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SENATE BILL DRS45252-NDa-37

Short Title: Reform Courts and Jails.

(Public)

Sponsors: Senators Mohammed, Fitch, and Batch (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE CRIMINAL JUSTICE REFORM IN NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. RESTRICT USE OF CASH BONDS FOR CONDITIONS OF PRETRIAL**
6 **RELEASE FOR CLASS 1, 2, AND 3 MISDEMEANORS**

7 **SECTION 1.(a)** G.S. 15A-534 reads as rewritten:

8 "**§ 15A-534. Procedure for determining conditions of pretrial release.**

9 (a) In determining conditions of pretrial release a judicial official must impose at least
10 one of the following conditions:

- 11 (1) Release the defendant on ~~his~~the defendant's written promise to appear.
12 (2) Release the defendant upon ~~his~~the defendant's execution of an unsecured
13 appearance bond in an amount specified by the judicial official.
14 (3) Place the defendant in the custody of a designated person or organization
15 agreeing to supervise ~~him~~the defendant.
16 (4) Require the execution of an appearance bond in a specified amount secured
17 by a cash deposit of the full amount of the bond, by a mortgage pursuant to
18 G.S. 58-74-5, or by at least one solvent surety.
19 (5) House arrest with electronic monitoring.

20 If condition (5) is imposed, the defendant must execute a secured appearance bond under
21 subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect
22 to execute an appearance bond under subdivision (4). If the defendant is required to provide
23 fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to
24 G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been
25 taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial
26 official shall make the collection of the fingerprints or DNA sample a condition of pretrial
27 release. The judicial official may also place restrictions on the travel, associations, conduct, or
28 place of abode of the defendant as conditions of pretrial release. The judicial official may include
29 as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified
30 by the use of a continuous alcohol monitoring system, of a type approved by the Division of
31 Adult Correction and Juvenile Justice of the Department of Public Safety, and that any violation
32 of this condition be reported by the monitoring provider to the district attorney.

33 (b) The judicial official in granting pretrial release must impose condition (1), (2), or (3)
34 in subsection (a) ~~above of this section~~ unless he the judicial official determines that ~~such this~~
35 release will not reasonably assure the appearance of the defendant as required; will pose a danger
36 of injury to any person; or is likely to result in destruction of evidence, subornation of perjury,



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1 or intimidation of potential witnesses. Upon making the determination, the judicial official must
2 then impose condition (4) or (5) in subsection (a) ~~above of this section~~ instead of condition (1),
3 (2), or (3), and must record the reasons for so doing in writing to the extent provided in the
4 policies or requirements issued by the senior resident superior court judge pursuant to
5 G.S. 15A-535(a).

6 (b1) Notwithstanding subsection (b) of this section, a judicial official must not impose
7 condition (4) of subsection (a) of this section as a condition of pretrial release if the most severe
8 charge brought against a defendant is a Class 1, 2, or 3 misdemeanor, unless the judicial official
9 determines that the defendant will pose a danger of injury to any person. If the judicial official
10 imposes condition (4) of subsection (a) of this section as a condition of pretrial release under the
11 circumstances outlined in this subsection, the judicial official must record the reasons for doing
12 so in writing.

13 (c) In determining which conditions of release to impose, the judicial official must, on
14 the basis of available information, take into account the nature and circumstances of the offense
15 charged; the weight of the evidence against the defendant; the defendant's family ties,
16 employment, financial resources, character, and mental condition; whether the defendant is
17 intoxicated to ~~such~~ a degree that ~~he~~ the defendant would be endangered by being released without
18 supervision; the length of ~~his~~ the defendant's residence in the community; ~~his~~ the defendant's
19 record of convictions; ~~his~~ the defendant's history of flight to avoid prosecution or failure to appear
20 at court proceedings; and any other evidence relevant to the issue of pretrial release.

21 (d) The judicial official authorizing pretrial release under this section must issue an
22 appropriate order containing a statement of the conditions imposed, if any; inform the defendant
23 in writing of the penalties applicable to violations of the conditions of ~~his~~ the defendant's release;
24 and advise ~~him~~ the defendant that ~~his~~ the defendant's arrest will be ordered immediately upon
25 any violation. The order of release must be filed with the clerk and a copy given the defendant
26 and any surety, or the agent thereof who is executing the bond for the defendant's release pursuant
27 to that order.

28 ...

