

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**HOUSE BILL 99  
RATIFIED BILL**

AN ACT TO ESTABLISH ALCOHOL LAW ENFORCEMENT AS A SEPARATE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY AND TO CLARIFY THE JURISDICTION AND PRIMARY RESPONSIBILITIES OF ALCOHOL LAW-ENFORCEMENT AGENTS AND ALSO TO MOVE THE BOXING ADVISORY COMMISSION TO THE DEPARTMENT OF COMMERCE, TO RENAME IT THE BOXING COMMISSION, AND TO GIVE IT RULE-MAKING AUTHORITY.

The General Assembly of North Carolina enacts:

**PART I. TRANSFER ALE**

**SECTION 1.(a)** The Alcohol Law Enforcement Branch of the State Bureau of Investigation shall be relocated as a division of the Department of Public Safety.

**SECTION 1.(b)** If House Bill 966, 2019 Regular Session, becomes law, the following applies:

- (1) The Department of Public Safety may begin to relocate the ALE Headquarters and the following ALE regional offices: the ALE District I Office in Jacksonville, the ALE District III Office in Fayetteville, the ALE District VII Office in Hickory, and the ALE District VIII Office in Asheville.
- (2) Until additional recurring funding is secured, the Department of Public Safety shall continue to consolidate ALE and SBI regions and regional offices so that the following district offices remain co-located: the ALE District II Office in Greenville, the ALE District IV Office in Raleigh, the ALE District V Office in Greensboro, and the ALE District VI Office in Harrisburg.

**SECTION 1.(c)** If House Bill 966, 2019 Regular Session, does not become law, the Department of Public Safety shall continue to consolidate ALE and SBI regions and regional offices in the same manner so that all district offices remain co-located.

**SECTION 2.** Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart F. Alcohol Law Enforcement Division.

**"§ 143B-990. Creation of Alcohol Law Enforcement Division of the Department of Public Safety.**

There is created and established a division to be known as the Alcohol Law Enforcement Division of the Department of Public Safety with the organization, powers, and duties defined in Article 1 of this Chapter and G.S. 18B-500, except as modified in this Part."

**SECTION 3.** G.S. 143B-928 is repealed.

**SECTION 4.** G.S. 18B-500 reads as rewritten:

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

(a) Appointment. – The Secretary of Public Safety shall appoint and supervise the Director of the Division of Alcohol Law Enforcement of the Department of Public Safety. The Director of the State Bureau of Investigation shall Division of Alcohol Law Enforcement of the Department of Public Safety may appoint alcohol law-enforcement agents and other enforcement personnel, and supervise a sufficient number of assistants who shall be competent and qualified



to do the work of the Division. The Director may also appoint regular employees of the Commission as alcohol law enforcement agents. is responsible for making all hiring and personnel decisions of the Division. Notwithstanding the provisions of this Chapter or Chapter 143A of the General Statutes, the Director may hire or fire personnel and transfer personnel within the Division. The Director may also appoint a regular employee of the Commission as an ALE agent, provided the employee was employed by the ABC Commission and serving as an ALE agent on January 1, 2019. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". agents." Persons serving as reserve alcohol law-enforcement agents are considered employees of the Alcohol Law Enforcement Branch Division for workers' compensation purposes while performing duties assigned or approved by the Head Director of the Alcohol Law Enforcement Branch Division or the Head's Director's designee.

(b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal offense. The primary responsibility of an agent shall be enforcement of the ABC and lottery laws and G.S. 14-313 regarding youth access to tobacco products offense:

- (1) Occurring, encountered, or otherwise discovered on the premises of, or elsewhere when the conduct relates to, a location under application for or holding a permit issued by the North Carolina Alcoholic Beverage Control Commission or the North Carolina Education Lottery Commission.
- (2) Encountered or otherwise discovered while investigating or enforcing matters for the North Carolina Alcoholic Beverage Control Commission or the North Carolina Education Lottery Commission or encountered or otherwise discovered while investigating or enforcing the provisions of this Chapter, Chapter 18C of the General Statutes, G.S. 14-313, or Parts 1 and 2 of Article 37 of Chapter 14 of the General Statutes.
- (3) Encountered or otherwise discovered while carrying out any duty or function assigned to the Division by law.
- (4) Occurring in an agent's presence.
- (5) When assisting another law enforcement agency.

