

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 92*

Short Title: GSC Technical Corrections 2013. (Public)

Sponsors: Representative Blust (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

February 13, 2013

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS
RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 14-17(a) reads as rewritten:

"(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 18 years of age at the time of the murder shall be punished ~~with imprisonment in the State's prison for life without parole.~~ in accordance with Part 2A of Article 81B of Chapter 15A of the General Statutes."

SECTION 1.(b) G.S. 15A-1340.17(c) reads as rewritten:

"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. — The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in



1 such a case, any minimum term of imprisonment in the mitigated range is
 2 permitted. The mitigated range is the lower of the three ranges in the cell.
 3 (4) An aggravated range of minimum durations if the court finds pursuant to
 4 G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified;
 5 in such a case, any minimum term of imprisonment in the aggravated range
 6 is permitted. The aggravated range is the higher of the three ranges in the
 7 cell.

8 PRIOR RECORD LEVEL

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts		
12	A Life Imprisonment Without Parole or Death <u>With Parole or Without Parole, or Death,</u>							
13	as Established by Statute							
14	A	A	A	A	A	A	DISPOSITION	
15	240-300	276-345	317-397	365-456	Life Imprisonment		Aggravated	
16							Without Parole	
17	B1	192-240	221-276	254-317	292-365	336-420	386-483	PRESUMPTIVE
18		144-192	166-221	190-254	219-292	252-336	290-386	Mitigated
19	A	A	A	A	A	A	DISPOSITION	
20	157-196	180-225	207-258	238-297	273-342	314-393	Aggravated	
21	B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE
22		94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
23	A	A	A	A	A	A	DISPOSITION	
24	73-92	83-104	96-120	110-138	127-159	146-182	Aggravated	
25	C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
26		44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
27	A	A	A	A	A	A	DISPOSITION	
28	64-80	73-92	84-105	97-121	111-139	128-160	Aggravated	
29	D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
30		38-51	44-59	51-67	58-78	67-89	77-103	Mitigated
31	I/A	I/A	A	A	A	A	DISPOSITION	
32	25-31	29-36	33-41	38-48	44-55	50-63	Aggravated	
33	E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
34		15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
35	I/A	I/A	I/A	A	A	A	DISPOSITION	
36	16-20	19-23	21-27	25-31	28-36	33-41	Aggravated	
37	F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
38		10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
39	I/A	I/A	I/A	I/A	A	A	DISPOSITION	
40	13-16	14-18	17-21	19-24	22-27	25-31	Aggravated	
41	G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
42		8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
43	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION	
44	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated	
45	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
46		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
47	C	C/I	I	I/A	I/A	I/A	DISPOSITION	
48	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated	
49	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
50		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

1 **SECTION 2.(a)** G.S. 74-54(b) reads as rewritten:

2 "(b) The applicant shall have the option of filing a separate bond for each operating
3 permit or of filing a blanket bond covering all mining operations within the State for which the
4 applicant holds a permit. The amount of each bond shall be based upon the area of affected land
5 to be reclaimed under the approved reclamation plan or plans to which the bond pertains, less
6 any area where reclamation has been completed and released from coverage by the Department,
7 pursuant to G.S. 74-56, or based on any other criteria established by the ~~North Carolina Mining
8 and Energy Commission~~. The Department shall set the amount of the required bond in all
9 cases, based upon a schedule established by the ~~North Carolina Mining and Energy
10 Commission~~."

11 **SECTION 2.(b)** G.S. 74-54.1(c) reads as rewritten:

12 "(c) The Department shall annually report on or before ~~1 September~~ September 1 to the
13 Environmental Review Commission, the Fiscal Research Division, and the ~~North Carolina
14 Mining and Energy Commission~~ on the cost of implementing this Article. The report shall
15 include the fees established, collected, and disbursed under this section and any other
16 information requested by the General Assembly or the Commission."

17 **SECTION 2.(c)** G.S. 74-67 reads as rewritten:

18 "**§ 74-67. Exemptions.**

19 The provisions of this Article shall not apply to those activities of the Department of
20 Transportation, nor of any person, firm, or corporation acting under contract with ~~said the~~
21 Department of Transportation, on highway rights-of-way or borrow pits maintained solely in
22 connection with the construction, repair, and maintenance of the public road systems of North
23 Carolina; provided, that this exemption shall not become effective until the Department of
24 Transportation shall have adopted reclamation standards applying to such activities and such
25 standards have been approved by the ~~North Carolina Mining and Energy Commission~~. The
26 provisions of this Article shall not apply to mining on federal lands under a valid permit from
27 the U.S. Forest Service or the U.S. Bureau of Land Management."

