

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 594  
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Short Title: Omnibus Justice Amendments.

(Public)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

1 AN ACT TO REMOVE PROHIBITIONS ON CARRYING CONCEALED FIREARMS BY  
2 ADMINISTRATIVE LAW JUDGES, NORTH CAROLINA APPELLATE JUSTICES  
3 AND JUDGES, AND CERTAIN DEPARTMENT OF PUBLIC SAFETY EMPLOYEES;  
4 TO INCREASE THE PENALTY FOR CARRYING A CONCEALED FIREARM; TO  
5 INCREASE THE PENALTY FOR GIVING OR SELLING A CELL PHONE TO AN  
6 INMATE AND TO MAKE POSSESSION OF A CELL PHONE BY AN INMATE  
7 UNLAWFUL; TO AMEND THE OFFENSE OF MAKING THREATS AGAINST OR  
8 ASSAULTING LEGISLATIVE, EXECUTIVE, OR COURT OFFICERS; TO CREATE  
9 AN OFFENSE WHEN AN INMATE SOLICITS ANOTHER TO COMMIT A CRIMINAL  
10 OFFENSE; TO INCREASE PENALTIES FOR CERTAIN VIOLATIONS OF THE  
11 AMUSEMENT DEVICE SAFETY ACT; TO PROPERLY IMPLEMENT CURRENT  
12 EXPUNCTION PROVISIONS; TO ADD QUALIFIED RETIRED CORRECTIONAL  
13 OFFICERS TO OFFICERS EXEMPT FROM CONCEALED CARRY COURSE; TO  
14 CONFORM STATE LAW WITH THE UNITED STATES SUPREME COURT  
15 DECISION IN HALL V. FLORIDA; TO ADD THE UNFAIR USE OF CRIMINAL  
16 RECORD INFORMATION TO THE CONSUMER PROTECTION LAWS; TO DIRECT  
17 MERGERS AT THE DEPARTMENT OF PUBLIC SAFETY; AND TO AUTHORIZE  
18 REMOTE VIDEO TESTIMONY BY FORENSIC AND CHEMICAL ANALYSTS, AS  
19 RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S  
20 COMMITTEE ON JUDICIAL EFFICIENCY AND EFFECTIVE ADMINISTRATION OF  
21 JUSTICE.  
22

23 The General Assembly of North Carolina enacts:  
24

25 **PART I. REMOVE PROHIBITIONS ON CARRYING CONCEALED FIREARMS FOR**  
26 **ADMINISTRATIVE LAW JUDGES, NORTH CAROLINA APPELLATE COURT**  
27 **JUSTICES AND JUDGES, AND CERTAIN DEPARTMENT OF PUBLIC SAFETY**  
28 **EMPLOYEES, AND INCREASE PENALTY FOR CARRYING CONCEALED**  
29 **WEAPON THAT IS A FIREARM**

30 SECTION 1.1. G.S. 14-269 reads as rewritten:

31 "§ 14-269. Carrying concealed weapons.



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1 ...  
 2 (b) This prohibition shall not apply to the following persons:

3 ...  
 4 (4d) ~~Any person who is a North Carolina district court judge, North Carolina~~  
 5 ~~superior court judge, justice or judge of the North Carolina General Court of~~  
 6 ~~Justice, or a North Carolina magistrate and who has a concealed handgun~~  
 7 ~~permit issued in accordance with Article 54B of this Chapter or considered~~  
 8 ~~valid under G.S. 14-415.24; provided that the person shall not carry a~~  
 9 ~~concealed weapon at any time while consuming alcohol or an unlawful~~  
 10 ~~controlled substance or while alcohol or an unlawful controlled substance~~  
 11 ~~remains in the person's body. The judge-justice, judge, or magistrate shall~~  
 12 ~~secure the weapon in a locked compartment when the weapon is not on the~~  
 13 ~~person of the judge-justice, judge, or magistrate;~~

14 ...  
 15 (7) A person employed by the Department of Public Safety who has been  
 16 designated in writing by the Secretary of the Department, who has a  
 17 concealed handgun permit issued in accordance with Article 54B of this  
 18 Chapter or considered valid under G.S. 14-415.24, and has in the person's  
 19 possession written proof of the designation by the Secretary of the  
 20 Department, provided that the person shall not carry a concealed weapon at  
 21 any time while consuming alcohol or an unlawful controlled substance or  
 22 while alcohol or an unlawful controlled substance remains in the person's  
 23 body.

24 (8) Any person who is an administrative law judge described in Article 60 of  
 25 Chapter 7A of the General Statutes, and who has a concealed handgun  
 26 permit issued in accordance with Article 54B of this Chapter or considered  
 27 valid under G.S. 14-415.24, provided that the person shall not carry a  
 28 concealed weapon at any time while consuming alcohol or an unlawful  
 29 controlled substance or while alcohol or an unlawful controlled substance  
 30 remains in the person's body.

31 ...."

32 **SECTION 1.2.** G.S. 14-269(c) reads as rewritten:

33 "(c) Any person violating the provisions of subsection (a) of this section shall be guilty  
 34 of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1) of this  
 35 section shall be guilty of a ~~Class 2 misdemeanor~~ Class A1 misdemeanor for the first ~~offense. A~~  
 36 ~~offense and a Class H felony for a second or subsequent offense is punishable as a Class I~~  
 37 ~~felony offense. A violation of subsection (a1) of this section punishable under~~  
 38 G.S. 14-415.21(a) is not punishable under this section."

39 **SECTION 1.3.** G.S. 14-415.27 reads as rewritten:

40 **"§ 14-415.27. Expanded permit scope for certain persons.**

41 Notwithstanding G.S. 14-415.11(c), any of the following persons who has a concealed  
 42 handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24  
 43 is not subject to the area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed  
 44 handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law:

- 45 (1) A district attorney.
- 46 (2) An assistant district attorney.
- 47 (3) An investigator employed by the office of a district attorney.
- 48 (4) ~~A North Carolina district or superior court judge.~~ A justice or judge of the  
 49 North Carolina General Court of Justice.
- 50 (5) A magistrate.
- 51 (6) A person who is elected and serving as a clerk of court.

1 (7) A person who is elected and serving as a register of deeds.

2 (8) A person employed by the Department of Public Safety who has been  
3 designated in writing by the Secretary of the Department and who has in the  
4 person's possession written proof of the designation.

5 (9) A North Carolina administrative law judge."

6 **SECTION 1.3A.** G.S. 14-269.4(4b) reads as rewritten:

7 **"§ 14-269.4. Weapons on certain State property and in courthouses.**

8 It shall be unlawful for any person to possess, or carry, whether openly or concealed, any  
9 deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in  
10 the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or  
11 on the grounds of any of these buildings, and in any building housing any court of the General  
12 Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the  
13 court, then this prohibition shall apply only to that portion of the building used for court  
14 purposes while the building is being used for court purposes.

15 This section shall not apply to any of the following:

16 ...

17 (4b) ~~Any district court judge or superior court judge-justice or judge of the North~~  
18 ~~Carolina General Court of Justice~~ who carries or possesses a concealed  
19 handgun in a building housing a court of the General Court of Justice if the  
20 justice or judge is in the building to discharge his or her official duties and  
21 the justice or judge has a concealed handgun permit issued in accordance  
22 with Article 54B of this Chapter or considered valid under G.S. 14-415.24.

23 ...."

24 **SECTION 1.4.** Section 1.2 of this Part is effective December 1, 2014, and applies  
25 to offenses occurring on or after that date. The remainder of this Part is effective when this act  
26 becomes law.

27  
28 **PART II. INCREASE PENALTY FOR GIVING OR SELLING A CELL PHONE TO**  
29 **AN INMATE/MAKE IT UNLAWFUL FOR STATE INMATE TO POSSESS A CELL**  
30 **PHONE/INCREASE PENALTY FOR INMATE OF LOCAL CONFINEMENT**  
31 **FACILITY TO POSSESS CELL PHONE**

32 **SECTION 2.1.** G.S. 14-258.1 reads as rewritten:

33 **"§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,**  
34 **ammunition or alcoholic beverages to inmates of charitable, mental or penal**  
35 **institutions or local confinement facilities; furnishing tobacco products or**  
36 **mobile phones to inmates.**

37 ...

38 (d) Any person who knowingly gives or sells a mobile telephone or other wireless  
39 communications device, or a component of one of those devices, to an inmate in the custody of  
40 the Division of Adult Correction of the Department of Public Safety or to an inmate in the  
41 custody of a local confinement facility, or any person who knowingly gives or sells any such  
42 device or component to a person who is not an inmate for delivery to an inmate, is guilty of a  
43 ~~Class 1 misdemeanor.~~ Class H felony.

44 (e) Any inmate of a local confinement facility who possesses any tobacco product, as  
45 defined in G.S. 148-23.1, other than for authorized religious purposes, ~~or who possesses a~~  
46 ~~mobile telephone or other wireless communications device or a component of one of those~~  
47 ~~devices,~~ is guilty of a Class 1 misdemeanor.

48 (f) Any inmate in the custody of the Division of Adult Correction of the Department of  
49 Public Safety or an inmate of a local confinement facility who possesses a mobile telephone or  
50 other wireless communication device or a component of one of those devices is guilty of a  
51 Class H felony."

1           **SECTION 2.2.** This Part becomes effective December 1, 2014, and applies to  
2 offenses committed on or after that date.

3  
4 **PART III. ASSAULT ON A LEGISLATIVE, EXECUTIVE, OR COURT**  
5 **OFFICIAL/THREATS/SOLICITATION BY AN INMATE**

6           **SECTION 3.1.** G.S. 14-16.6(a) reads as rewritten:

7           "(a) Any person who assaults any legislative officer, executive officer, or court officer,  
8 or assaults another person as retaliation against any legislative officer, executive officer, or  
9 court officer because of the exercise of that officer's duties, or any person who makes a violent  
10 attack upon the residence, office, temporary accommodation or means of transport of any one  
11 of those officers or persons in a manner likely to endanger the ~~officer,~~ officer or person, shall  
12 be guilty of a felony and shall be punished as a Class I felon."

13           **SECTION 3.2.** G.S. 14-16.7(a) reads as rewritten:

14 **"§ 14-16.7. Threats against executive, legislative, or court officers.**

15           (a) Any person who knowingly and willfully makes any threat to inflict serious bodily  
16 injury upon or to kill any legislative officer, executive officer, or court officer, or who  
17 knowingly and willfully makes any threat to inflict serious bodily injury upon or kill any other  
18 person as retaliation against any legislative officer, executive officer, or court officer because of  
19 the exercise of that officer's duties, shall be guilty of a felony and shall be punished as a Class I  
20 felon.

21           (b) Any person who knowingly and willfully deposits for conveyance in the mail any  
22 letter, writing, or other document containing a threat to ~~inflict serious bodily injury upon or to~~  
23 ~~kill any legislative officer, executive officer, or court officer,~~ commit an offense described in  
24 subsection (a) of this section shall be guilty of a felony and shall be punished as a Class I  
25 felon."

26           **SECTION 3.3.** This Part becomes effective December 1, 2014, and applies to  
27 offenses committed on or after that date.

28  
29 **PART IV. AMUSEMENT DEVICE PENALTIES**

30           **SECTION 4.1.** G.S. 95-111.13 reads as rewritten:

31 **"§ 95-111.13. Violations; civil penalties; appeal; criminal penalties.**

32           (a) Any person who violates G.S. 95-111.7(a) or (b) (Operation without certificate;  
33 operation not in accordance with Article or rules and regulations) or G.S. 95-111.8 (Location  
34 notice) shall be is subject to a civil penalty not to exceed ~~two hundred fifty dollars (\$250.00)~~  
35 two thousand five hundred dollars (\$2,500) for each rule, regulation, or section of this Article  
36 violated and for each day each device is so operated or used.

37           (b) Any person who violates G.S. 95-111.7(c) (Operation after refusal to issue or after  
38 revocation of certificate) or G.S. 95-111.10(c) (Reports required) or G.S. 95-111.12 (Liability  
39 insurance) ~~shall be is~~ subject to a civil penalty not to exceed ~~five hundred dollars (\$500.00)~~ five  
40 thousand dollars (\$5,000) for each day each device is so operated or used.

41           ~~(c) Any person who violates G.S. 95-111.8 (Location notice) shall be subject to a civil~~  
42 ~~penalty not to exceed five hundred dollars (\$500.00) for each day any device is operated or~~  
43 ~~used without the location notice having been provided.~~

44           (d) Any person who violates the provisions of G.S. 95-111.10(d) (Reports required) or  
45 knowingly permits the operation of an amusement device in violation of G.S. 95-111.11(a)  
46 (Operator requirements) ~~shall be is~~ subject to a civil penalty not to exceed ~~five hundred dollars~~  
47 ~~(\$500.00)~~ five thousand dollars (\$5,000) for each day each device is so operated or used.