29 (e) A magistrate or a clerk may modify ~~his~~ the magistrate's or clerk's own pretrial release
30 order at any time prior to the first appearance before the district court judge. At or after ~~such~~ the
31 first appearance, except when the conditions of pretrial release have been reviewed by the
32 superior court pursuant to G.S. 15A-539, a district court judge may modify a pretrial release order
33 of the magistrate or clerk or any pretrial release order entered by ~~him~~ the district court judge at
34 any time prior to:

- 35 (1) In a misdemeanor case tried in the district court, the noting of an appeal; and
36 (2) In a case in the original trial jurisdiction of the superior court, the binding of
37 the defendant over to superior court after the holding, or waiver, of a
38 probable-cause hearing.

39 After a case is before the superior court, a superior court judge may modify the pretrial release
40 order of a magistrate, clerk, or district court judge, or any ~~such~~ pretrial release order entered by
41 ~~him~~ the superior court judge, at any time prior to the time set out in G.S. 15A-536(a).

42 ...

43 (g) In imposing conditions of pretrial release and in modifying and revoking orders of
44 release under this section, the judicial official must take into account all evidence available to
45 ~~him~~ the judicial official which ~~he~~ the judicial official considers reliable and is not strictly bound
46 by the rules of evidence applicable to criminal trials.

47 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor
48 throughout all stages of the proceeding in the trial division of the General Court of Justice until
49 the entry of judgment in the district court from which no appeal is taken or the entry of judgment
50 in the superior court. The obligation of an obligor, however, is terminated at an earlier time ~~if~~ if
51 either:

- 1 (1) A judge authorized to do so releases the obligor from ~~his bond; or~~ the obligor's
 2 bond.
 3 (2) The principal is surrendered by a surety in accordance with ~~G.S. 15A-540;~~
 4 ~~or~~ G.S. 15A-540.
 5 (3) The proceeding is terminated by voluntary dismissal by the State before
 6 forfeiture is ordered under ~~G.S. 15A-544.3; or~~ G.S. 15A-544.3.
 7 (4) Prayer for judgment has been continued indefinitely in the district ~~court;~~
 8 ~~or~~ court.
 9 (5) The court has placed the defendant on probation pursuant to a deferred
 10 prosecution or conditional discharge.

11"

12 **SECTION 1.(b)** This section becomes effective October 1, 2021, and applies to
 13 conditions of release imposed on or after that date.

14
 15 **PART II. REVISE FEES IMPOSED FOR HAVING A DRIVERS LICENSE SUSPENDED**
 16 **OR REVOKED**

17 **SECTION 2.(a)** G.S. 20-24.1 reads as rewritten:

18 "**§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle**
 19 **offenses.**

20 (a) The Division ~~must~~ shall revoke the driver's license of a person upon receipt of notice
 21 from a court that the person was charged with a motor vehicle offense and ~~he~~ the person:

- 22 (1) ~~failed~~ Failed to appear, after being notified to do so, when the case was called
 23 for a trial or ~~hearing; or~~ hearing.
 24 (2) ~~failed~~ Failed to pay a fine, penalty, or court costs ordered by the court.

25 Revocation orders entered under the authority of this section are effective on the sixtieth day
 26 after the order is mailed or personally delivered to the person.

27 (b) ~~A~~ Except as otherwise provided in subsection (g) of this section, a license revoked
 28 under this section remains revoked until ~~the person whose license has been revoked;~~ one of the
 29 following occurs:

- 30 (1) The person disposes of the charge in the trial division in which ~~he~~ the person
 31 failed to appear when the case was last called for trial or ~~hearing; or~~ hearing.
 32 (2) The person demonstrates to the court that ~~he~~ the person is not the person
 33 charged with the ~~offense; or~~ offense.
 34 (3) The person pays the penalty, fine, or costs ordered by the ~~court; or~~ court.
 35 (4) The person demonstrates to the court that ~~his~~ the failure to pay ~~the penalty,~~
 36 ~~fine, or costs~~ the fine or penalty was not willful and ~~that he~~ the person
 37 is making a good faith effort to pay or that the penalty, fine, or costs should be
 38 remitted.

39 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
 40 applicable to his case, the Division ~~must~~ shall restore the person's license as provided in
 41 subsection (c). In addition, if the person whose license is revoked is not a resident of this State,
 42 the Division may notify the driver licensing agency in the person's state of residence that the
 43 person's license to drive in this State has been revoked.

