, and applies to offenses committed on or after that date.

Section 3 of S.L. 2023-151 expands the business records exception to the rule against hearsay by allowing a custodian or witness to certify under penalty of perjury that a document was kept in the regular course of business. This section becomes effective March 1, 2024.

Automatic License Plate Readers in State Right-of-Way Pilot – Various Changes to Criminal and Civil Laws.

SL 2023-151 (S409), Sec. 5

Section 5 of S.L. 2023-151 establishes a pilot program for placement of automatic license plate reader systems in State right-of-way and makes various changes to existing laws that relate to automatic license plate reader systems.

This section has various effective dates. Please see the full summary for more details.

Correction to G.S. 14-190.1(g) - Obscene Literature and Exhibitions – Various Changes to Criminal and Civil Laws.

SL 2023-151 (S409), Sec. 7

Section 7 of S.L. 2023-151 makes a technical correction to S.L. 2023-127 caused by duplicative and conflicting language in that act.

Section 7 of the act became effective December 1, 2023, and applies to offenses committed on or after that date.