48           (e) Any person who violates G.S. 95-111.9 (Operation of unsafe device) or  
49 G.S. 95-111.11(b) (Operation of an amusement device while impaired) ~~shall be is~~ subject to a  
50 civil penalty not to exceed ~~one thousand dollars (\$1,000)~~ ten thousand dollars (\$10,000) for  
51 each day each device is so operated or used.

1 (f) In determining the amount of any penalty ordered under authority of this section, the  
2 Commissioner shall give due consideration to the appropriateness of the penalty with respect to  
3 the ~~size of the business of the person~~ annual gross volume of the business being charged, the  
4 gravity of the violation, the good faith of the ~~person~~ person, and the record of previous  
5 violations.

6 (g) The determination of the amount of the penalty by the Commissioner ~~shall be~~ is  
7 final, unless within 15 days after receipt of notice thereof by certified mail with return receipt,  
8 by signature confirmation as provided by the U.S. Postal Service, by a designated delivery  
9 service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand  
10 delivery, the person charged with the violation takes exception to the determination, in which  
11 event final determination of the penalty shall be made in an administrative proceeding and in a  
12 judicial proceeding pursuant to Chapter 150B of the General Statutes, the Administrative  
13 Procedure Act.

14 (h) The Commissioner may file in the office of the clerk of the superior court of the  
15 county wherein the person, against whom a civil penalty has been ordered, resides, or if a  
16 corporation is involved, in the county wherein the corporation maintains its principal place of  
17 business, or in the county wherein the violation occurred, a certified copy of a final order of the  
18 Commissioner unappealed from, or of a final order of the Commissioner affirmed upon appeal.  
19 Whereupon, the clerk of said court shall enter judgment in accordance therewith and notify the  
20 parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall  
21 thereafter be the same, as though said judgment had been rendered in a suit duly heard and  
22 determined by the superior court of the General Court of Justice.

23 (i) Any person who willfully violates any provision of this ~~Article, and the violation~~  
24 ~~causes the death of any person, shall be~~ Article is guilty of a Class 2 misdemeanor, which may  
25 include a fine of not more than ten thousand dollars (\$10,000); except that if the conviction is  
26 for a violation committed after a first conviction of such person, a provision of this Article, the  
27 person shall be is guilty of a Class 1 misdemeanor, which may include a fine of not more than  
28 twenty thousand dollars (\$20,000). Any person who willfully violates any provision of this  
29 Article, and the violation causes the serious injury or death of any person, is guilty of a Class E  
30 felony, which may include a fine of not more than fifty thousand dollars (\$50,000). This  
31 subsection shall not prevent any prosecuting officer of the State of North Carolina from  
32 proceeding against such person on a prosecution charging any degree of willful or culpable  
33 homicide."

34 **SECTION 4.2.** This Part becomes effective December 1, 2014, and applies to  
35 offenses and violations committed on or after that date.

## 36 37 **PART V. PROPER IMPLEMENTATION OF EXPUNCTION LAWS**

### 38 **SECTION 5.1.** G.S. 15A-145.5(f) reads as rewritten:

39 "(f) Any other applicable State or local government agency shall expunge from its  
40 records entries made as a result of the conviction ordered expunged under this section upon  
41 receipt from the petitioner of an order entered pursuant to this section. The agency shall also  
42 vacate any administrative actions taken against a person whose record is expunged under this  
43 section as a result of the charges or convictions expunged. A person whose administrative  
44 action has been vacated by an occupational licensing board pursuant to an expunction under  
45 this section may then reapply for licensure and must satisfy the board's then current education  
46 and preliminary licensing requirements in order to obtain licensure. This subsection shall not  
47 apply to the Department of Justice for DNA records and samples stored in the State DNA  
48 Database and the State DNA ~~Databank or to fingerprint records.~~ Databank."

49 **SECTION 5.2.** This Part is effective when it becomes law and applies to  
50 expunctions issued pursuant to G.S. 15A-145.5 before, on, or after that date.

**PART VI. DEPARTMENT OF PUBLIC SAFETY MERGERS****TRANSFER THE SBI AND THE ALCOHOL LAW ENFORCEMENT SECTION**

**SECTION 6.1.(a)** The State Bureau of Investigation is hereby transferred to the Department of Public Safety as a new section within the Law Enforcement Division. This transfer shall have all of the elements of a Type I transfer, as described in G.S. 143A-6.

**SBI TRANSFER – CREATION OF STATUTORY SUBPARTS**

**SECTION 6.1.(b)** Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart A. General Provisions."

**SECTION 6.1.(c)** Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart B. State Capitol Police."

**SECTION 6.1.(d)** Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart C. State Bureau of Investigation."

**SBI TRANSFER – REPEAL OF CERTAIN STATUTES AND RECODIFICATION OF OTHER AFFECTED STATUTES**

**SECTION 6.1.(e)** G.S. 114-13 is repealed.

**SECTION 6.1.(f)** G.S. 114-2.7 is recodified as G.S. 143B-901 under Subpart A of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of this section.

**SECTION 6.1.(g)** G.S. 114-10 through G.S. 114-10.1 are recodified as G.S. 143B-902 through G.S. 143B-905 under Subpart A of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of this section.

**SECTION 6.1.(h)** G.S. 143B-900 is recodified as G.S. 143B-911 under Subpart B of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (c) of this section.

**SECTION 6.1.(i)** G.S. 114-12 is recodified as G.S. 143B-915 under Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (d) of this section. The following statutes are recodified as G.S. 143B-917 through G.S. 143B-924 under Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (d) of this section: G.S. 114-14 through G.S. 114-15.3 and G.S. 114-17 through G.S. 114-18.

**SECTION 6.1.(j)** G.S. 114-19 is recodified as G.S. 143B-906 under Subpart A of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of this section.

**SECTION 6.1.(k)** G.S. 114-19.01 is recodified as G.S. 143B-925 under Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (d) of this section.

**SECTION 6.1.(l)** All of Part 2 of Article 4 of Chapter 114 of the General Statutes, other than the section recodified by subsection (k) of this section, is recodified as Subpart D of Part 4 of Article 13 of Chapter 143B of the General Statutes, "Criminal History Record Checks," G.S. 143B-930 through G.S. 143B-981. Statutory sections of the former statutes that were reserved for future codification shall have corresponding sections that are reserved for future codification in the recodified statutes.

**SECTION 6.1.(m)** Part 3 of Article 4 of Chapter 114 of the General Statutes is recodified as Subpart E of Part 4 of Article 13 of Chapter 143B of the General Statutes, "Protection of Public Officials," G.S. 143B-986 through G.S. 143B-987.

**SBI TRANSFER – OTHER CHANGES**

**SECTION 6.1.(n)** The following statutes, as recodified by subsections (f) through (m) of this section, as applicable, are amended by deleting the language "Department of Justice" wherever it appears and substituting "Department of Public Safety": G.S. 14-208.15A, 14-415.19, 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, 15A-145.4(c) and (j), 15A-145.5(c), 15A-145.6(c), 15A-146, 18B-902, 19A-24, 48-3-309, 53-244.050, 58-71-51, 58-89A-60, 66-407, 70-13.1, 74C-8.1, 74D-2.1, 74F-18, 84-24, 85B-3.2, 90-11, 90-30, 90-85.15, 90-102.1, 90-113.5, 90-113.46A, 90-143.3, 90-171.48, 90-210.25, 90-224, 90-270.22, 90-270.26, 90-270.29A, 90-288.01, 90-622, 90-629, 90-629.1, 90-652, 90D-7, 93A-4, 95-47.2, 106-65.26, 110-90.2, 115C-238.73, 115C-332, 121-25.1, 143-166.13, 143-143.10A, 143B-930 through 143B-965, and 160A-304.

**SECTION 6.1.(o)** The following statutes, as recodified by subsections (f) through (m) of this section, as applicable, are amended by deleting the language "Attorney General" wherever it appears and substituting "Secretary of Public Safety": G.S. 15A-1475, 58-79-1 through 58-79-15, 58-79-25, 143B-921, and 163-278.

**SECTION 6.1.(p)** The following statutes, as recodified by subsections (f) through (m) of this section, as applicable, are amended by deleting the language "Division of Criminal Information" and "State Bureau of Investigation's Division of Criminal Information" wherever they appear and substituting "Department of Public Safety": G.S. 7B-2507, 15A-1340.14, 15A-1340.21, 20-26, 85B-3.2, 122C-80, 143B-935, 143B-943, 143B-954, and 143B-981.

**SECTION 6.1.(q)** The following statutes are amended by deleting the language "Division" wherever it appears and substituting "Department of Public Safety": G.S. 14-208.7, 14-208.8, 14-208.8A, 14-208.9, 14-208.9A, 14-208.12A, 14-208.15, 14-208.15A, 14-208.22, and 14-208.27. However, no substitution shall be made under this subsection to instances of the word "Division" that appear in the phrase "Division of Adult Correction."

**SECTION 6.1.(r)** G.S. 7A-349 reads as rewritten:

**"§ 7A-349. Criminal history record check; denial of employment, contract, or volunteer opportunity.**

The Judicial Department may deny employment, a contract, or a volunteer opportunity to any person who refuses to consent to a criminal history check authorized under ~~G.S. 114-19-19~~G.S. 143B-950 and may dismiss a current employee, terminate a contractor, or terminate a volunteer relationship if that employee, contractor, or volunteer refuses to consent to a criminal history record check authorized under ~~G.S. 114-19-19~~G.S. 143B-950."

**SECTION 6.1.(s)** G.S. 7B-1904 reads as rewritten:

**"§ 7B-1904. Order for secure or nonsecure custody.**

The custody order shall be in writing and shall direct a law enforcement officer or other authorized person to assume custody of the juvenile and to make due return on the order. The official executing the order shall give a copy of the order to the juvenile's parent, guardian, or custodian. If the order is for nonsecure custody, the official executing the order shall also give a copy of the petition and order to the person or agency with whom the juvenile is being placed. If the order is for secure custody, copies of the petition and custody order shall accompany the juvenile to the detention facility or holdover facility of the jail. A message of ~~the Division of Criminal Information, State Bureau of Investigation,~~the Department of Public Safety stating that a juvenile petition and secure custody order relating to a specified juvenile are on file in a particular county shall be authority to detain the juvenile in secure custody until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile detention facility. The copies of the juvenile petition and secure custody order shall be transmitted to the detention facility no later than 72 hours after the initial detention of the juvenile.

1 An officer receiving an order for custody which is complete and regular on its face may  
2 execute it in accordance with its terms and need not inquire into its regularity or continued  
3 validity, nor does the officer incur criminal or civil liability for its execution."

4 **SECTION 6.1.(t)** G.S. 8-58.20(c) reads as rewritten:

5 "(c) The analyst who analyzes the forensic sample and signs the report shall complete an  
6 affidavit on a form developed by the ~~State Bureau of Investigation~~State Crime Laboratory. In  
7 the affidavit, the analyst shall state (i) that the person is qualified by education, training, and  
8 experience to perform the analysis, (ii) the name and location of the laboratory where the  
9 analysis was performed, and (iii) that performing the analysis is part of that person's regular  
10 duties. The analyst shall also aver in the affidavit that the tests were performed pursuant to the  
11 accrediting body's standards for that discipline and that the evidence was handled in accordance  
12 with established and accepted procedures while in the custody of the laboratory. The affidavit  
13 shall be sufficient to constitute prima facie evidence regarding the person's qualifications. The  
14 analyst shall attach the affidavit to the laboratory report and shall provide the affidavit to the  
15 investigating officer and the district attorney in the prosecutorial district in which the criminal  
16 charges are pending. An affidavit by a forensic analyst sworn to and properly executed before  
17 an official authorized to administer oaths is admissible in evidence without further  
18 authentication in any criminal proceeding with respect to the forensic analysis administered and  
19 the procedures followed."

20 **SECTION 6.1.(u)** G.S. 14-16.9 reads as rewritten:

21 **"§ 14-16.9. Officers-elect to be covered.**

22 Any person who has been elected to any office covered by this Article but has not yet taken  
23 the oath of office shall be considered to hold the office for the purpose of this Article and  
24 ~~G.S. 114-15~~G.S. 143B-919."

25 **SECTION 6.1.(v)** G.S. 14-132(c)(3) reads as rewritten:

26 "(3) Designated by the ~~Attorney General~~Secretary of Public Safety in accordance  
27 with ~~G.S. 114-20.1~~G.S. 143B-987."

28 **SECTION 6.1.(w)** G.S. 14-208.6 reads as rewritten:

29 **"§ 14-208.6. Definitions.**

30 The following definitions apply in this Article:

31 ...

32 (1c) "~~Division~~Department" means the ~~Division of Criminal Information of the~~  
33 ~~Department of Justice~~Department of Public Safety.