44 (b1) A defendant must be afforded an opportunity for a trial or a hearing within a
 45 reasonable time of the defendant's appearance. Upon motion of a defendant, the court must order
 46 that a hearing or a trial be heard within a reasonable time.

47 (c) If the person satisfies the conditions of subsection (b) that are applicable to ~~his~~ the
 48 person's case before the effective date of the revocation order, the revocation order and any
 49 entries on ~~his~~ the person's driving record relating to it shall be deleted and the person does not
 50 have to pay the restoration fee set by G.S. 20-7(i1). ~~For~~ Except as otherwise provided in
 51 subsection (g) of this section, all other revocation orders issued pursuant to this section,

1 G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other
2 applicable requirements of this Article before the person may be relicensed.

3 ...

4 ~~(f) If a license is revoked under subdivision (2) of subsection (a) of this section, and for
5 no other reason, the person subject to the order may apply to the court for a limited driving
6 privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court
7 are paid. The court may grant the limited driving privilege in the same manner and under the
8 terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving
9 privilege under this subsection only if the person has not had a limited driving privilege granted
10 under this subsection within the three years prior to application.~~

11 (g) Except for a revocation order entered under this section resulting from a charge of
12 impaired driving, the Division shall automatically restore a license revoked pursuant to
13 subsection (a) of this section 12 months after the effective date of revocation."

14 **SECTION 2.(b)** G.S. 20-7(i1) reads as rewritten:

15 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
16 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five
17 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall
18 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
19 prior to the issuance to such person of a new drivers license or the restoration of the drivers
20 license. The restoration fee shall be paid to the Division in addition to any and all fees which may
21 be provided by law. This restoration fee shall not be required from any licensee whose license
22 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
23 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
24 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
25 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
26 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
27 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
28 Department of Health and Human Services. Notwithstanding any other provision of law, a
29 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
30 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
31 person responsible for payment of the restoration fee has been issued a drivers license by the
32 Division after the effective date of the revocation for which the restoration fee is owed. The
33 Division may also waive restoration fees and other service fees upon a finding by the
34 Commissioner that the license holder has shown good cause for not being able to pay the fine.
35 The Office of State Budget and Management shall annually report to the General Assembly the
36 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
37 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
38 Services under this subsection."

39 **SECTION 2.(c)** Except for offenses involving impaired driving, the Division shall
40 automatically restore any drivers license suspended for failure to pay after 12 months.

41 **SECTION 2.(d)** This section becomes effective October 1, 2021.

42
43 **PART III. REQUIRE FIRST APPEARANCES FOR MISDEMEANORS WHEN A**
44 **DEFENDANT IS IN CUSTODY, REQUIRE THAT FIRST APPEARANCES OCCUR**
45 **WITHIN 48 HOURS OF ARREST, REPEAL AUTOMATIC BOND DOUBLING, AND**
46 **REQUIRE A PREVENTATIVE DETENTION HEARING WITHIN FIVE DAYS OF**
47 **BEING HELD IN CUSTODY**

48 **SECTION 3.(a)** G.S. 15A-601 reads as rewritten:

49 **"§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~**
50 **~~in original jurisdiction of superior court; consolidation of first appearance~~**

1 **before magistrate and before district court judge; first appearance before clerk**
2 **of superior court; use of two-way audio and video transmission.**

3 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal
4 process under Article 17 of this Chapter, Criminal Process, with a crime in the original
5 jurisdiction of the superior court must be brought before a district court judge in the district court
6 district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This
7 first appearance before a district court judge is ~~not~~a critical stage of the proceedings against the
8 defendant.

9 Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under
10 Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody
11 must be brought before a district court judge in the district court district as defined in G.S. 7A-133
12 in which the crime is charged to have been committed. This first appearance before a district
13 court judge is a critical stage of the proceedings against the defendant.

14 ...

15 (b) When a district court judge conducts an initial appearance as provided in
16 G.S. 15A-511, ~~he~~the judge may consolidate those proceedings and the proceedings under this
17 Article.

18 (c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first
19 appearance before a district court judge must be held within ~~96-48~~ hours after the defendant is
20 taken into custody or at the first regular session of the district court in the county, whichever
21 occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this
22 Chapter, Bail, within ~~96-48~~ hours after being taken into custody, first appearance must be held at
23 the next session of district court held in the county. This subsection does not apply to a defendant
24 whose first appearance before a district court judge has been set in a criminal summons pursuant
25 to G.S. 15A-303(d).

26 ...

