

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 584*

Short Title: Criminal Law Reform. (Public)

Sponsors: Senators Wells and Daniel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO FUTURE CRIMINAL LAWS RELATED TO REGULATORY OFFENCES, OFFENSES THAT DO NOT SPECIFY CRIMINAL CULPABILITY, AND CRIMES NOT CONTAINED IN CERTAIN CHAPTERS OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-4 is rewritten to read:

"§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in ~~subsection (b)~~, subsections (b) and (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) Subsections (a) and (b) of this section do not apply to any ordinance created after December 1, 2019."

SECTION 2. Article 1 of Chapter 14 is amended by adding three new sections to read:

"§ 14-4.1. Legislative review of regulatory crimes.

(a) Any rule adopted pursuant to Article 2A of Chapter 150B of the General Statutes that creates a new criminal offense or otherwise subjects a person to criminal penalties shall be subject to G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more persons pursuant to G.S. 150B-21.3(b2).

(b) This section applies to rules adopted after December 1, 2019.

"§ 14-4.2. Default intent.

(a) No person may be convicted of a crime unless the person is shown to have acted recklessly if all of the following apply:

(1) The underlying criminal offense was created after December 1, 2019, by enactment of the General Assembly or administrative rule adopted pursuant to Article 2A of Chapter 150B of the General Statutes.

(2) The statute or rule does not include a specific criminal intent as an element of the offense.

(b) Subsection (a) of this section does not apply to any of the following:



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- 1 (1) An offense that is not punishable by an active sentence or by a fine exceeding
2 five hundred dollars (\$500.00).
3 (2) The law creating the offense clearly indicates a legislative or regulatory intent
4 to impose strict liability as an element of the offense.
5 (c) As used in subsection (a) of this section, a person is shown to have acted recklessly if
6 all of the following apply:
7 (1) The person consciously disregards a substantial and unjustifiable risk, whether
8 as to conduct, circumstance, or result.
9 (2) The person's disregard of the risk constitutes a gross deviation from the
10 standard of care that a reasonable person would exercise in a similar situation.

11 **"§ 14-4.3. Notice of crimes.**

- 12 (a) Except as provided in subsection (b) of this section, no person shall be convicted of a
13 criminal offense unless the offense appears in this Chapter, Chapter 20, or Article 5 of Chapter
14 90 of the General Statutes.
15 (b) Subsection (a) does not apply to a person who has actual knowledge that the behavior
16 which is the basis for being charged with the offense constitutes a crime.
17 (c) This section applies to offenses created after December 1, 2019."

18 **SECTION 3.** Effective December 1, 2019, G.S 150B-21.3(b1) reads as rewritten:

19 "(b1) Delayed Effective Dates. – ~~If~~ Except as provided in G.S. 14-4.1, if the Commission
20 received written objections to the rule in accordance with subsection (b2) of this section, the rule
21 becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of
22 the next regular session of the General Assembly that begins at least 25 days after the date the
23 Commission approved the rule, unless a different effective date applies under this section. If a
24 bill that specifically disapproves the rule is introduced in either house of the General Assembly
25 before the thirty-first legislative day of that session, the rule becomes effective on the earlier of
26 either the day an unfavorable final action is taken on the bill or the day that session of the General
27 Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency
28 adopting the rule specifies a later effective date than the date that would otherwise apply under
29 this subsection, the later date applies. A permanent rule that is not approved by the Commission
30 or that is specifically disapproved by a bill enacted into law before it becomes effective does not
31 become effective.

32 A bill specifically disapproves a rule if it contains a provision that refers to the rule by
33 appropriate North Carolina Administrative Code citation and states that the rule is disapproved.
34 Notwithstanding any rule of either house of the General Assembly, any member of the General
35 Assembly may introduce a bill during the first 30 legislative days of any regular session to
36 disapprove a rule that has been approved by the Commission and that either has not become
37 effective or has become effective by executive order under subsection (c) of this section."

38 **SECTION 4.** This act is effective when it becomes law.