34 ...

35 (8) "Statewide registry" means the central registry compiled by the ~~Division~~  
36 Department in accordance with G.S. 14-208.14.

37 ...."

38 **SECTION 6.1.(x)** G.S. 14-208.13 reads as rewritten:

39 **"§ 14-208.13. File with ~~Police~~Criminal Information Network.**

40 (a) The ~~Division~~Department of Public Safety shall include the registration information  
41 in the ~~Police~~Criminal Information Network as set forth in ~~G.S. 114-10.1~~G.S. 143B-905.

42 (b) The ~~Division~~Department of Public Safety shall maintain the registration  
43 information permanently even after the registrant's reporting requirement expires."

44 **SECTION 6.1.(y)** G.S. 14-208.14 reads as rewritten:

45 **"§ 14-208.14. Statewide registry; ~~Division of Criminal Statistics~~Department of Public**  
46 **Safety designated custodian of statewide registry.**

47 (a) The ~~Division of Criminal Statistics~~Department of Public Safety shall compile and  
48 keep current a central statewide sex offender registry. The ~~Division~~Department is the State  
49 agency designated as the custodian of the statewide registry. As custodian the ~~Division~~  
50 Department has the following responsibilities:



- 1 (1) To receive from the sheriff or any other law enforcement agency or penal  
2 institution all sex offender registrations, changes of address, changes of  
3 academic or educational employment status, and prerelease notifications  
4 required under this Article or under federal law. The ~~Division~~Department  
5 shall also receive notices of any violation of this Article, including a failure  
6 to register or a failure to report a change of address.
- 7 (2) To provide all need-to-know law enforcement agencies (local, State,  
8 campus, federal, and those located in other states) immediately upon receipt  
9 by the ~~Division~~Department of any of the following: registration  
10 information, a prerelease notification, a change of address, a change of  
11 academic or educational employment status, or notice of a violation of this  
12 Article.
- 13 (2a) To notify the appropriate law enforcement unit at an institution of higher  
14 education as soon as possible upon receipt by the ~~Division~~Department of  
15 relevant information based on registration information or notice of a change  
16 of academic or educational employment status. If an institution of higher  
17 education does not have a law enforcement unit, then the ~~Division~~Department  
18 shall provide the information to the local law enforcement  
19 agency that has jurisdiction for the campus.
- 20 (3) To coordinate efforts among law enforcement agencies and penal institutions  
21 to ensure that the registration information, changes of address, change of  
22 name, prerelease notifications, and notices of failure to register or to report a  
23 change of address are conveyed in an appropriate and timely manner.
- 24 (4) To provide public access to the statewide registry in accordance with this  
25 Article.
- 26 (4a) To maintain the system for public access so that a registrant's full name, any  
27 aliases, and any legal name changes are cross-referenced and a member of  
28 the public may conduct a search of the system for a registrant under any of  
29 those names.
- 30 (5) To maintain a system allowing an entity to access a list of online identifiers  
31 of persons in the central sex offender registry.
- 32 (b) The statewide registry shall include the following:

33 (1) Registration information obtained by a sheriff or penal institution under this  
34 Article or from any other local or State law enforcement agency.

35 (2) Registration information received from a state or local law enforcement  
36 agency or penal institution in another state.

37 (3) Registration information received from a federal law enforcement agency or  
38 penal institution."

39 **SECTION 6.1.(z)** G.S. 14-208.31 reads as rewritten:

40 "**§ 14-208.31. File with ~~Police~~Criminal Information Network.**

41 (a) The ~~Division~~Department of Public Safety shall include the registration information  
42 in the ~~Police~~Criminal Information Network as set forth in ~~G.S. 114-10.1~~G.S. 143B-905.

43 (b) The ~~Division~~Department of Public Safety shall maintain the registration  
44 information permanently even after the registrant's reporting requirement expires; however, the  
45 records shall remain confidential in accordance with Article 32 of Chapter 7B of the General  
46 Statutes."

47 **SECTION 6.1.(aa)** G.S. 14-415.4(d)(5) reads as rewritten:

48 "(5) The petitioner submits his or her fingerprints to the sheriff of the county in  
49 which the petitioner resides for a criminal background check pursuant to  
50 ~~G.S. 114-19.28~~G.S. 143B-959."

51 **SECTION 6.1.(bb)** G.S. 15A-266.2(4) reads as rewritten:

1           "(4) 'DNA Sample' means blood, cheek swabs, or any biological sample  
2           containing cells provided by any person with respect to offenses covered by  
3           this Article or submitted to the ~~State Bureau of Investigation~~State Crime  
4           Laboratory pursuant to this Article for analysis pursuant to a criminal  
5           investigation or storage or both."

6           **SECTION 6.1.(cc)** G.S. 15A-1341(d) reads as rewritten:

7           "(d) Search of Sex Offender Registration Information Required When Placing a  
8           Defendant on Probation. – When the court places a defendant on probation, the probation  
9           officer assigned to the defendant shall conduct a search of the defendant's name or other  
10          identifying information against the registration information regarding sex offenders compiled  
11          by the ~~Division of Criminal Statistics of the Department of Justice~~Department of Public Safety  
12          in accordance with Article 27A of Chapter 14 of the General Statutes. The probation officer  
13          may conduct the search using the Internet site maintained by the ~~Division of Criminal~~  
14          ~~Statistics.~~Department of Public Safety."

15          **SECTION 6.1.(dd)** G.S. 15A-298 reads as rewritten:

16          "**§ 15A-298. Subpoena authority.**

17          Pursuant to rules issued by the ~~Attorney General,~~Department of Public Safety, the Director  
18          of the State Bureau of Investigation or the Director's designee may issue an administrative  
19          subpoena to a communications common carrier or an electronic communications service to  
20          compel production of business records if the records:

- 21               (1) Disclose information concerning local or long-distance toll records or  
22               subscriber information; and  
23               (2) Are material to an active criminal investigation being conducted by the State  
24               Bureau of Investigation."

25          **SECTION 6.1.(ee)** G.S. 18C-151(a)(3) reads as rewritten:

26          "(3) All proposals shall be accompanied by a bond or letter of credit in an amount  
27          equal to not less than five percent (5%) of the proposal and the fee to cover  
28          the cost of the criminal record check conducted under  
29          ~~G.S. 114-19-6.~~G.S. 143B-935."

30          **SECTION 6.1.(ff)** G.S. 74F-6(16) reads as rewritten:

31          "(16) Request that the ~~Department of Justice~~Department of Public Safety conduct  
32          criminal history record checks of applicants for licensure and  
33          apprenticeships pursuant to ~~G.S. 114-19-15.~~G.S. 143B-946."

34          **SECTION 6.1.(gg)** G.S. 90-113.33(10) reads as rewritten:

35          "(10) Request that the ~~Department of Justice~~Department of Public Safety conduct  
36          criminal history record checks of applicants for registration, certification, or  
37          licensure pursuant to ~~G.S. 114-19-11A.~~G.S. 143B-941."

38          **SECTION 6.1.(hh)** G.S. 90-171.23(b)(19) reads as rewritten:

39          "(19) Request that the ~~Department of Justice~~Department of Public Safety conduct  
40          criminal history record checks of applicants for licensure pursuant to  
41          ~~G.S. 114-19-11.~~G.S. 143B-940."

42          **SECTION 6.1.(ii)** G.S. 90-270.63(b) reads as rewritten:

43          "(b) The Board may request that an applicant for licensure, an applicant seeking  
44          reinstatement of a license, or a licensee under investigation by the Board for alleged criminal  
45          offenses in violation of this Article consent to a criminal history record check. Refusal to  
46          consent to a criminal history record check may constitute grounds for the Board to deny  
47          licensure to an applicant, deny reinstatement of a license to an applicant, or revoke the license  
48          of a licensee. The Board shall ensure that the State and national criminal history of an applicant  
49          is checked. The Board shall be responsible for providing to the North Carolina ~~Department of~~  
50          ~~Justice~~Department of Public Safety the fingerprints of the applicant or licensee to be checked, a  
51          form signed by the applicant or licensee consenting to the criminal history record check and the

1 use of fingerprints and other identifying information required by the State or National  
2 Repositories of Criminal Histories, and any additional information required by the ~~Department~~  
3 ~~of Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.27~~G.S. 143B-958. The  
4 Board shall keep all information obtained pursuant to this section confidential. The Board shall  
5 collect any fees required by the ~~Department of Justice~~Department of Public Safety and shall  
6 remit the fees to the ~~Department of Justice~~Department of Public Safety for expenses associated  
7 with conducting the criminal history record check."

8 **SECTION 6.1.(jj)** G.S. 90-345(b) reads as rewritten:

9 "(b) The Board may request that an applicant for licensure, an applicant seeking  
10 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal  
11 offenses in violation of this Article consent to a criminal history record check. Refusal to  
12 consent to a criminal history record check may constitute grounds for the Board to deny  
13 licensure to an applicant, deny reinstatement of a license to an applicant, or revoke the license  
14 of a licensee. The Board shall ensure that the State and national criminal history of an applicant  
15 is checked. The Board shall be responsible for providing to the North Carolina ~~Department of~~  
16 ~~Justice~~Department of Public Safety the fingerprints of the applicant or licensee to be checked, a  
17 form signed by the applicant or licensee consenting to the criminal record check and the use of  
18 fingerprints and other identifying information required by the State or National Repositories of  
19 Criminal Histories, and any additional information required by the ~~Department of~~  
20 ~~Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.26~~G.S. 143B-957. The  
21 Board shall keep all information obtained pursuant to this section confidential. The Board shall  
22 collect any fees required by the ~~Department of Justice~~Department of Public Safety and shall  
23 remit the fees to the ~~Department of Justice~~Department of Public Safety for expenses associated  
24 with conducting the criminal history record check."

25 **SECTION 6.1.(kk)** G.S. 93E-1-6(c1) reads as rewritten:

26 "(c1) The Board shall also make an investigation as it deems necessary into the  
27 background of the applicant to determine the applicant's qualifications with due regard to the  
28 paramount interest of the public as to the applicant's competency, honesty, truthfulness, and  
29 integrity. All applicants shall consent to a criminal history record check. Refusal to consent to a  
30 criminal history record check may constitute grounds for the Board to deny an application. The  
31 Board shall ensure that the State and national criminal history of an applicant is checked. The  
32 Board shall be responsible for providing to the North Carolina ~~Department of~~  
33 ~~Justice~~Department of Public Safety the fingerprints of the applicant to be checked, a form  
34 signed by the applicant consenting to the criminal history record check, and the use of  
35 fingerprints and other identifying information required by the State or National Repositories of  
36 Criminal Histories and any additional information required by the ~~Department of Justice~~  
37 Department of Public Safety in accordance with ~~G.S. 114-19.30~~G.S. 143B-961. The Board  
38 shall keep all information obtained pursuant to this section confidential. The Board shall collect  
39 any fees required by the ~~Department of Justice~~Department of Public Safety and shall remit the  
40 fees to the ~~Department of Justice~~Department of Public Safety for expenses associated with  
41 conducting the criminal history record check."

42 **SECTION 6.1.(ll)** G.S. 93E-2-11(b) reads as rewritten:

43 "(b) The Board may require that an applicant for registration as an appraisal management  
44 company or a registrant consent to a criminal history record check. Refusal to consent to a  
45 criminal history record check may constitute grounds for the Board to deny registration to an  
46 applicant or registrant. The Board shall ensure that the State and national criminal history of an  
47 applicant or registrant is checked. The Board shall be responsible for providing to the North  
48 Carolina ~~Department of Justice~~Department of Public Safety the fingerprints of the applicant or  
49 registrant to be checked, a form signed by the applicant or registrant consenting to the criminal  
50 record check and the use of fingerprints and other identifying information required by the State  
51 or National Repositories of Criminal Histories, and any additional information required by the

1 ~~Department of Justice~~Department of Public Safety in accordance with  
2 ~~G.S. 114-19.30.~~G.S. 143B-961. The Board shall keep all information obtained pursuant to this  
3 section confidential. The Board shall collect any fees required by the ~~Department of~~  
4 ~~Justice~~Department of Public Safety and shall remit the fees to the ~~Department of~~  
5 ~~Justice~~Department of Public Safety for expenses associated with conducting the criminal  
6 history record check."

7 **SECTION 6.1.(mm)** G.S. 101-5 reads as rewritten:

8 "**§ 101-5. Name change application requirements; grounds for clerk to order or deny**  
9 **name change; certificate and record.**

10 ...  
11 (e) The clerk shall forward the order granting the name change to:

12 ...  
13 (2) ~~The Division of Criminal Information at the State Bureau of~~  
14 ~~Investigation,~~Department of Public Safety, which shall update its records to  
15 show the name change.