28 **SECTION 3.** G.S. 90B-3 reads as rewritten:

29 "**§ 90B-3. Definitions.**

30 The following definitions apply in this Chapter:

- 31 (1) Board. – The North Carolina Social Work Certification and Licensure
32 Board.
- 33 (2) ~~Licensed Clinical Social Worker. – A person who is competent to function
34 independently, who holds himself or herself out to the public as a social
35 worker, and who offers or provides clinical social work services or
36 supervises others engaging in clinical social work practice.~~
- 37 (3) Certified Master Social Worker. – A person who is certified under this
38 Chapter to practice social work as a master social worker and is engaged in
39 the practice of social work.
- 40 (4) Certified Social Work Manager. – A person who is certified under this
41 Chapter to practice social work as a social work manager and is engaged in
42 the practice of social work.
- 43 (5) Certified Social Worker. – A person who is certified under this Chapter to
44 practice social work as a social worker and is engaged in the practice of
45 social work.
- 46 (6) Clinical Social Work Practice. – The professional application of social work
47 theory and methods to the biopsychosocial diagnosis, treatment, or
48 prevention, of emotional and mental disorders. Practice includes, by
49 whatever means of communications, the treatment of individuals, couples,
50 families, and groups, including the use of psychotherapy and referrals to and
51 collaboration with other health professionals when appropriate. Clinical

1 social work practice shall not include the provision of supportive daily living
 2 services to persons with severe and persistent mental illness as defined in
 3 G.S. 122C-3(33a).

4 (6a) Licensed Clinical Social Worker. – A person who is competent to function
 5 independently, who holds himself or herself out to the public as a social
 6 worker, and who offers or provides clinical social work services or
 7 supervises others engaging in clinical social work practice.

8 (6b) Licensed Clinical Social Worker Associate. – A person issued an associate
 9 license to provide clinical social work services pursuant to G.S. 90B-7(f).

10 (7) Practice of Social Work. – To perform or offer to perform services, by
 11 whatever means of communications, for other people that involve the
 12 application of social work values, principles, and techniques in areas such as
 13 social work services, consultation and administration, and social work
 14 planning and research.

15 (8) Social Worker. – A person certified, licensed, or associate licensed by this
 16 Chapter or otherwise exempt under G.S. 90B-10."

17 **SECTION 4.** G.S. 120-12.1 reads as rewritten:

18 "**§ 120-12.1. Reports on vacant positions in the Judicial Department and ~~three~~two other**
 19 **departments.**

20 The Judicial Department, the Department of Justice, and the Department of Public Safety
 21 shall each report by February 1 of each year to the Chairs of the House and Senate
 22 Appropriations Committees and the Chairs of the House and Senate Appropriations
 23 Subcommittees on Justice and Public Safety on all positions within that department that have
 24 remained vacant for 12 months or more. The report shall include the original position vacancy
 25 dates, the dates of any postings or repostings of the positions, and an explanation for the length
 26 of the vacancies."

27 **SECTION 5.** G.S. 122C-22(a) reads as rewritten:

28 "(a) ~~The All of the~~ following are excluded from the provisions of this Article and are not
 29 required to obtain licensure under this Article:

30 (1) Physicians and psychologists engaged in private office ~~practice;~~practice.

31 (2) General hospitals licensed under Article 5 of Chapter 131E of the General
 32 Statutes, that operate special units for the mentally ill, developmentally
 33 disabled, or substance ~~abusers;~~abusers.

34 (3) State and federally operated ~~facilities;~~facilities.

35 (4) Adult care homes licensed under Chapter 131D of the General
 36 ~~Statutes;~~Statutes.

37 (5) Developmental child care centers licensed under Article 7 of Chapter 110 of
 38 the General ~~Statutes;~~Statutes.

39 (6) Persons subject to licensure under rules of the Social Services Commission;

40 (7) Persons subject to rules and regulations of the Division of Vocational
 41 Rehabilitation ~~Services;~~Services.

42 (8) Facilities that provide occasional respite care for not more than two
 43 individuals at a time; provided that the primary purpose of the facility is
 44 other than as defined in ~~G.S. 122C-3(14);~~G.S. 122C-3(14).

45 (9) Twenty-four-hour nonprofit facilities established for the purposes of shelter
 46 care and recovery from alcohol or other drug addiction through a 12-step,
 47 self-help, peer role modeling, and self-governance ~~approach;~~approach.

48 (10) Inpatient chemical dependency or substance abuse facilities that provide
 49 services exclusively to inmates of the Division of Adult Correction of the
 50 Department of Public Safety, as described in ~~G.S. 148-19.1;~~
 51 and G.S. 148-19.1.

1 (11) A charitable, nonprofit, faith-based, adult residential treatment facility that
2 does not receive any federal or State funding and is a religious organization
3 exempt from federal income tax under section 501(a) of the Internal
4 Revenue Code; ~~and~~ Code.