27 (e) The clerk of the superior court in the county in which the defendant is taken into
28 custody may conduct a first appearance as provided in this Article if a district court judge is not
29 available in the county within ~~96-48~~ hours after the defendant is taken into custody. The clerk, in
30 conducting a first appearance, shall proceed under this Article as would a district court judge."

31 **SECTION 3.(b) G.S. 15A-534 reads as rewritten:**

32 **"§ 15A-534. Procedure for determining conditions of pretrial release.**

33 ...

34 (d1) When conditions of pretrial release are being imposed on a defendant who has failed
35 on one or more prior occasions to appear to answer one or more of the charges to which the
36 conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release
37 that are recommended in any order for the arrest of the defendant that was issued for the
38 defendant's most recent failure to appear. If no conditions are recommended in that order for
39 arrest, the judicial official shall require the execution of a secured appearance bond in ~~an amount~~
40 ~~at least double the amount of the most recent previous secured or unsecured bond for the charges~~
41 ~~or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
42 (\$1,000). The judicial official shall also impose such restrictions on the travel, associations,
43 conduct, or place of abode of the defendant as will assure that the defendant will not again fail to
44 appear. The judicial official shall indicate on the release order that the defendant was arrested or
45 surrendered after failing to appear as required under a prior release order. If the information
46 available to the judicial official indicates that the defendant has failed on two or more prior
47 occasions to appear to answer the charges, the judicial official shall indicate that fact on the
48 release order.

49 ...

50 ~~(d3) When conditions of pretrial release are being determined for a defendant who is~~
51 ~~charged with an offense and the defendant is currently on pretrial release for a prior offense, the~~

1 ~~judicial official may require the execution of a secured appearance bond in an amount at least~~
2 ~~double the amount of the most recent previous secured or unsecured bond for the charges or, if~~
3 ~~no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
4 ~~(\$1,000).~~

5"

6 **SECTION 3.(c)** Article 26 of Chapter 15A of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 15A-534.8. Preventative detention hearing required.**

9 (a) Following an initial appearance, if the defendant remains in custody due to the
10 imposition of conditions of pretrial release under G.S. 15A-534(a)(4) or (5), the defendant shall
11 be brought before a district court judge in the district court district as defined in G.S. 7A-133 in
12 which the crime is charged to have been committed for a preventative detention hearing. The
13 preventative detention hearing shall occur within five days of the defendant's initial appearance.
14 The hearing shall be separate from the defendant's first appearance. The defendant shall have a
15 right to counsel at the hearing, which shall be provided by the State at the State's expense if the
16 defendant is found to be indigent.

17 (b) At a preventative detention hearing held pursuant to this section, the defendant shall
18 have the opportunity to present evidence and examine witnesses to determine whether conditions
19 of pretrial release under G.S. 15A-534(a)(4) or (5) are necessary to ensure the safety of any
20 person. The State shall also have an opportunity to respond, present evidence, and examine
21 witnesses during the hearing. If the district court judge finds by clear and convincing evidence
22 that the conditions of pretrial release under G.S. 15A-534(a)(4) or (5) are not necessary to
23 reasonably prevent injury to any person, the judge shall set new conditions of pretrial release
24 pursuant to G.S. 15A-534.

25 (c) If the district court judge does not rule in favor of the defendant pursuant to a
26 preventative detention hearing under this section, the judge shall record written findings as to
27 why the continued detention of the defendant is necessary. The conditions of pretrial release that
28 were at issue during the hearing shall remain the same unless otherwise lawfully modified by the
29 judge."

30 **SECTION 3.(d)** This section becomes effective October 1, 2021, and applies to
31 conditions of pretrial release imposed on or after that date.

32
33 **PART IV. AUTOMATICALLY ENROLL CRIMINAL DEFENDANTS IN THE**
34 **ADMINISTRATIVE OFFICE OF THE COURTS COURT DATE REMINDER SYSTEM**
35 **AND ALLOW CRIMINAL DEFENDANTS TO STRIKE A FAILURE TO APPEAR**
36 **UNDER CERTAIN CIRCUMSTANCES**

37 **SECTION 4.(a)** The Administrative Office of the Courts shall automatically enroll
38 all criminal defendants into its court date reminder system. A criminal defendant shall be allowed
39 to opt out of this automatic enrollment by using processes developed by the Administrative Office
40 of the Courts. The processes that allow a criminal defendant to opt out of this automatic
41 enrollment shall be developed and implemented no later than December 1, 2021.