16 ...  
17 (g) Upon information obtained by the clerk of fraud or material misrepresentation in the  
18 application for a name change, the clerk on his or her own motion may set aside the order  
19 granting the name change after notice to the applicant and opportunity to be heard. If the clerk  
20 sets aside the name change order, the clerk shall notify the State Registrar of Vital Statistics  
21 and the ~~Division of Criminal Information,~~Department of Public Safety."

22 **SECTION 6.1.(nn)** G.S. 110-90.2(g), as rewritten by subsection (n) of this section,  
23 reads as rewritten:

24 "(g) The child care provider shall pay the cost of the fingerprinting and the federal  
25 criminal history record check in accordance with ~~G.S. 114-19.5.~~G.S. 143B-934. The  
26 Department of Public Safety shall perform the State criminal history record check. The  
27 Department of Health and Human Services shall pay for and conduct the county criminal  
28 history record check. Child care providers who reside outside the State bear the cost of the  
29 county criminal history record check and shall provide the county criminal history record check  
30 to the Division of Child Development as required by this section."

31 **SECTION 6.1.(oo)** G.S. 113-172(a) reads as rewritten:

32 "(a) The Secretary shall designate license agents for the Department. The Division and  
33 license agents designated by the Secretary under this section shall issue licenses authorized  
34 under this Article in accordance with this Article and the rules of the Commission. The  
35 Secretary may require license agents to enter into a contract that provides for their duties and  
36 compensation, post a bond, and submit to reasonable inspections and audits. If a license agent  
37 violates any provision of this Article, the rules of the Commission, or the terms of the contract,  
38 the Secretary may initiate proceedings for the forfeiture of the license agent's bond and may  
39 summarily suspend, revoke, or refuse to renew a designation as a license agent and may  
40 impound or require the return of all licenses, moneys, record books, reports, license forms and  
41 other documents, ledgers, and materials pertinent or apparently pertinent to the license agency.  
42 The Secretary shall report evidence or misuse of State property, including license fees, by a  
43 license agent to the State Bureau of Investigation as provided by  
44 ~~G.S. 114-15.1.~~G.S. 143B-920."

45 **SECTION 6.1.(pp)** G.S. 114-2.7, recodified as G.S. 143B-901 by subsection (f) of  
46 this section, reads as rewritten:

47 "**§ 143B-901. Reporting system and database on certain domestic-violence-related**  
48 **homicides; reports by law enforcement agencies required; annual report to the**  
49 **General Assembly.**

50 ~~The Attorney General's Office,~~Department of Public Safety, in consultation with the North  
51 Carolina Council for Women/Domestic Violence Commission, the North Carolina Sheriffs'

1 Association, and the North Carolina Association of Chiefs of Police, shall develop a reporting  
2 system and database that reflects the number of homicides in the State where the offender and  
3 the victim had a personal relationship, as defined by G.S. 50B-1(b). The information in the  
4 database shall also include the type of personal relationship that existed between the offender  
5 and the victim, whether the victim had obtained an order pursuant to G.S. 50B-3, and whether  
6 there was a pending charge for which the offender was on pretrial release pursuant to  
7 G.S. 15A-534.1. All State and local law enforcement agencies shall report information to the  
8 ~~Attorney General's Office~~ Department of Public Safety upon making a determination that a  
9 homicide meets the reporting system's criteria. The report shall be made in the format adopted  
10 by the ~~Attorney General's Office~~ Department of Public Safety. The ~~Attorney General's Office~~  
11 Department of Public Safety shall report to the ~~Joint Legislative Committee on Domestic~~  
12 ~~Violence~~, Joint Legislative Oversight Committee on Justice and Public Safety, no later than  
13 February 1 of each year, with the data collected for the previous calendar year."

14 **SECTION 6.1.(qq)** G.S. 114-10, recodified as G.S. 143B-902 by subsection (g) of  
15 this section, reads as rewritten:

16 "**§ 143B-902. Division of Criminal Information. Powers and duties of the Department of**  
17 **Public Safety with respect to criminal information.**

18 The Attorney General shall set up in the Department of Justice a division to be designated  
19 as the Division of Criminal Information. In addition to its other duties, it shall be the duty of the  
20 Department of Public Safety to do all of the following:

21 ...

- 22 (2) To collect, correlate, and maintain access to information that will assist in  
23 the performance of duties required in the administration of criminal justice  
24 throughout the State. This information may include, but is not limited to,  
25 motor vehicle registration, drivers' licenses, wanted and missing persons,  
26 stolen property, warrants, stolen vehicles, firearms registration, sexual  
27 offender registration as provided under Article 27A of Chapter 14 of the  
28 General Statutes, drugs, drug users and parole and probation histories. In  
29 performing this function, the ~~Division~~ Department may arrange to use  
30 information available in other agencies and units of State, local and federal  
31 government, but shall provide security measures to insure that such  
32 information shall be made available only to those whose duties, relating to  
33 the administration of justice, require such information.

34 ...

- 35 (5) ~~To perform such other duties as may be from time to time prescribed by the~~  
36 ~~Attorney General.~~

- 37 (6) To promulgate rules and regulations for the administration of this Article."

38 **SECTION 6.1.(rr)** G.S. 114-10.01, recodified as G.S. 143B-903 by subsection (g)  
39 of this section, reads as rewritten:

40 "**§ 143B-903. Collection of traffic law enforcement statistics.**

41 (a) ~~In addition to the duties set forth in G.S. 114-10, the Division of Criminal~~  
42 ~~Information~~ In addition to its other duties, the Department of Public Safety shall collect,  
43 correlate, and maintain the following information regarding traffic law enforcement by law  
44 enforcement officers:

45 ...

- 46 (b) For purposes of this section, "law enforcement officer" means any of the following:

- 47 (1) All State law enforcement officers.  
48 (2) Law enforcement officers employed by county sheriffs or county police  
49 departments.  
50 (3) Law enforcement officers employed by police departments in municipalities  
51 with a population of 10,000 or more persons.

1 (4) Law enforcement officers employed by police departments in municipalities  
2 employing five or more full-time sworn officers for every 1,000 in  
3 population, as calculated by the ~~Division-Department~~ for the calendar year in  
4 which the stop was made.

5 ...  
6 (d) Each law enforcement officer making a stop covered by subdivision (1) of  
7 subsection (a) of this section shall be assigned an anonymous identification number by the  
8 officer's employing agency. The anonymous identifying number shall be public record and  
9 shall be reported to the ~~Division-Department~~ to be correlated along with the data collected  
10 under subsection (a) of this section. The correlation between the identification numbers and the  
11 names of the officers shall not be a public record, and shall not be disclosed by the agency  
12 except when required by order of a court of competent jurisdiction to resolve a claim or defense  
13 properly before the court.

14 (d1) Any agency subject to the requirements of this section shall submit information  
15 collected under subsection (a) of this section to the ~~Division-Department~~ within 60 days of the  
16 close of each month. Any agency that does not submit the information as required by this  
17 subsection shall be ineligible to receive any law enforcement grants available by or through the  
18 State until the information which is reasonably available is submitted.

19 (e) The ~~Division-Department~~ shall publish and distribute by December 1 of each year a  
20 list indicating the law enforcement officers that will be subject to the provisions of this section  
21 during the calendar year commencing on the following January 1."

22 **SECTION 6.1(ss)** G.S. 114-10.02, recodified as G.S. 143B-904 by subsection (g)  
23 of this section, reads as rewritten:

24 "**§ 143B-904. Collection of statistics on the use of deadly force by law enforcement**  
25 **officers.**

26 (a) In addition to ~~the duties set forth in G.S. 114-10, the Division of Criminal~~  
27 ~~Information~~ its other duties, the Department of Public Safety shall collect, maintain, and  
28 annually publish the number of deaths, by law enforcement agency, resulting from the use of  
29 deadly force by law enforcement officers in the course and scope of their official duties.

30 (b) For purposes of this section, "law enforcement officer" means sworn law  
31 enforcement officers with the power of arrest, both State and local."

32 **SECTION 6.1(tt)** G.S. 114-10.1, recodified as G.S. 143B-905 by subsection (g) of  
33 this section, reads as rewritten:

34 "**§ 143B-905. Police-Criminal Information Network.**

35 (a) The ~~Division of Criminal Information~~ Department of Public Safety is authorized to  
36 establish, devise, maintain and operate a system for receiving and disseminating to participating  
37 agencies information collected, maintained and correlated under authority of ~~G.S. 114-10 of~~  
38 ~~this Article.~~ G.S. 143B-902. The system shall be known as the ~~Division of Criminal Information~~  
39 Network.

40 (b) The ~~Division of Criminal Information~~ Department of Public Safety is authorized to  
41 cooperate with the Division of Motor Vehicles, Department of Administration, ~~the Department~~  
42 ~~of Public Safety,~~ and other State, local and federal agencies and organizations in carrying out  
43 the purpose and intent of this section, and to utilize, in cooperation with other State agencies  
44 and to the extent as may be practical, computers and related equipment as may be operated by  
45 other State agencies.

46 (c) The ~~Division of Criminal Information,~~ Department of Public Safety, after  
47 consultation with participating agencies, shall adopt rules and regulations governing the  
48 organization and administration of the ~~Division of Criminal Information Network,~~ including  
49 rules and regulations governing the types of information relating to the administration of  
50 criminal justice to be entered into the system, and who shall have access to such information.  
51 The rules and regulations governing access to the ~~Division of Criminal Information Network~~

1 shall not prohibit an attorney who has entered a criminal proceeding in accordance with  
2 G.S. 15A-141 from obtaining information relevant to that criminal proceeding. The rules and  
3 regulations governing access to the ~~Division of Criminal Information Network~~ shall not  
4 prohibit an attorney who represents a person in adjudicatory or dispositional proceedings for an  
5 infraction from obtaining the person's driving record or criminal history.

6 (d) ~~The Division of Criminal Information may impose an initial set-up fee of two~~  
7 ~~thousand six hundred fifty dollars (\$2,650) for agencies to participate in the Division of~~  
8 ~~Criminal Information Network. This one-time fee shall be used to offset the cost of the router~~  
9 ~~and data circuit needed to access the Network.~~

10 ~~The Division of Criminal Information Department may also impose monthly fees on~~  
11 ~~participating agencies. The monthly fees collected under this subsection shall be used to offset~~  
12 ~~the cost of operating and maintaining the Police-Criminal Information NetworkNetwork.~~

13 (1) ~~The Division of Criminal Information Department~~ may impose a monthly  
14 circuit fee on agencies that access the ~~Division of Criminal Information~~  
15 ~~Network through a circuit maintained and operated by the Department of~~  
16 ~~Justice, Department of Public Safety.~~ The amount of the monthly fee is three  
17 hundred dollars (\$300.00) plus an additional fee amount for each device  
18 linked to the Network. The additional fee amount varies depending upon the  
19 type of device. For a desktop device after the first seven desktop devices, the  
20 additional monthly fee is twenty-five dollars (\$25.00) per device. For a  
21 mobile device, the additional monthly fee is twelve dollars (\$12.00) per  
22 device.

23 (2) ~~The Division of Criminal Information Department~~ may impose a monthly  
24 device fee on agencies that access the ~~Police-Criminal Information Network~~  
25 through some other approved means. The amount of the monthly device fee  
26 varies depending upon the type of device. For a desktop device, the monthly  
27 fee is twenty-five dollars (\$25.00) per device. For a mobile device, the fee is  
28 twelve dollars (\$12.00) per device."

29 **SECTION 6.1.(uu)** G.S. 114-12, recodified as G.S. 143B-915 by subsection (i) of  
30 this section, reads as rewritten:

31 "**§ 143B-915. Bureau of Investigation created; powers and duties.**

32 In order to secure a more effective administration of the criminal laws of the State, to  
33 prevent crime, and to procure the speedy apprehension of criminals, the Attorney  
34 General/Secretary of Public Safety shall set up in the Division of Law Enforcement of the  
35 Department of Justice-Public Safety a ~~division-section~~ to be designated as the State Bureau of  
36 Investigation. The ~~Division-Section~~ shall have charge of and administer the agencies and  
37 activities herein set up for the identification of criminals, for their apprehension, and  
38 investigation and preparation of evidence to be used in criminal courts; and the said Bureau  
39 shall have charge of investigation of criminal matters herein especially mentioned, and of such  
40 other crimes and criminal procedure as the Governor may direct.

41 In the personnel of the Bureau shall be included a sufficient number of persons of training  
42 and skill in the investigation of crime and in the preparation of evidence as to be of service to  
43 local enforcement officers, under the direction of the Governor, in criminal matters of major  
44 importance.