(b1) Authority. – Alcohol law-enforcement agents have authority as peace officers to execute criminal process, respond to and take enforcement action for any crime of violence or breach of the peace, and any additional duties as may from time to time be directed by the Governor or the Secretary of Public Safety when needed for security purposes at a public event or to protect persons or property because of a disaster or state of emergency.

(b2) Primary Responsibilities. – The primary responsibilities of an alcohol law-enforcement agent are the enforcement of this Chapter, Chapter 18C of the General Statutes, G.S. 14-313, and Parts 1 and 2 of Article 37 of Chapter 14 of the General Statutes.

...

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

**SECTION 5.** G.S. 18B-101 reads as rewritten:

**"§ 18B-101. Definitions.**

As used in this Chapter, unless the context requires otherwise:

...

(3) "ABC system" means a local ~~board and board,~~ all ABC stores operated by it, ~~its law enforcement branch, and all its employees.~~ a local board, and the designated ABC law enforcement officers employed pursuant to G.S. 18B-501.

...  
(5) "~~ALE Branch~~-Division" means the Alcohol Law Enforcement ~~Branch~~ Division of the Department of Public Safety.

...."

**SECTION 6.** G.S. 143-651 reads as rewritten:

**"§ 143-651. Definitions.**

The following definitions apply in this Article:

...  
(4a) ~~Branch.~~ ~~The Alcohol Law Enforcement Branch of the State Bureau of Investigation.~~

...  
(7a) Division or ALE Division. – The Alcohol Law Enforcement Division of the Department of Public Safety.

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

...."

**SECTION 7.** G.S. 143-652.1 reads as rewritten:

**"§ 143-652.1. Regulation of boxing, kickboxing, mixed martial arts, and toughman events.**

The ~~Alcohol Law Enforcement Branch of the Department of Public Safety~~-ALE Division shall regulate live boxing, kickboxing, and mixed martial arts matches, whether professional, amateur, or sanctioned amateur, or toughman events, in which admission is charged for viewing, or the contestants compete for a purse or prize of value greater than twenty-five dollars (\$25.00). The ~~Branch~~-ALE Division shall have the exclusive authority to approve and issue rules for the regulation of the conduct, promotion, and performances of live boxing, kickboxing, and mixed martial arts matches and exhibitions, whether professional, amateur, or sanctioned amateur, and toughman events in this State. The rules shall be issued pursuant to the provisions of Chapter 150B of the General Statutes and may include, without limitation, the following subjects:

...."

**SECTION 8.** G.S. 143-652.2 reads as rewritten:

**"§ 143-652.2. Boxing Advisory Commission.**

(a) Creation. – The Boxing Advisory Commission is created within the Department of Public Safety to advise the ~~Alcohol Law Enforcement Branch of the Department of Public Safety~~ ALE Division concerning matters regulated by this Article. The Commission shall consist of six voting members and two nonvoting advisory members. All the members shall be residents of North Carolina. The members shall be appointed as follows:

- (1) One voting member shall be appointed by the Governor for an initial term of two years.
- (2) One voting member shall be appointed by the President Pro Tempore of the Senate for an initial term of three years.
- (3) One voting member shall be appointed by the Speaker of the House of Representatives for an initial term of three years.
- (4) One voting member shall be appointed by the Secretary of Public Safety for an initial term of three years.
- (5) One voting member shall be appointed by the Lieutenant Governor for an initial term of two years.

- (6) One voting member shall be appointed by the Tribal Council of the Eastern Band of the Cherokee for an initial term of three years.
- (7) One nonvoting advisory member shall be appointed by the Speaker of the House of Representatives for an initial term of one year, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.
- (8) One nonvoting advisory member shall be appointed by the President Pro Tempore of the Senate for an initial term of one year, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.

Notwithstanding the schedule above in subdivisions (1), (5), (7), and (8) of this subsection, if any former member of the North Carolina Boxing Commission is appointed to the initial membership, that person shall serve an initial term of three years. The member appointed pursuant to subdivision (6) of this subsection may serve on the Commission only if an agreement exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing the Commission to regulate professional boxing matches within the Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this subsection shall advise the Commission and the ~~Branch~~ ALE Division on matters concerning the health and physical condition of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may prepare and submit to the Commission for its consideration and to the ~~Branch~~ ALE Division for its approval any rules that in their judgment will safeguard the physical welfare of all participants engaged in boxing.