42 **SECTION 4.(b)** Article 17 of Chapter 15A of the General Statutes is amended by
43 adding a new section to read:

44 **"§ 15A-306. Strike failure to appear under certain circumstances.**

45 (a) Notwithstanding any other provision of law, a person who fails to appear in court as
46 required by a citation or other criminal process served upon that person pursuant to this Article
47 shall have 20 calendar days from the missed court date to contact the clerk of superior court to
48 request a new court date. If a person contacts the clerk of superior court as required by this
49 section, the person's failure to appear in court, as well as any order for arrest or fines related to
50 the failure to appear in court, shall be stricken by the clerk of superior court and the person shall
51 be provided a new court date in the case.

1 (b) A person shall receive no more than one new court date in a criminal case pursuant
 2 to this section."

3 **SECTION 4.(c)** Subsection (a) of this section becomes effective December 1, 2021,
 4 and applies to criminal defendants arrested on or after that date. Subsection (b) of this section
 5 becomes effective October 1, 2021, and applies to failures to appear in court on or after that date.
 6 The remainder of this section is effective when it becomes law.

7
 8 **PART V. PROVIDE A RIGHT TO COUNSEL FOR CRIMINAL DEFENDANTS**
 9 **FACING A FINE OF TWO HUNDRED DOLLARS OR MORE AND APPROPRIATE**
 10 **FUNDS TO INDIGENT DEFENSE SERVICES FOR THE PURPOSE OF**
 11 **IMPLEMENTING THAT CHANGE**

12 **SECTION 5.(a)** G.S. 7A-451(a) reads as rewritten:

13 "(a) An indigent person is entitled to services of counsel in the following actions and
 14 proceedings:

15 (1) Any case in which ~~imprisonment, or a fine of five hundred dollars (\$500.00),~~
 16 ~~or more, is likely to be adjudged a felony or misdemeanor is charged.~~

17 ...

18 (3) A motion for appropriate relief under Chapter 15A of the General Statutes if
 19 appointment of counsel is authorized by Chapter 15A of the General Statutes
 20 and the defendant has been convicted of a felony, has been fined ~~five two~~
 21 ~~hundred dollars (\$500.00)-(\$200.00)~~ or more, or has been sentenced to a term
 22 of imprisonment.

23"

24 **SECTION 5.(b)** There is appropriated from the General Fund to the Office of
 25 Indigent Defense Services, Private Assigned Counsel Fund, the sum of one million one hundred
 26 eighty thousand dollars (\$1,180,000) in recurring funds for each fiscal year of the 2021-2023
 27 fiscal biennium to be used to fund the increased need of appointed counsel pursuant to the
 28 expansion of eligibility to receive appointed counsel under this section.

29 **SECTION 5.(c)** Subsection (b) of this section becomes effective July 1, 2021. The
 30 remainder of this section becomes effective October 1, 2021.

31
 32 **PART VI. MAKE JURIES MORE REPRESENTATIVE OF THE POPULATION**

33 **SECTION 6.(a)** Article 1 of Chapter 9 of the General Statutes reads as rewritten:

34 "Article 1.

35 "Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

36 ...

37 **"§ 9-2. Preparation of master jury list; sources of names.**

38 (a) It shall be the duty of the jury commission ~~during every odd-numbered year to~~
 39 ~~annually~~ prepare a master list of prospective jurors qualified under this Chapter to serve ~~in the~~
 40 ~~biennium beginning~~ on January 1 of the next year. ~~Instead of providing a master list for an entire~~
 41 ~~biennium, the commission may prepare a master list each year if the senior regular resident~~
 42 ~~superior court judge requests in writing that it do so.~~

43 ...

44 (f) The master list shall contain ~~not less than one and one-quarter times and not more~~
 45 ~~than three times as many names as were drawn for jury duty in all courts in the county during the~~
 46 ~~previous biennium, or, if an annual list is being prepared as requested under subsection (a) of this~~
 47 ~~section the master list shall contain~~ not less than one and one-quarter times and not more than
 48 three times as many names as were drawn for jury duty in all courts in the county during the
 49 previous ~~year-year,~~ but in no event shall the list include fewer than 500 names, except that in
 50 counties in which a different panel of jurors is selected for each day of the week, there is no limit
 51 to the number of names that may be placed on the master list.

1 ...
2 "§ 9-2.1. Repealed by Session Laws 2012-180, s. 2, effective July 12, 2012.