45 The State radio system shall be made available to the Bureau Laboratory for use in its  
46 work."

47 **SECTION 6.1.(vv)** G.S. 114-14, recodified as G.S. 143B-917 by subsection (i) of  
48 this section, reads as rewritten:

49 "**§ 143B-917. General powers and duties of ~~Director and assistants,~~law enforcement**  
50 **officers of the State Bureau of Investigation.**

1       ~~The Director of the Bureau and his assistants~~Sworn law enforcement officers of the State  
2 Bureau of Investigation are given the same power of arrest as is now vested in the sheriffs of  
3 the several counties, and their jurisdiction shall be statewide. ~~The Director of the Bureau and~~  
4 ~~his assistants~~Sworn law enforcement officers of the Bureau shall, at the request of the  
5 Governor, give assistance to sheriffs, police officers, district attorneys, and judges when called  
6 upon by them and so directed. ~~They shall also give assistance, when requested, to the~~  
7 ~~Department of Public Safety in the investigation of cases pending before the parole office and~~  
8 ~~of complaints lodged against parolees, when so directed by the Governor."~~

9       **SECTION 6.1.(ww)** G.S. 114-15, recodified as G.S. 143B-919 by subsection (i) of  
10 this section, reads as rewritten:

11 **"§ 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of**  
12 **Governor; witness fees and mileage for ~~Director and assistants~~employees.**

13       (a) The Bureau shall, ~~through its Director and~~ upon request of the Governor, investigate  
14 and prepare evidence in the event of any lynching or mob violence in the State; shall  
15 investigate all cases arising from frauds in connection with elections when requested to do so  
16 by the Board of Elections, and when so directed by the Governor. Such investigation, however,  
17 shall in nowise interfere with the power of the Attorney General to make such investigation as  
18 the Attorney General is authorized to make under the laws of the State. The Bureau is  
19 authorized further, at the request of the Governor, to investigate cases of frauds arising under  
20 the Social Security Laws of the State, of violations of the gaming laws, and lottery laws, and  
21 matters of similar kind when called upon by the Governor so to do. In all such cases it shall be  
22 the duty of the Department to keep such records as may be necessary and to prepare evidence  
23 in the cases investigated, for the use of enforcement officers and for the trial of causes. The  
24 services of ~~the Director of the Bureau, and of the Director's assistants~~employees of the Bureau  
25 may be required by the Governor in connection with the investigation of any crime committed  
26 anywhere in the State when called upon by the enforcement officers of the State, and when, in  
27 the judgment of the Governor, such services may be rendered with advantage to the  
28 enforcement of the criminal law. The State Bureau of Investigation is hereby authorized to  
29 investigate without request the attempted arson of, or arson of, damage of, theft from, or theft  
30 of, or misuse of, any State-owned personal property, buildings, or other real property or any  
31 assault upon or threats against any legislative officer named in G.S. 147-2(1), (2), or (3), any  
32 executive officer named in G.S. 147-3(c), or any court officer as defined in G.S. 14-16.10(1).

33       (a1) The Bureau also is authorized at the request of the Governor to conduct a  
34 background investigation on a person that the Governor plans to nominate for a position that  
35 must be confirmed by the General Assembly, the Senate, or the House of Representatives. The  
36 background investigation of the proposed nominee shall be limited to an investigation of the  
37 person's criminal record, educational background, employment record, records concerning the  
38 listing and payment of taxes, and credit record, and to a requirement that the person provide the  
39 information contained in the statements of economic interest required to be filed by persons  
40 subject to Chapter 138A of the General Statutes. The Governor must give the person being  
41 investigated written notice that the Governor intends to request a background investigation at  
42 least 10 days prior to the date that the Governor requests the State Bureau of Investigation to  
43 conduct the background investigation. The written notice shall be sent by regular mail, and  
44 there is created a rebuttable presumption that the person received the notice if the Governor has  
45 a copy of the notice.

46       ...

47       (c) All records and evidence collected and compiled by ~~the Director of the Bureau and~~  
48 ~~his assistants~~employees of the Bureau shall, upon request, be made available to the district  
49 attorney of any district if the same concerns persons or investigations in his district.

50       (d) In all cases where the cost is assessed against the defendant and paid by him, there  
51 shall be assessed in the bill of cost, mileage and witness fees to ~~the Director and any of his~~



1 ~~assistants~~ any employees of the Bureau who are witnesses in cases arising in courts of this  
2 State. The fees so assessed, charged and collected shall be forwarded by the clerks of the court  
3 to the Treasurer of the State of North Carolina, and there credited to the Bureau of  
4 Identification and Investigation Fund."

5 **SECTION 6.1.(xx)** G.S. 114-19.1(d), as recodified by subsection (l) of this section,  
6 reads as rewritten:

7 "(d) Nothing in this section shall be construed as enlarging any right to receive any  
8 record of the State Bureau of Investigation. Such rights are and shall be controlled by  
9 G.S. 114-15, G.S. 114-19, G.S. 120-19.4A, G.S. 143B-919, 143B-906, 120-19.4A, and other  
10 applicable statutes."

11 **SECTION 6.1.(yy)** G.S. 114-19.6(b), as recodified by subsection (l) of this section  
12 and rewritten by subsection (o) of this section, reads as rewritten:

13 "(b) When requested by the Department of Health and Human Services or the Division  
14 of Juvenile Justice of the Department of Public Safety, the North Carolina Department of  
15 Public Safety may provide to the requesting department or division a covered person's criminal  
16 history from the State Repository of Criminal Histories. Such requests shall not be due to a  
17 person's age, sex, race, color, national origin, religion, creed, political affiliation, or  
18 handicapping condition as defined by G.S. 168A-3. For requests for a State criminal history  
19 record check only, the requesting department or division shall provide to the Department of  
20 Public Safety a form consenting to the check signed by the covered person to be checked and  
21 any additional information required by the Department of Public Safety. National criminal  
22 record checks are authorized for covered applicants who have not resided in the State of North  
23 Carolina during the past five years. For national checks the Department of Health and Human  
24 Services or the Division of Juvenile Justice of the Department of Public Safety shall provide to  
25 the North Carolina Department of Public Safety the fingerprints of the covered person to be  
26 checked, any additional information required by the Department of Public Safety, and a form  
27 signed by the covered person to be checked consenting to the check of the criminal record and  
28 to the use of fingerprints and other identifying information required by the State or National  
29 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of  
30 Investigation for a search of the State criminal history record file and the State Bureau of  
31 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a  
32 national criminal history record check. The Department of Health and Human Services and the  
33 Division of Juvenile Justice of the Department of Public Safety shall keep all information  
34 pursuant to this section confidential. The Department of Public Safety shall charge a reasonable  
35 fee for conducting the checks of the criminal history records authorized by this section."

36 **SECTION 6.1.(zz)** G.S. 114-20, recodified as G.S. 143B-986 by subsection (m) of  
37 this section, reads as rewritten:

38 "**§ 143B-986. Authority to provide protection to certain public officials.**

39 The North Carolina State Bureau of Investigation is authorized to provide protection to  
40 public officials who request it, and who, in the discretion of the Director of the Bureau with the  
41 approval of ~~the Attorney General,~~ the Secretary of Public Safety, demonstrate a need for such  
42 protection. The bureau shall not provide protection for any individual other than the Governor  
43 for a period greater than 30 days without review and reapproval by the ~~Attorney~~  
44 ~~General.~~ Secretary of Public Safety. This review and reapproval shall be required at the end of  
45 each 30-day period."

46 **SECTION 6.1.(aaa)** G.S. 114-20.1, recodified as G.S. 143B-987 by subsection (m)  
47 of this section, reads as rewritten:

48 "**§ 143B-987. Authority to designate areas for protection of public officials.**

49 (a) ~~The Attorney General~~ Secretary of Public Safety is authorized to designate buildings  
50 and grounds which constitute temporary residences or temporary offices of any public official

1 being protected under authority of ~~G.S. 114-20~~, G.S. 143B-986, or any area that will be visited  
2 by any such official, a public building or facility during the time of such use.

3 (b) ~~The Attorney General or the Director of the State Bureau of Investigation~~ Secretary  
4 of Public Safety may, with the consent of the official to be protected, make rules governing  
5 ingress to or egress from such buildings, grounds or areas designated under this section."

6 **SECTION 6.1.(bbb)** G.S. 122C-80 reads as rewritten:

7 "**§ 122C-80. Criminal history record check required for certain applicants for**  
8 **employment.**

9 ...

10 (b) Requirement. – An offer of employment by a provider licensed under this Chapter  
11 to an applicant to fill a position that does not require the applicant to have an occupational  
12 license is conditioned on consent to a State and national criminal history record check of the  
13 applicant. If the applicant has been a resident of this State for less than five years, then the offer  
14 of employment is conditioned on consent to a State and national criminal history record check  
15 of the applicant. The national criminal history record check shall include a check of the  
16 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,  
17 then the offer is conditioned on consent to a State criminal history record check of the  
18 applicant. A provider shall not employ an applicant who refuses to consent to a criminal history  
19 record check required by this section. Except as otherwise provided in this subsection, within  
20 five business days of making the conditional offer of employment, a provider shall submit a  
21 request to the ~~Department of Justice~~ Department of Public Safety under  
22 ~~G.S. 114-19.10~~ G.S. 143B-939 to conduct a criminal history record check required by this  
23 section or shall submit a request to a private entity to conduct a State criminal history record  
24 check required by this section. Notwithstanding ~~G.S. 114-19.10~~, G.S. 143B-939, the  
25 ~~Department of Justice~~ Department of Public Safety shall return the results of national criminal  
26 history record checks for employment positions not covered by Public Law 105-277 to the  
27 Department of Health and Human Services, Criminal Records Check Unit. Within five business  
28 days of receipt of the national criminal history of the person, the Department of Health and  
29 Human Services, Criminal Records Check Unit, shall notify the provider as to whether the  
30 information received may affect the employability of the applicant. In no case shall the results  
31 of the national criminal history record check be shared with the provider. Providers shall make  
32 available upon request verification that a criminal history check has been completed on any  
33 staff covered by this section. A county that has adopted an appropriate local ordinance and has  
34 access to the Division of Criminal Information data bank may conduct on behalf of a provider a  
35 State criminal history record check required by this section without the provider having to  
36 submit a request to the Department of Justice. In such a case, the county shall commence with  
37 the State criminal history record check required by this section within five business days of the  
38 conditional offer of employment by the provider. All criminal history information received by  
39 the provider is confidential and may not be disclosed, except to the applicant as provided in  
40 subsection (c) of this section. For purposes of this subsection, the term "private entity" means a  
41 business regularly engaged in conducting criminal history record checks utilizing public  
42 records obtained from a State agency.

43 ...

44 (g) Conditional Employment. – A provider may employ an applicant conditionally prior  
45 to obtaining the results of a criminal history record check regarding the applicant if both of the  
46 following requirements are met:

47 (1) The provider shall not employ an applicant prior to obtaining the applicant's  
48 consent for criminal history record check as required in subsection (b) of this  
49 section or the completed fingerprint cards as required in  
50 ~~G.S. 114-19.10~~ G.S. 143B-939.

1 (2) The provider shall submit the request for a criminal history record check not  
2 later than five business days after the individual begins conditional  
3 employment."

4 **SECTION 6.1.(ccc)** G.S. 122C-205(c) reads as rewritten:

5 "(c) Upon receipt of notice of an escape or breach of a condition of release as described  
6 in subsections (a) and (b) of this section, an appropriate law enforcement officer shall take the  
7 client into custody and have the client returned to the 24-hour facility from which the client has  
8 escaped or has been conditionally released. Transportation of the client back to the 24-hour  
9 facility shall be provided in the same manner as described in G.S. 122C-251 and  
10 G.S. 122C-408(b). Law enforcement agencies who are notified of a client's escape or breach of  
11 conditional release shall be notified of the client's return by the responsible 24-hour facility.  
12 Under the circumstances described in this section, the initial notification by the 24-hour facility  
13 of the client's escape or breach of conditional release shall be given by telephone  
14 communication to the appropriate law enforcement agency or agencies and, if available and  
15 appropriate, by ~~Division of Criminal Information (DCI)~~Department of Public Safety message to  
16 any law enforcement agency in or out of state and by entry into the National Crime Information  
17 Center (NCIC) telecommunications system. As soon as reasonably possible following  
18 notification, written authorization to take the client into custody shall also be issued by the  
19 24-hour facility. Under this section, law enforcement officers shall have the authority to take a  
20 client into custody upon receipt of the telephone notification or ~~Division of Criminal~~  
21 ~~Information~~Department of Public Safety message prior to receiving written authorization. The  
22 notification of a law enforcement agency does not, in and of itself, render this information  
23 public information within the purview of Chapter 132 of the General Statutes. However, the  
24 responsible law enforcement agency shall determine the extent of disclosure of personal  
25 identifying and background information reasonably necessary, under the circumstances, in  
26 order to assure the expeditious return of a client to the 24-hour facility involved and to protect  
27 the general public and is authorized to make such disclosure. The responsible law enforcement  
28 agency may also place any appropriate message or entry into either the ~~Division of Criminal~~  
29 ~~Information System~~Department of Public Safety's Criminal Information System or National  
30 Crime Information System, or both, as appropriate."