Terms for all members of the Commission except for the initial appointments shall be for three years.

The Secretary of Public Safety shall designate which member of the Commission is to serve as chair. A member of the Commission may be removed from office by the Secretary of Public Safety for cause. Members of the Commission are subject to the conflicts of interest requirements of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of 1996, as amended). Each member, before entering upon the duties of a member, shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of these oaths shall be filed in the Department of Public Safety.

...

(d) Review Authority of the Commission. – The Commission shall review existing rules adopted under this Article and shall from time to time make recommendations to the ~~Branch~~ ALE Division for changes or addition to such rules. Any proposals for change, amendment, addition, or deletion to those rules shall be submitted by the ~~Branch~~ ALE Division to the Commission for its comments prior to approval.

...."

**SECTION 9.(a)** The following statutes are amended by deleting the word "Branch" wherever it appears in uppercase and substituting "Division": G.S. 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-903.1, 18B-904, 18C-163, 19-2.1, and 105-259(b)(15).

**SECTION 9.(b)** The following statutes are amended by deleting the word "Branch" wherever it appears in uppercase and substituting "ALE Division": G.S. 143-654, 143-655, and 143-656.

**SECTION 10.** G.S. 143-63.1(d) reads as rewritten:

"(d) Notwithstanding the provisions of this section, but subject to the provisions of G.S. 20-187.2, the North Carolina State Highway Patrol, the North Carolina Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety~~, ~~Safety~~, the Alcohol Law Enforcement Division of the Department of Public Safety, and the North Carolina State Bureau

of Investigation may sell, trade, or otherwise dispose of any or all surplus weapons they possess to any federally licensed firearm dealers. The sale, trade, or disposal of these weapons shall be in a manner prescribed by the Department of Administration. Any moneys or property obtained from the sale, trade, or disposal shall go to the general fund."

**SECTION 11.** G.S. 143-341(8)(i)3. reads as rewritten:

"3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of ~~Investigation,~~ Investigation, the Alcohol Law Enforcement Division of the Department of Public Safety, the Samarcand Training Academy, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes."

## **PART II. MOVE BOXING ADVISORY COMMISSION AND GIVE IT RULE-MAKING AUTHORITY**

**SECTION 12.(a)** If House Bill 966, 2019 Regular Session, becomes law, Section 11.10 of that act is repealed.

**SECTION 12.(b)** The Boxing Advisory Commission created under G.S. 143-652.2 is transferred to the Department of Commerce and is renamed the "Boxing Commission." This transfer has all of the elements of a Type II transfer, as described in G.S. 143A-6, except that the management functions of the Commission shall not be performed under the direction and supervision of the Secretary of Commerce.

**SECTION 12.(c)** Article 68 of Chapter 143 of the General Statutes, as amended by Sections 6, 7, 8, and 9(b) of this act, reads as rewritten:

"Article 68.

"Regulation of Boxing.

...

### **"§ 143-651. Definitions.**

The following definitions apply in this Article:

...

(4b) Commission. – The Boxing Commission.

...

(23b) Sanctioned amateur match. – Any match regulated by an amateur sports organization that has been recognized and approved by the ~~ALE Division~~ Commission.

...

### **"§ 143-652.1. Regulation of boxing, kickboxing, mixed martial arts, and toughman events.**

(a) Regulation. – ~~The ALE Division Commission~~ shall regulate live boxing, kickboxing, and mixed martial arts matches, whether professional, amateur, or sanctioned amateur, or toughman events, in which admission is charged for viewing, or the contestants compete for a purse or prize of value greater than twenty-five dollars (\$25.00). ~~The ALE Division Commission~~ shall have the exclusive authority to approve and issue rules for the regulation of the conduct, promotion, and performances of live boxing, kickboxing, and mixed martial arts matches and exhibitions, whether professional, amateur, or sanctioned amateur, and toughman events in this State. The rules shall be issued pursuant to the provisions of Chapter 150B of the General Statutes and may include, without limitation, the following subjects:

...