5 (12) A home in which up to three adults, two or more having a disability, co-own
6 or co-rent a home in which the persons with disabilities are receiving three
7 or more hours of day services in the home or up to 24 hours of residential
8 services in the home. The individuals who have disabilities cannot be
9 required to move if the individuals change services, change service
10 providers, or discontinue services."

11 **SECTION 6.** G.S. 136-89.210(1) reads as rewritten:

12 "(1) Reserved."

13 **SECTION 7.(a)** G.S. 163-82.12 reads as rewritten:

14 **"§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

15 The State Board of Elections shall make all guidelines necessary to administer the statewide
16 voter registration system established by this Article. All county boards of elections shall follow
17 these guidelines and cooperate with the State Board of Elections in implementing guidelines.
18 These guidelines shall include provisions for all of the following:

19 ...

20 (8b) Notifying voter-registration applicants whose drivers license or last four
21 digits of social security number does not result in a validation, attempting to
22 resolve the discrepancy, initiating investigations under G.S. 163-33(3) or
23 challenges under Article 8 of this Chapter where warranted, and notifying
24 any voters of the requirement under ~~G.S. 163-166.2(b2)~~ G.S. 163-166.12(b2)
25 to present identification when voting.

26"

27 **SECTION 7.(b)** G.S. 163-166.12 reads as rewritten:

28 **"§ 163-166.12. Requirements for certain voters who register by mail.**

29 (a) Voting in Person. – An individual who has registered to vote by mail on or after
30 January 1, 2003, and has not previously voted in an election that includes a ballot item for
31 federal office in North Carolina, shall present to a local election official at a voting place before
32 voting there one of the following:

33 (1) A current and valid photo identification.

34 (2) A copy of one of the following documents that shows the name and address
35 of the voter: a current utility bill, bank statement, government check,
36 paycheck, or other government document.

37 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or
38 after January 1, 2003, and has not previously voted in an election that includes a ballot item for
39 federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the
40 mailed-in absentee ballot one of the following:

41 (1) A copy of a current and valid photo identification.

42 (2) A copy of one of the following documents that shows the name and address
43 of the voter: a current utility bill, bank statement, government check,
44 paycheck, or other government document.

45 (b1) Notation of Identification Proof. – The county board of elections shall note the type
46 of identification proof submitted by the voter under the provisions of subsection (a) or (b) of
47 this section and may dispose of the tendered copy of identification proof as soon as the type of
48 proof is noted in the voter registration records.

49 (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
50 individual has registered by mail or by another method, if the individual has provided with the
51 registration form a drivers license number or last four digits of a Social Security number but the

1 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
2 the number has not been otherwise validated by the board of elections, in the first election in
3 which the individual votes that individual shall submit with the ballot the form of identification
4 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
5 is voted in person or absentee. If that identification is provided and the board of elections does
6 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
7 identification numbers to match shall not prevent that individual from registering to vote and
8 having that individual's vote counted. If the individual registers and votes under
9 G.S. 163-82.6A, the identification documents required in that section, rather than those
10 described in subsection (a) or (b) of this section, apply.

11 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),
12 (b), or (b2) of this section to present identification in order to vote, but that individual does not
13 present the required identification, that individual may vote a provisional official ballot. If the
14 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If
15 the voter is voting by mail-in absentee ballot, the mailed ballot without the required
16 identification shall be treated as a provisional official ballot.

17 (d) Exemptions. – This section does not apply to any of the following:

- 18 (1) An individual who registers by mail and submits as part of the registration
19 application either of the following:
20 a. A copy of a current and valid photo identification.
21 b. A copy of one of the following documents that shows the name and
22 address of the voter: a current utility bill, bank statement,
23 government check, paycheck, or other government document.
24 (2) An individual who registers by mail and submits as part of the registration
25 application the individual's drivers license number or at least the last four
26 digits of the individual's social security number where an election official
27 matches either or both of the numbers submitted with an existing State
28 identification record bearing the same number, name, and date of birth
29 contained in the submitted registration. If any individual's number does not
30 match, the individual shall provide identification as required in subsection
31 (b2) of this section in the first election in which the individual votes.
32 (3) An individual who is entitled to vote by absentee ballot under the Uniformed
33 and Overseas Citizens Absentee Voting Act.
34 (4) An individual who is entitled to vote otherwise than in person under section
35 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
36 Act.
37 (5) An individual who is entitled to vote otherwise than in person under any
38 other federal law."

39 **SECTION 8.** The introductory language of Section 5 of S.L. 2012-11 reads as
40 rewritten:

41 "**SECTION 5.** ~~G.S. 160A-60(a)~~ G.S. 160A-58.60(a) reads as rewritten:"

42 **SECTION 9.** The introductory language of Section 2(b) of S.L. 2012-120 reads as
43 rewritten:

44 "**SECTION 2.(b)** ~~G.S. 140-3.15(e)~~ G.S. 140-5.13(g) reads as rewritten:"

45 **SECTION 10.** This act is effective when it becomes law.