31 **SECTION 6.1.(ddd)** G.S. 131D-10.3A reads as rewritten:

32 "**§ 131D-10.3A. Mandatory criminal checks.**

33 ...

34 (d) The ~~Department of Justice~~Department of Public Safety shall provide to the  
35 Department the criminal history of the individuals specified in subsection (a) of this section  
36 obtained from the State and National Repositories of Criminal Histories as requested by the  
37 Department. The Department shall provide to the ~~Department of Justice~~Department of Public  
38 Safety, along with the request, the fingerprints of the individual to be checked, any additional  
39 information required by the ~~Department of Justice~~Department of Public Safety, and a form  
40 consenting to the check of the criminal record and to the use of fingerprints and other  
41 identifying information required by the State or National Repositories signed by the individual  
42 to be checked. The fingerprints of the individual to be checked shall be forwarded to the State  
43 Bureau of Investigation for a search of the State's criminal history record file, and the State  
44 Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of  
45 Investigation for a national criminal history record check.

46 ...

47 (i) The ~~Department of Justice~~Department of Public Safety shall perform the State and  
48 national criminal history checks on individuals required by this section and shall charge the  
49 Department a reasonable fee only for conducting the checks of the national criminal history  
50 records authorized by this section. The Division of Social Services, Department of Health and  
51 Human Services, shall bear the costs of implementing this section."

1           **SECTION 6.1.(eee)** G.S. 131D-40 reads as rewritten:

2   "**§ 131D-40. Criminal history record checks required for certain applicants for**  
3   **employment.**

4       (a) Requirement; Adult Care Home. – An offer of employment by an adult care home  
5 licensed under this Chapter to an applicant to fill a position that does not require the applicant  
6 to have an occupational license is conditioned on consent to a criminal history record check of  
7 the applicant. If the applicant has been a resident of this State for less than five years, then the  
8 offer of employment is conditioned on consent to a State and national criminal history record  
9 check of the applicant. The national criminal history record check shall include a check of the  
10 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,  
11 then the offer is conditioned on consent to a State criminal history record check of the  
12 applicant. An adult care home shall not employ an applicant who refuses to consent to a  
13 criminal history record check required by this section. Within five business days of making the  
14 conditional offer of employment, an adult care home shall submit a request to the ~~Department~~  
15 ~~of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State  
16 or national criminal history record check required by this section, or shall submit a request to a  
17 private entity to conduct a State criminal history record check required by this section.  
18 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~ Department of  
19 Public Safety shall return the results of national criminal history record checks for employment  
20 positions not covered by Public Law 105-277 to the Department of Health and Human  
21 Services, Criminal Records Check Unit. Within five business days of receipt of the national  
22 criminal history of the person, the Department of Health and Human Services, Criminal  
23 Records Check Unit, shall notify the adult care home as to whether the information received  
24 may affect the employability of the applicant. In no case shall the results of the national  
25 criminal history record check be shared with the adult care home. Adult care homes shall make  
26 available upon request verification that a criminal history check has been completed on any  
27 staff covered by this section. All criminal history information received by the home is  
28 confidential and may not be disclosed, except to the applicant as provided in subsection (b) of  
29 this section.

30       (a1) Requirement; Contract Agency of Adult Care Home. – An offer of employment by a  
31 contract agency of an adult care home licensed under this Chapter to an applicant to fill a  
32 position that does not require the applicant to have an occupational license is conditioned upon  
33 consent to a criminal history record check of the applicant. If the applicant has been a resident  
34 of this State for less than five years, then the offer of employment is conditioned on consent to  
35 a State and national criminal history record check of the applicant. The national criminal  
36 history record check shall include a check of the applicant's fingerprints. If the applicant has  
37 been a resident of this State for five years or more, then the offer is conditioned on consent to a  
38 State criminal history record check of the applicant. A contract agency of an adult care home  
39 shall not employ an applicant who refuses to consent to a criminal history record check  
40 required by this section. Within five business days of making the conditional offer of  
41 employment, a contract agency of an adult care home shall submit a request to the ~~Department~~  
42 ~~of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State  
43 or national criminal history record check required by this section, or shall submit a request to a  
44 private entity to conduct a State criminal history record check required by this section.  
45 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~ Department of  
46 Public Safety shall return the results of national criminal history record checks for employment  
47 positions not covered by Public Law 105-277 to the Department of Health and Human  
48 Services, Criminal Records Check Unit. Within five business days of receipt of the national  
49 criminal history of the person, the Department of Health and Human Services, Criminal  
50 Records Check Unit, shall notify the contract agency of the adult care home as to whether the  
51 information received may affect the employability of the applicant. In no case shall the results

1 of the national criminal history record check be shared with the contract agency of the adult  
2 care home. Contract agencies of adult care homes shall make available upon request  
3 verification that a criminal history check has been completed on any staff covered by this  
4 section. All criminal history information received by the contract agency is confidential and  
5 may not be disclosed, except to the applicant as provided by subsection (b) of this section.

6 ...

7 (f) Conditional Employment. – An adult care home may employ an applicant  
8 conditionally prior to obtaining the results of a criminal history record check regarding the  
9 applicant if both of the following requirements are met:

- 10 (1) The adult care home shall not employ an applicant prior to obtaining the  
11 applicant's consent for a criminal history record check as required in  
12 subsection (a) of this section or the completed fingerprint cards as required  
13 in ~~G.S. 114-19-10~~G.S. 143B-939.
- 14 (2) The adult care home shall submit the request for a criminal history record  
15 check not later than five business days after the individual begins conditional  
16 employment.

17 ...."

18 **SECTION 6.1.(fff)** G.S. 131E-159(g) reads as rewritten:

19 "(g) An individual who applies for EMS credentials, seeks to renew EMS credentials, or  
20 holds EMS credentials is subject to a criminal background review by the Department. At the  
21 request of the Department, the Emergency Medical Services Disciplinary Committee,  
22 established by G.S. 143-519, shall review criminal background information and make a  
23 recommendation regarding the eligibility of an individual to obtain initial EMS credentials,  
24 renew EMS credentials, or maintain EMS credentials. The Department and the Emergency  
25 Medical Services Disciplinary Committee shall keep all information obtained pursuant to this  
26 subsection confidential. The Medical Care Commission shall adopt rules to implement the  
27 provisions of this subsection, including rules to establish a reasonable fee to offset the actual  
28 costs of criminal history information obtained pursuant to ~~G.S. 114-19-21~~G.S. 143B-952."

29 **SECTION 6.1.(ggg)** G.S. 131E-265 reads as rewritten:

30 **"§ 131E-265. Criminal history record checks required for certain applicants for  
31 employment.**

32 (a) Requirement; Nursing Home or Home Care Agency. – An offer of employment by a  
33 nursing home licensed under this Chapter to an applicant to fill a position that does not require  
34 the applicant to have an occupational license is conditioned on consent to a criminal history  
35 record check of the applicant. If the applicant has been a resident of this State for less than five  
36 years, then the offer of employment is conditioned on consent to a State and national criminal  
37 history record check of the applicant. The national criminal history record check shall include a  
38 check of the applicant's fingerprints. If the applicant has been a resident of this State for five  
39 years or more, then the offer is conditioned on consent to a State criminal history record check  
40 of the applicant. An offer of employment by a home care agency licensed under this Chapter to  
41 an applicant to fill a position that requires entering the patient's home is conditioned on consent  
42 to a criminal history record check of the applicant. In addition, employment status change of a  
43 current employee of a home care agency licensed under this Chapter from a position that does  
44 not require entering the patient's home to a position that requires entering the patient's home  
45 shall be conditioned on consent to a criminal history record check of that current employee. If  
46 the applicant for employment or if the current employee who is changing employment status  
47 has been a resident of this State for less than five years, then the offer of employment or change  
48 in employment status is conditioned on consent to a State and national criminal history record  
49 check. The national criminal history record check shall include a check of the applicant's or  
50 current employee's fingerprints. If the applicant or current employee has been a resident of this  
51 State for five years or more, then the offer is conditioned on consent to a State criminal history

1 record check of the applicant or current employee applying for a change in employment status.  
2 A nursing home or a home care agency shall not employ an applicant who refuses to consent to  
3 a criminal history record check required by this section. In addition, a home care agency shall  
4 not change a current employee's employment status from a position that does not require  
5 entering the patient's home to a position that requires entering the patient's home who refuses to  
6 consent to a criminal history record check required by this section. Within five business days of  
7 making the conditional offer of employment, a nursing home or home care agency shall submit  
8 a request to the ~~Department of Justice~~Department of Public Safety under  
9 ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State or national criminal history record check  
10 required by this section, or shall submit a request to a private entity to conduct a State criminal  
11 history record check required by this section. Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939,  
12 the ~~Department of Justice~~Department of Public Safety shall return the results of national  
13 criminal history record checks for employment positions not covered by Public Law 105-277 to  
14 the Department of Health and Human Services, Criminal Records Check Unit. Within five  
15 business days of receipt of the national criminal history of the person, the Department of Health  
16 and Human Services, Criminal Records Check Unit, shall notify the nursing home or home care  
17 agency as to whether the information received may affect the employability of the applicant. In  
18 no case shall the results of the national criminal history record check be shared with the nursing  
19 home or home care agency. Nursing homes and home care agencies shall make available upon  
20 request verification that a criminal history check has been completed on any staff covered by  
21 this section. All criminal history information received by the home or agency is confidential  
22 and may not be disclosed, except to the applicant as provided in subsection (b) of this section.

23 (a1) Requirement; Contract Agency of Nursing Home or Home Care Agency. – An offer  
24 of employment by a contract agency of a nursing home or home care agency licensed under this  
25 Chapter to an applicant to fill a position that does not require the applicant to have an  
26 occupational license is conditioned upon consent to a criminal history record check of the  
27 applicant. If the applicant has been a resident of this State for less than five years, then the offer  
28 of employment is conditioned on consent to a State and national criminal history record check  
29 of the applicant. The national criminal history record check shall include a check of the  
30 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,  
31 then the offer is conditioned on consent to a State criminal history record check of the  
32 applicant. A contract agency of a nursing home or home care agency shall not employ an  
33 applicant who refuses to consent to a criminal history record check required by this section.  
34 Within five business days of making the conditional offer of employment, a contract agency of  
35 a nursing home or home care agency shall submit a request to the ~~Department of~~  
36 ~~Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State or  
37 national criminal history record check required by this section, or shall submit a request to a  
38 private entity to conduct a State criminal history record check required by this section.  
39 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~Department of  
40 Public Safety shall return the results of national criminal history record checks for employment  
41 positions not covered by Public Law 105-277 to the Department of Health and Human  
42 Services, Criminal Records Check Unit. Within five business days of receipt of the national  
43 criminal history of the person, the Department of Health and Human Services, Criminal  
44 Records Check Unit, shall notify the contract agency of the nursing home or home care agency  
45 as to whether the information received may affect the employability of the applicant. In no case  
46 shall the results of the national criminal history record check be shared with the contract agency  
47 of the nursing home or home care agency. Contract agencies of nursing homes and home care  
48 agencies shall make available upon request verification that a criminal history check has been  
49 completed on any staff covered by this section. All criminal history information received by the  
50 contract agency is confidential and may not be disclosed, except to the applicant as provided by  
51 subsection (b) of this section.

1 ...  
2 (f) Conditional Employment. – A nursing home or home care agency may employ an  
3 applicant conditionally prior to obtaining the results of a criminal history record check  
4 regarding the applicant if both of the following requirements are met:

5 (1) The nursing home or home care agency shall not employ an applicant prior  
6 to obtaining the applicant's consent for a criminal history record check as  
7 required in subsection (a) of this section or the completed fingerprint cards  
8 as required in ~~G.S. 114-19.10~~G.S. 143B-939.

9 (2) The nursing home or home care agency shall submit the request for a  
10 criminal history record check not later than five business days after the  
11 individual begins conditional employment.

12 ...."

13 **SECTION 6.1.(hhh)** G.S. 143-143.10(b)(6) reads as rewritten:

14 "(6) To request that the ~~Department of Justice~~Department of Public Safety  
15 conduct criminal history checks of applicants for licensure pursuant to  
16 ~~G.S. 114-19.13~~G.S. 143B-944."

17 **SECTION 6.1.(iii)** G.S. 148-37.3(c) reads as rewritten:

18 "(c) Any private corporation described in subsection (a) of this section shall reimburse  
19 the State and any county or other law enforcement agency for the full cost of any additional  
20 expenses incurred by the State or the county or other law enforcement agency in connection  
21 with the pursuit and apprehension of an escaped inmate from the facility.