(b) Enforcement. – Except as otherwise authorized under G.S. 143-652.2(f), the Executive Director of the Commission shall enforce this Article through the ALE Division. The ALE Division shall assist the Executive Director in enforcing this Article.

**"§ 143-652.2. Boxing Advisory Commission.**

~~(a) Creation. – The Boxing Advisory Commission is created within the Department of Public Safety to advise the ALE Division concerning matters regulated by this Article for the purposes set forth in G.S. 143-652.1. The Commission shall be administratively located within the Department of Commerce, but shall exercise its powers independently of the Secretary of Commerce. The Commission shall consist of six voting members and two nonvoting advisory members. All the members shall be residents of North Carolina. The members shall be appointed as follows:~~

- ~~(1) One Two voting member members shall be appointed by the Governor for an initial term of two years.~~
- ~~(2) One voting member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate for an initial term of three years.~~
- ~~(3) One voting member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for an initial term of three years.~~
- ~~(4) One voting member shall be appointed by the Secretary of Public Safety Commerce for an initial term of three years.~~
- ~~(5) One voting member shall be appointed by the Lieutenant Governor for an initial term of two years.~~
- ~~(6) One voting member shall be appointed by the Tribal Council of the Eastern Band of the Cherokee Governor for an initial term of three years-years, from nominations made by the Tribal Council of the Eastern Band of the Cherokee, which shall nominate three individuals for the position.~~
- ~~(7) One nonvoting advisory member shall be appointed by the Speaker of the House of Representatives for an initial term of one year, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.~~
- ~~(8) One nonvoting advisory member shall be appointed by the President Pro Tempore of the Senate for an initial term of one year, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.~~

~~Notwithstanding the schedule above in subdivisions (1), (5), (7), and (8) of this subsection, if any former member of the North Carolina Boxing Commission is appointed to the initial membership, that person shall serve an initial term of three years. Appointments by the General Assembly pursuant to subdivisions (2) and (3) of this subsection shall be made in accordance with G.S. 120-121. The member appointed pursuant to subdivision (6) of this subsection may serve on the Commission only if an agreement exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing the Commission to regulate professional boxing matches within the Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.~~

~~The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this subsection shall advise the Commission and the ALE Division on matters concerning the health and physical condition of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may prepare and submit to the Commission for its consideration and to the ALE Division for its approval any rules that in their judgment will safeguard the physical welfare of all participants engaged in boxing.~~

Terms for all members of the Commission except for the initial appointments shall be for three years.

~~The Secretary of Public Safety-Governor shall designate which member of the Commission is to serve as chair. A member of A member appointed pursuant to subdivision (1) or (6) of this subsection shall serve at the Governor's pleasure. The other members of the Commission may be removed from office by the Secretary of Public Safety-member's appointing authority for cause.~~ Members of the Commission are subject to the conflicts of interest requirements of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of 1996, as amended). Each member, before entering upon the duties of a member, shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of these oaths shall be filed in the Department of ~~Public Safety-Commerce.~~

(b) Vacancies. – Members shall serve until their successors are appointed and have been qualified. ~~Any Vacancies for members appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Except as otherwise provided in this subsection, any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. A vacancy in the membership of the Commission other than by expiration of term shall be filled for the unexpired term only.~~

(c) Meetings. – Meetings of the Commission shall be called by the chair or by any two members of the Commission, and meetings shall be held at least quarterly. Any three voting members of the Commission shall constitute a quorum at any meeting. Action may be taken and motions and resolutions adopted by the Commission at any meeting by the affirmative vote of a majority of the members of the Commission present at a meeting at which a quorum exists.

~~(d) Review Authority of the Commission.—The Commission shall review existing rules adopted under this Article and shall from time to time make recommendations to the ALE Division for changes or addition to such rules. Any proposals for change, amendment, addition, or deletion to those rules shall be submitted by the ALE Division to the Commission for its comments prior to approval.~~

(e) Compensation. – None of the members of the Commission shall receive compensation for serving on the Commission. However, members of the Commission may be reimbursed for their expenses in accordance with the provisions of Chapter 138 of the General Statutes.