22 In the event of an escape from the facility, any private corporation described in subsection  
23 (a) of this section shall immediately notify the sheriff in the county in which the facility is  
24 located, who shall cause an immediate entry into the ~~State Bureau of Investigation Division of~~  
25 ~~Criminal Information network~~Department of Public Safety's Criminal Information Network.  
26 The sheriff of the county in which the facility is located shall be the lead law enforcement  
27 officer in connection with the pursuit and apprehension of an escaped inmate from the facility."

28 **SECTION 6.1.(jjj)** G.S. 153A-94.2 reads as rewritten:

29 **"§ 153A-94.2. Criminal history record checks of employees permitted.**

30 The board of commissioners may adopt or provide for rules and regulations or ordinances  
31 concerning a requirement that any applicant for employment be subject to a criminal history  
32 record check of State and National Repositories of Criminal Histories conducted by the  
33 ~~Department of Justice~~Department of Public Safety in accordance with  
34 ~~G.S. 114-19.14~~G.S. 143B-945. The local or regional public employer may consider the results  
35 of these criminal history record checks in its hiring decisions."

36 **SECTION 6.1.(kkk)** G.S. 160A-164.2 reads as rewritten:

37 **"§ 160A-164.2. Criminal history record check of employees permitted.**

38 The council may adopt or provide for rules and regulations or ordinances concerning a  
39 requirement that any applicant for employment be subject to a criminal history record check of  
40 State and National Repositories of Criminal Histories conducted by the ~~Department of Justice~~  
41 Department of Public Safety in accordance with ~~G.S. 114-19.14~~G.S. 143B-945. The city may  
42 consider the results of these criminal history record checks in its hiring decisions."

43 **SECTION 6.1.(lll)** G.S. 164-44(a) reads as rewritten:

44 "(a) The Commission shall have the secondary duty of collecting, developing, and  
45 maintaining statistical data relating to sentencing, corrections, and juvenile justice so that the  
46 primary duties of the Commission will be formulated using data that is valid, accurate, and  
47 relevant to this State. All State agencies shall provide data as it is requested by the  
48 Commission. For the purposes of ~~G.S. 114-19.1~~G.S. 143B-930, the Commission shall be  
49 considered to be engaged in the administration of criminal justice. All meetings of the  
50 Commission shall be open to the public and the information presented to the Commission shall  
51 be available to any State agency or member of the General Assembly."

1           **SECTION 6.1.(mmm)** Subpart C of Part 2 of Article 4 of Chapter 143B of the  
2 General Statutes is amended by adding a new section to read:

3 **"§ 143B-926. Appointment and term of the Director of the State Bureau of Investigation.**

4           (a) The Director of the State Bureau of Investigation shall be appointed by the  
5 Governor for a term of eight years subject to confirmation by the General Assembly by joint  
6 resolution. The name of the person to be appointed by the Governor shall be submitted by the  
7 Governor to the General Assembly for confirmation by the General Assembly on or before  
8 May 1 of the year in which the term for which the appointment is to be made expires. Upon  
9 failure of the Governor to submit a name as herein provided, the President Pro Tempore of the  
10 Senate and the Speaker of the House of Representatives jointly shall submit a name of an  
11 appointee to the General Assembly on or before May 15 of the same year. The appointment  
12 shall then be made by enactment of a bill. The bill shall state the name of the person being  
13 appointed, the office to which the appointment is being made, the effective date of the  
14 appointment, the date of expiration of the term, the residence of the appointee, and that the  
15 appointment is made upon the joint recommendation of the Speaker of the House of  
16 Representatives and the President Pro Tempore of the Senate. Nothing precludes any member  
17 of the General Assembly from proposing an amendment to any bill making such an  
18 appointment.

19           (b) The Director may be removed from office by the Governor for any of the grounds  
20 set forth in G.S. 143B-13(b), (c), and (d). In case of a vacancy in the office of the Director of  
21 the State Bureau of Investigation for any reason prior to the expiration of the Director's term of  
22 office, the name of the Director's successor shall be submitted by the Governor to the General  
23 Assembly not later than 60 days after the vacancy arises. If a vacancy arises in the office when  
24 the General Assembly is not in session, the Director shall be appointed by the Governor to  
25 serve on an interim basis pending confirmation by the General Assembly."

26           **SECTION 6.1.(nnn)** Notwithstanding anything in G.S. 143B-926, as enacted by  
27 subsection (mmm) of this section, to the contrary, the Governor shall appoint an acting Director  
28 of the State Bureau of Investigation who shall serve until a new Director is appointed pursuant  
29 to G.S. 143B-926. A Director shall be appointed pursuant to G.S. 143B-926 no later than June  
30 1, 2015, for a term that shall end on June 30, 2023.

31           **SECTION 6.1.(ooo)** Notwithstanding any other provision of law, there shall be no  
32 transfer of positions to or from the State Bureau of Investigation and no changes to the total  
33 authorized budget of the State Bureau of Investigation, as it existed on March 1, 2014, prior to  
34 the transfer of the State Bureau of Investigation to the Department of Public Safety. Under no  
35 circumstances shall funds be expended from Budget Code 23606 – Justice Seized and Forfeited  
36 Assets, unless those expenditures were reported to the NC General Assembly on or before  
37 February 4, 2014. This subsection shall not apply to the following positions, which are hereby  
38 transferred to the North Carolina State Crime Laboratory, along with the sum of two hundred  
39 sixty-seven thousand six hundred sixty-one dollars (\$267,661) to support those positions:

<b>Position Number:</b>	<b>Position Title:</b>
60011076	Processing Asst IV
60011060	Purchasing Agent II
60011091	Administrative Officer I
60010606	HVAC Technician
60011062	Program Asst V

46           **SECTION 6.1.(ppp)** Subpart C of Part 2 of Article 4 of Chapter 143B of the  
47 General Statutes is amended by adding a new section to read:

48 **"§ 143B-927. Personnel of the State Bureau of Investigation.**

49           The Director of the State Bureau of Investigation may appoint a sufficient number of  
50 assistants who shall be competent and qualified to do the work of the Bureau. The Director  
51 shall be responsible for making all hiring and personnel decisions of the Bureau."



1  
2 **ALCOHOL LAW ENFORCEMENT SECTION TRANSFER**

3 **SECTION 6.1.(qqq)** The Alcohol Law Enforcement Section shall be relocated as a  
4 branch under the State Bureau of Investigation.

5 **SECTION 6.1.(rrr)** G.S. 18B-500 reads as rewritten:

6 **"§ 18B-500. Alcohol law-enforcement agents.**

7 (a) Appointment. – The ~~Secretary of Public Safety~~Director of the State Bureau of  
8 Investigation shall appoint alcohol law-enforcement agents and other enforcement personnel.  
9 The ~~Secretary of Public Safety~~Director may also appoint regular employees of the Commission  
10 as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as  
11 "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents  
12 are considered employees of the Alcohol Law Enforcement ~~Section~~Branch for workers'  
13 compensation purposes while performing duties assigned or approved by the ~~Director~~Head of  
14 the Alcohol Law Enforcement ~~Section~~Branch or the ~~Director's~~Head's designee.

15 (b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an  
16 alcohol law-enforcement agent shall have authority to arrest and take other investigatory and  
17 enforcement actions for any criminal offense. The primary responsibility of an agent shall be  
18 enforcement of the ~~ABC laws, lottery laws, and Article 5 of Chapter 90 (The Controlled~~  
19 ~~Substances Act); however, an agent may perform any law enforcement duty assigned by the~~  
20 ~~Secretary of Public Safety or the Governor.~~ABC and lottery laws.

21 ...

22 (g) Shifting of Personnel From One District to Another. – The ~~Director~~Head of the  
23 Alcohol Law Enforcement ~~Section~~Branch, under rules adopted by the Department of Public  
24 Safety may, from time to time, shift the forces from one district to another or consolidate more  
25 than one district force at any point for special purposes. Whenever an agent of the Alcohol Law  
26 Enforcement Section is transferred from one district to another for the convenience of the State  
27 or for reasons other than the request of the agent, the Department shall be responsible for  
28 transporting the household goods, furniture, and personal apparel of the agent and members of  
29 the agent's household."

30 **SECTION 6.1.(sss)** The following statutes are amended by deleting the word  
31 "Section" wherever it appears in uppercase and substituting "Branch": G.S. 18B-101(5),  
32 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-904, 19-2.1,  
33 105-259(b)(15), and 143-652.1 through 143-658.

34 **SECTION 6.1.(ttt)** G.S. 143-651 reads as rewritten:

35 **"§ 143-651. Definitions.**

36 The following definitions apply in this Article:

37 ...

38 (4a) Branch. – The Alcohol Law Enforcement Branch of the State Bureau of  
39 Investigation.

40 ...

41 (23b) Sanctioned amateur match. – Any match regulated by an amateur sports  
42 organization that has been recognized and approved by the ~~Section~~Branch.

43 ...

44 (24a) ~~Section.~~— The Alcohol Law Enforcement Section of the Department of  
45 ~~Public Safety.~~

46 ...."

47 **SECTION 6.1.(uuu)** G.S. 114-19(a), recodified as G.S. 143B-906 by subsection (j)  
48 of this section, reads as rewritten:

49 "(a) It shall be the duty of the State Bureau of Investigation to receive and collect ~~police~~  
50 criminal information, to assist in locating, identifying, and keeping records of criminals in this  
51 State, and from other states, and to compare, classify, compile, publish, make available and

1 disseminate any and all such information to the sheriffs, constables, police authorities, courts or  
2 any other officials of the State requiring such criminal identification, crime statistics and other  
3 information respecting crimes local and national, and to conduct surveys and studies for the  
4 purpose of determining so far as is possible the source of any criminal conspiracy, crime wave,  
5 movement or cooperative action on the part of the criminals, reporting such conditions, and to  
6 cooperate with all officials in detecting and preventing."  
7

## 8 MISCELLANEOUS PROVISIONS

9 **SECTION 6.1.(vvv)** The Department of Public Safety shall consolidate ALE and  
10 SBI Regions and Regional Offices. These regional offices shall be operational by October 1,  
11 2014.

12 **SECTION 6.1.(www)** The Department of Public Safety shall make the following  
13 reports on progress implementing this section to the Joint Legislative Oversight Committee on  
14 Justice and Public Safety, to the chairs of the Senate Appropriations Committee on Justice and  
15 Public Safety, and to the chairs of the House Appropriations Subcommittee on Justice and  
16 Public Safety:

- 17 (1) An interim report on or before January 1, 2015.
- 18 (2) A second interim report on or before April 1, 2015.
- 19 (3) A final report on or before October 1, 2015. This report may include any  
20 recommendations for changes to applicable statutes.

21 **SECTION 6.1.(xxx)** The Department of Public Safety may use funds available to  
22 the Division of Law Enforcement in the 2014-2015 fiscal year to create two sworn SBI agent  
23 positions and one non-sworn intelligence analyst position in the SBI's Computer Crimes Unit to  
24 investigate reports of Internet crimes against children.

25 **SECTION 6.1.(yyy)** Subsection (ooo) of this section is effective when this act  
26 becomes law. The remainder of this section becomes effective July 1, 2014.

27 **SECTION 6.2.** G.S. 18B-904(e) is amended by adding a new subdivision to read:

- 28 "(4) Notwithstanding G.S. 18B-906, the Commission shall immediately suspend  
29 permits issued by it for a period of 30 days, if both of the following apply:  
30 a. Alcohol Law Enforcement agents or local ABC Board officers  
31 provide advance notice to the Commission Legal Division staff of the  
32 ongoing undercover operation.  
33 b. Upon execution of the search warrant resulting from said undercover  
34 operation, five or more persons are criminally charged with  
35 violations of the gambling, disorderly conduct, prostitution,  
36 controlled substance, or felony criminal counterfeit trademark laws."  
37

## 38 PART VII. ADD RETIRED QUALIFIED CORRECTIONAL OFFICERS/COURSE 39 EXEMPTION

40 **SECTION 7.1.** G.S. 14-415.10 is amended by adding a new subdivision to read:

- 41 "(4c) Qualified retired correctional officer. – An individual who retired from  
42 service as a State correctional officer, other than for reasons of mental  
43 disability, who has been retired as a correctional officer two years or less  
44 from the date of the permit application and who meets all of the following  
45 criteria:  
46 a. Immediately before retirement, the individual met firearms training  
47 standards of the Division of Adult Correction of the Department of  
48 Public Safety and was authorized by the Division of Adult Correction  
49 of the Department of Public Safety to carry a handgun in the course  
50 of assigned duties.