~~(f) Staff Assistance. – The Secretary of Public Safety shall provide staff assistance to the Commission.~~ The Commission shall hire a person to serve as Executive Director of the Commission. If necessary, the Executive Director may train and contract with independent contractors for the purpose of regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules of the Commission. The Executive Director may initiate and review criminal background checks on persons requesting to work as independent contractors for the Commission or persons applying to be licensed by the Commission. The Commission may also hire additional staff.

~~(g) Initial appointments to the Commission under this section shall be for terms commencing July 1, 2007.~~

...

#### **"§ 143-654. Licensing and permitting.**

(a) License and Permit Required. – Except for sanctioned amateur matches, it is unlawful for any person to act in this State as an announcer, contestant, judge, manager, matchmaker, promoter, referee, timekeeper, or second unless the person is licensed to do so under this Article. It is unlawful for a promoter to present a match in this State, other than a sanctioned amateur match, unless the promoter has a permit issued under this Article to do so. ~~The ALE Division~~ Commission has the exclusive authority to issue, deny, suspend, or revoke any license or permit provided for in this Article.

(b) License. – All licenses issued under this Article shall be valid only during the calendar year in which they are issued, except contestant licenses shall be valid for one year from the date of issuance. A license for an announcer, contestant, judge, matchmaker, referee, timekeeper, or second shall be issued only to a natural person. A natural person shall not transfer or assign a license or change it into another name. A license for a manager or promoter may be issued to a corporation or partnership; provided, however, that all officers or partners shall submit an application for individual licensure, and only those officers or partners who are licensed shall be entitled to negotiate or sign contracts. The addition of a new officer or partner during the license period shall necessitate the filing of an application for individual licensure by the new officer or partner.

An applicant for a license shall file with the ~~ALE Division~~ Commission the appropriate nonrefundable fee and any forms, documents, medical examinations, or exhibits the ~~ALE Division~~ Commission may require in order to properly administer this Article. The information requested shall include the date of birth and social security number of each applicant as well as any other personal data necessary to positively identify the applicant and may include the requirement of verification of any documents the ~~ALE Division~~ Commission deems appropriate. A person may not participate under a fictitious or assumed name in any match unless the person has first registered the name with the ~~ALE Division~~ Commission.

(c) Surety Bond. – An applicant for a promoter's license must submit, in addition to any other forms, documents, or exhibits requested by the ~~ALE Division~~ Commission, a surety bond payable to the ~~ALE Division~~ Commission for the benefit of any person injured or damaged by (i) the promoter's failure to comply with any provision of this Article or any rules adopted by the ~~ALE Division~~ Commission or (ii) the promoter's failure to fulfill the obligations of any contract related to the holding of a match. The surety bond shall be issued in an amount to be no less than ten thousand dollars (\$10,000). The amount of the surety bond shall be negotiable upon the sole discretion of the ~~ALE Division~~ Commission. All surety bonds shall be upon forms approved and supplied by the ~~Secretary of Public Safety and supplied by the~~ ALE Division Commission.

(d) Permit. – A permit issued to a promoter under this Article is valid for a single match. An applicant for a permit shall file with the ~~ALE Division~~ Commission the appropriate nonrefundable fee and any forms or documents the ~~ALE Division~~ Commission may require.

**"§ 143-655. Fees; State Boxing Revenue Account.**

(a) License Fees. – The ~~ALE Division~~ Commission shall collect the following license fees:

Announcer	\$75.00
Contestant	\$50.00
Judge	\$75.00
Manager	\$150.00
Matchmaker	\$300.00
Promoter	\$450.00
Referee	\$75.00
Timekeeper	\$75.00
Second	\$50.00.

The annual license renewal fees shall not exceed the initial license fees.

(b) Permit Fees. – The ~~ALE Division~~ Commission may establish a fee schedule for permits issued under this Article. The fees may vary depending on the seating capacity of the facility to be used to present a match. The fee may not exceed the following amounts:

Seating Capacity	Fee Amount
Less than 2,000	\$150.00
2,000 – 5,000	\$300.00
Over 5,000	\$450.00.

(b1) Admission Fees. – The ~~ALE Division-Commission~~ shall collect a fee in the amount of two dollars (\$2.00) per spectator to attend events regulated in this Article.

(c) State Boxing Revenue Account. – There is created the State Boxing Revenue Account within the Department of ~~Public Safety-Commerce~~. Monies collected pursuant to the provisions of this Article shall be credited to the Account and applied to the administration of the Article.

**"§ 143-656. Contracts and financial arrangements.**

Any contract between licensees and related to a match or exhibition held or to be held in this State must meet the requirements of administrative rules as set forth by the ~~ALE Division-Commission~~. Any contract which does not satisfy the requirements of the administrative rules shall be void and unenforceable. All contracts shall be in writing.

...

**"§ 143-658. Violations.**

(a) Civil Penalties. – The ~~Secretary of Public Safety-Commission~~ may issue an order against a licensee or other person who willfully violates any provision of this Article, imposing a civil penalty of up to five thousand dollars (\$5,000) for a single violation or of up to twenty-five thousand dollars (\$25,000) for multiple violations in a single proceeding or a series of related proceedings. No order under this subsection may be entered without giving the licensee or other person 15 days' prior notice and an opportunity for a contested case hearing conducted pursuant to Article 3 of Chapter 150B of the General Statutes.

The clear proceeds of civil penalties imposed pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Criminal Penalties. – A willful violation of any provision of this Article shall constitute a Class 2 misdemeanor. The ~~Secretary of Public Safety-Commission~~ may refer any available evidence concerning violations of this Article to the proper district attorney, who may, with or without such a reference, institute the appropriate criminal proceedings.

(c) Injunction. – Whenever it appears to the ~~Secretary of Public Safety-Commission~~ that a person has engaged or is about to engage in an act or practice constituting a violation of any provision of this Article or any rule or order ~~hereunder, issued pursuant to this Article,~~ the ~~Secretary of Public Safety-Commission~~ may bring an action in any court of competent jurisdiction to enjoin those acts or practices and to enforce compliance with this Article or any rule or order issued pursuant to this Article.

...."

**SECTION 12.(d)** Initial appointments to the Boxing Commission under G.S. 143-652.2, as amended by subsection (c) of this section, shall be for terms commencing July 1, 2019. The terms of the members serving on the Boxing Advisory Commission as of June 30, 2019, expire on the effective date of this section.

**SECTION 12.(e)** The following position within the Alcohol Law Enforcement Division of the Department of Public Safety is transferred to the Boxing Commission: Administrative Specialist II (Position 60084319).

**SECTION 12.(f)** The following three receipt-supported positions within the Alcohol Law Enforcement Division of the Department of Public Safety may be converted to General Fund support within funds available to the Division: Administrative Specialist (Position 60084337), Special Agent (Position 60084392), and Special Agent in Charge (Position 60084305).

**SECTION 12.(g)** The Boxing Authority Section of the Alcohol Law Enforcement Division of the Department of Public Safety, referenced in Chapter 10 of Title 14B of the North Carolina Administrative Code, is abolished.

**SECTION 12.(h)** Funds in the State Boxing Revenue Account within the Department of Public Safety as of the effective date of this section shall be transferred into the State Boxing Revenue Account within the Department of Commerce. Once these funds have

been transferred, the State Boxing Revenue Account within the Department of Public Safety shall be closed.

**SECTION 12.(i)** Rules adopted by the Alcohol Law Enforcement Division of the Department of Public Safety under G.S. 143-652.1 shall remain in effect until amended or repealed in accordance with G.S. 143-652.1, as amended by subsection (c) of this section. Policies, procedures, and guidance shall remain in effect until similarly amended or repealed.

**SECTION 12.(j)** The implementation of this section shall not affect any investigation pursuant to Article 68 of Chapter 143 of the General Statutes ongoing as of the effective date of this section. Any hearing or proceeding pursuant to Article 68 of Chapter 143 of the General Statutes ongoing as of the effective date of this section shall continue. Prosecutions for offenses or violations committed prior to the effective date of this section are not abated or affected by this section, and the statutes that would be applicable but for this section shall remain applicable to those prosecutions.

### **PART III. EFFECTIVE DATE**

**SECTION 13.** This act becomes effective October 1, 2019. Section 12 of this act applies to (i) applications for a license or permit submitted on or after that date, (ii) contracts entered into on or after that date, and (iii) offenses and violations committed on or after that date.

In the General Assembly read three times and ratified this the 21<sup>st</sup> day of August, 2019.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

\_\_\_\_\_  
Roy Cooper  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2019