- 1           **b.**     The individual retired in good standing and was never a subject of a  
2                    disciplinary action by the Division of Adult Correction of the  
3                    Department of Public Safety that would have prevented the  
4                    individual from carrying a handgun.
- 5           **c.**     The individual has a vested right to benefits under the Teachers' and  
6                    State Employees' Retirement System of North Carolina established  
7                    under Article 1 of Chapter 135 of the General Statutes.
- 8           **d.**     The individual is not prohibited by State or federal law from  
9                    receiving a firearm."

10           **SECTION 7.2.** G.S. 14-415.12A(a) reads as rewritten:

11           "(a) A person who is a qualified sworn law enforcement officer, a qualified former  
12 sworn law enforcement officer, a qualified retired correctional officer, or a qualified retired  
13 probation or parole certified officer is deemed to have satisfied the requirement under G.S. 14  
14 415.12(a)(4) that an applicant successfully complete an approved firearms safety and training  
15 course."

16           **SECTION 7.3.** This Part is effective when this act becomes law.

17  
18 **PART VIII. CONFORM STATE LAW/HALL V. FLORIDA**

19           **SECTION 8.1.** G.S. 15A-2005 reads as rewritten:

20 **"§ 15A-2005. ~~Mentally retarded defendants;~~ Intellectual disability; death sentence**  
21 **prohibited.**

22           (a)     (1)    The following definitions apply in this section:

- 23                   a.     ~~Mentally retarded.~~ Intellectual disability. – A condition marked by  
24                            Significantly—significantly subaverage general intellectual  
25                            functioning, existing concurrently with significant limitations in  
26                            adaptive functioning, both of which were manifested before the age  
27                            of 18.
- 28                   b.     Significant limitations in adaptive functioning. – Significant  
29                            limitations in two or more of the following adaptive skill areas:  
30                            communication, self-care, home living, social skills, community use,  
31                            self-direction, health and safety, functional academics, leisure skills  
32                            and work skills.
- 33                   c.     Significantly subaverage general intellectual functioning. – An  
34                            intelligence quotient of 70 or below.

35           (2)    The defendant has the burden of proving significantly subaverage general  
36                    intellectual functioning, significant limitations in adaptive functioning, and  
37                    that ~~mental retardation~~ intellectual disability was manifested before the age  
38                    of 18. An intelligence quotient of 70 or below on an individually  
39                    administered, scientifically recognized standardized intelligence quotient test  
40                    administered by a licensed psychiatrist or psychologist is evidence of  
41                    significantly subaverage general intellectual functioning; however, it is not  
42                    sufficient, without evidence of significant limitations in adaptive functioning  
43                    and without evidence of manifestation before the age of 18, to establish that  
44                    the defendant is ~~mentally retarded~~ has an intellectual disability. An  
45                    intelligence quotient of 70, as described in this subdivision, is approximate  
46                    and a higher score resulting from the application of the standard error of  
47                    measurement to an intelligence quotient of 70 shall not preclude the  
48                    defendant from being able to present additional evidence of intellectual  
49                    disability, including testimony regarding adaptive deficits. Accepted clinical  
50                    standards for diagnosing significant limitations in intellectual functioning

1 and adaptive behavior shall be applied in the determination of intellectual  
2 disability.

3 (b) Notwithstanding any provision of law to the contrary, no defendant ~~who is mentally~~  
4 ~~retarded~~ with an intellectual disability shall be sentenced to death.

5 (c) Upon motion of the defendant, supported by appropriate affidavits, the court may  
6 order a pretrial hearing to determine if the defendant ~~is mentally retarded~~ has an intellectual  
7 disability. The court shall order such a hearing with the consent of the State. The defendant has  
8 the burden of production and persuasion to demonstrate ~~mental retardation~~ intellectual  
9 disability by clear and convincing evidence. If the court determines that the defendant ~~to be~~  
10 ~~mentally retarded~~ has an intellectual disability, the court shall declare the case noncapital, and  
11 the State may not seek the death penalty against the defendant.

12 (d) The pretrial determination of the court shall not preclude the defendant from raising  
13 any legal defense during the trial.

14 (e) If the court does not find that the defendant ~~to be mentally retarded~~ has an  
15 intellectual disability in the pretrial proceeding, upon the introduction of evidence ~~of the~~  
16 ~~defendant's mental retardation~~ raising the issue of intellectual disability during the sentencing  
17 hearing, the court shall submit a special issue to the jury as to whether the defendant ~~is mentally~~  
18 ~~retarded~~ has an intellectual disability as defined in this section. This special issue shall be  
19 considered and answered by the jury prior to the consideration of aggravating or mitigating  
20 factors and the determination of sentence. If the jury determines that the defendant ~~to be~~  
21 ~~mentally retarded~~ has an intellectual disability, the court shall declare the case noncapital and  
22 the defendant shall be sentenced to life imprisonment.

23 (f) The defendant has the burden of production and persuasion to demonstrate ~~mental~~  
24 ~~retardation~~ intellectual disability to the jury by a preponderance of the evidence.

25 (g) If the jury determines that the defendant ~~is not mentally retarded~~ does not have an  
26 intellectual disability as defined by this section, the jury may consider any evidence of ~~mental~~  
27 ~~retardation~~ intellectual disability presented during the sentencing hearing when determining  
28 aggravating or mitigating factors and the defendant's sentence.

29 (h) The provisions of this section do not preclude the sentencing of ~~a mentally retarded~~  
30 an offender with an intellectual disability to any other sentence authorized by G.S. 14-17 for  
31 the crime of murder in the first degree."

32 **SECTION 8.2.** This Part is effective when this act becomes law.

## 33 **PART IX. INCREASE PENALTY FOR GRAFFITI VANDALISM**

34 **SECTION 9.1.** Article 22 of Chapter 14 of the General Statutes is amended by  
35 adding a new section to read:

### 36 **"§ 14-127.1. Graffiti vandalism.**

37 (a) Except as otherwise provided in this section, any person who engages in graffiti  
38 vandalism of (i) any real property, whether public or private or (ii) any public building or  
39 facility, or any statue or monument situated in any public place, shall be guilty of a Class 1  
40 misdemeanor. A person convicted of a Class 1 misdemeanor under this subsection shall be  
41 fined a minimum of five hundred dollars (\$500.00) and required to perform 24 hours of  
42 community service.

43 (b) Any person who violates subsection (a) of this section shall be guilty of a Class I  
44 felony if either of the following apply:

45 (1) The cost to repair damage caused by the violation is in excess of one  
46 thousand dollars (\$1,000).

47 (2) The person has two or more prior convictions for violation of this section.

48 (c) If a person is convicted of five or more violations of this section in a single session  
49 of district court or in a single week of superior court, and at least five of the offenses occurred  
50

1 within a 60-day period, the court shall consolidate the offenses for judgment and the  
2 consolidated offenses shall be punishable as a Class I felony.

3 (d) As used in this section, "graffiti vandalism" means to unlawfully write or scribble  
4 on, mark, paint, deface, besmear, or injure the walls of (i) any real property, whether public or  
5 private, including cemetery tombstones and monuments, (ii) any public building or facility as  
6 defined in G.S. 14-132, or (iii) any statue or monument situated in any public place, by any  
7 type of pen, paint, or marker regardless of whether the pen or marker contains permanent ink,  
8 paint, or spray paint."

9 **SECTION 9.2.** This Part becomes effective December 1, 2014, and applies to  
10 offenses committed on or after that date.

## 11 **PART X. UNFAIR USE OF CRIMINAL RECORD INFORMATION**

12 **SECTION 10.1.** Chapter 75 of the General Statutes is amended by adding a new  
13 section to read:

### 14 **"§ 75-43. Unfair use of criminal record information.**

15 (a) The violation of any provision of this section shall be considered an unfair trade  
16 practice, as prohibited by G.S. 75-1.1.

17 (b) A person commits a violation under this section if the person does both of the  
18 following:

19 (1) Engages in publishing or otherwise disseminating, in print or over the  
20 Internet, photographs of an individual taken pursuant to G.S. 15A-502(a)(1)  
21 or G.S. 15A-502(a2) or authorized by G.S. 15A-502(b).

22 (2) Solicits or accepts the payment of a fee or other consideration to remove the  
23 individual's photograph."

24 **SECTION 10.2.** This Part becomes effective December 1, 2014, and applies to  
25 violations occurring on or after that date.

## 26 **PART XI. REMOTE VIDEO TESTIMONY BY FORENSIC AND CHEMICAL** 27 **ANALYSTS**

28 **SECTION 11.1.** Article 73 of Chapter 15A of the General Statutes is amended by  
29 adding a new section to read:

### 30 **"§ 15A-1225.3. Forensic analyst remote testimony.**

31 (a) Definitions. – The following definitions apply to this section:

32 (1) Criminal proceeding. – Any hearing or trial in a prosecution of a person  
33 charged with violating a criminal law of this State and any hearing or  
34 proceeding conducted under Subchapter II of Chapter 7B of the General  
35 Statutes where a juvenile is alleged to have committed an offense that would  
36 be a criminal offense if committed by an adult.

37 (2) Remote testimony. – A method by which a forensic analyst testifies from a  
38 location other than the location where the hearing or trial is being conducted  
39 and outside the physical presence of a party or parties.

40 (b) Remote Testimony Authorized. – In any criminal proceeding, the testimony of an  
41 analyst regarding the results of forensic testing admissible pursuant to G.S. 8-58.20, and  
42 reported by that analyst, shall be permitted by remote testimony if all of the following occur:

43 (1) The State has provided a copy of the report to the attorney of record for the  
44 defendant, or to the defendant if that person has no attorney, as required by  
45 G.S. 8-58.20(d). For purposes of this subdivision, "report" means the full  
46 laboratory report package provided to the district attorney.

47 (2) The State notifies the attorney of record for the defendant, or the defendant if  
48 that person has no attorney, at least 15 business days before the proceeding  
49 at which the evidence would be used of its intention to introduce the  
50 evidence.

1 testimony regarding the results of forensic testing into evidence using remote  
2 testimony.

- 3 (3) The defendant's attorney of record, or the defendant if that person has no  
4 attorney, fails to file a written objection with the court, with a copy to the  
5 State, at least five business days before the proceeding at which the  
6 testimony will be presented that the defendant objects to the introduction of  
7 the remote testimony.

8 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to  
9 file a written objection as provided in this subsection, then the analyst shall be allowed to  
10 testify by remote testimony.

11 (c) Testimony. – The method used for remote testimony authorized by this section shall  
12 allow the trier of fact and all parties to observe the demeanor of the analyst as the analyst  
13 testifies in a similar manner as if the analyst were testifying in the location where the hearing or  
14 trial is being conducted. The court shall ensure that the defendant's attorney, or the defendant if  
15 that person has no attorney, has a full and fair opportunity for examination and  
16 cross-examination of the analyst.

17 (d) Nothing in this section shall preclude the right of any party to call any witness."

18 **SECTION 11.2.** G.S. 20-139.1 is amended by adding a new subsection to read:

19 "(c5) The testimony of an analyst regarding the results of a chemical analysis of blood or  
20 urine admissible pursuant to subsection (c1) of this section, and reported by that analyst, shall  
21 be permitted by remote testimony, as defined in G.S. 15A-1225.3, in all administrative  
22 hearings, and in any court, if all of the following occur:

23 (1) The State has provided a copy of the report to the attorney of record for the  
24 defendant, or to the defendant if that person has no attorney, as required by  
25 subsections (c1) and (c3) of this section.

26 (2) The State notifies the attorney of record for the defendant, or the defendant if  
27 that person has no attorney, at least 15 business days before the proceeding  
28 at which the evidence would be used of its intention to introduce the  
29 testimony regarding the chemical analysis into evidence using remote  
30 testimony.

31 (3) The defendant's attorney of record, or the defendant if that person has no  
32 attorney, fails to file a written objection with the court, with a copy to the  
33 State, at least five business days before the proceeding at which the  
34 testimony will be presented that the defendant objects to the introduction of  
35 the remote testimony.

36 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to  
37 file a written objection as provided in this subsection, then the analyst shall be allowed to  
38 testify by remote testimony.

39 The method used for remote testimony authorized by this subsection shall allow the trier of  
40 fact and all parties to observe the demeanor of the analyst as the analyst testifies in a similar  
41 manner as if the analyst were testifying in the location where the hearing or trial is being  
42 conducted. The court shall ensure that the defendant's attorney, or the defendant if that person  
43 has no attorney, has a full and fair opportunity for examination and cross-examination of the  
44 analyst.

45 Nothing in this section shall preclude the right of any party to call any witness. Nothing in  
46 this subsection shall obligate the Administrative Office of the Courts or the State Crime  
47 Laboratory to incur expenses related to remote testimony absent an appropriation of funds for  
48 that purpose."

49 **SECTION 11.3.** This Part becomes effective September 1, 2014, and applies to  
50 testimony admitted on or after that date.

1 **PART XII. EFFECTIVE DATE**

2           **SECTION 12.** Except as otherwise provided, this act is effective when it becomes  
3 law.