3 ...
4 "§ 9-4. **Preparation and custody of alphabetized list; access to list.**

5 (a) As the master jury list is prepared, the name of each qualified person selected for the
6 list shall be recorded and alphabetically arranged. The alphabetized list shall be maintained in
7 the office of the clerk of superior court, together with a statement of the sources used and
8 procedures followed in preparing the list. The alphabetized list shall be kept under lock and key,
9 but shall be available for public inspection during regular office hours. The clerk of court may
10 elect to store an electronic copy of the alphabetized list for the county.

11 (b) Public access to juror information shall be limited to the alphabetized list of the
12 names. The addresses and dates of birth of prospective jurors are confidential and not subject to
13 disclosure without an order of the court."

14 **SECTION 6.(b)** G.S. 20-43.4 reads as rewritten:

15 "§ 20-43.4. **Current list of licensed drivers to be provided to jury commissions.**

16 (a) The Commissioner of Motor Vehicles shall annually provide to each county jury
17 commission an alphabetical list of all persons that the Commissioner has determined are residents
18 of the county, who will be 18 years of age or older as of the first day of January of the following
19 year, and licensed to drive a motor vehicle as of July 1 of ~~each odd-numbered year, provided that~~
20 ~~if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the~~
21 ~~county jury commission shall be updated and provided annually the year in which the list is~~
22 compiled.

23 (b) The list shall include those persons whose license to drive has been suspended, and
24 those former licensees whose license has been canceled, except that the list shall not include the
25 name of any formerly licensed driver whose license is expired and has not been renewed for eight
26 years or more. The list shall contain the address and zip code of each driver, plus the driver's date
27 of birth, sex, race, social security number, and drivers license number, and may be in either
28 printed or computerized form, as requested by each county. Before providing the list to the county
29 jury commission, the Commissioner shall have computer-matched the list with the voter
30 registration list of the State Board of Elections to eliminate duplicates. The Commissioner shall
31 also remove from the list the names of those residents of the county who are (i) issued a drivers
32 license of limited duration under G.S. 20-7(s), (ii) issued a drivers license of regular duration
33 under G.S. 20-7(f) and who hold a valid permanent resident card issued by the United States, or
34 (iii) who are recently deceased, which names shall be supplied to the Commissioner by the State
35 Registrar under G.S. 130A-121(b). The Commissioner shall include in the list provided to the
36 county jury commission names of registered voters who do not have drivers licenses, and shall
37 indicate the licensed or formerly licensed drivers who are also registered voters, the licensed or
38 formerly licensed drivers who are not registered voters, and the registered voters who are not
39 licensed or formerly licensed drivers.

40 (b1) The raw data of date of birth, sex, and race used to develop the list provided by the
41 Commissioner under subsection (b) of this section shall be made available for analysis by clerks
42 of court, jury commissions, and the public to ensure compliance with applicable laws. The data
43 of date of birth, sex, and race in the list provided by the Commissioner under subsection (b) of
44 this section shall also be made available for analysis by clerks of court, jury commissions, and
45 the public to ensure compliance with applicable laws.

46 (c) ~~The~~ Except as provided in subsection (b1) of this section, the list so provided shall be
47 used solely for jury selection and election records purposes and no other. Information ~~Except as~~
48 provided in subsection (b1) of this section, information provided by the Commissioner to county
49 jury commissions and the State Board of Elections under this section shall remain confidential,
50 shall continue to be subject to the disclosure restriction provisions of G.S. 20-43.1, and shall not
51 be a public record for purposes of Chapter 132 of the General Statutes."

1 (10) Restrictive housing. – Any type of detention that involves an inability to leave
2 a room or cell for the vast majority of the day.

3 (11) State of undress. – A situation when an incarcerated person is partially or fully
4 naked, either in the shower, toilet areas, a medical examination room, or while
5 having a body cavity search conducted.

6 **"§ 15A-1360.3. Care for incarcerated women related to pregnancy and childbirth.**

7 (a) Limitation on Use of Restraints. – Except as otherwise provided in this subsection,
8 the Department of Public Safety and correctional facility employees shall not apply the following
9 restraints on a pregnant incarcerated woman during the second and third trimester of pregnancy,
10 during labor and delivery, and during the six-week postpartum recovery period:

11 (1) Leg restraints.

12 (2) Handcuffs or other wrist restraints.

13 (3) Restraints connected to other incarcerated persons.

14 (4) Waist shackles.

15 An incarcerated woman who is in the postpartum recovery period may only be restrained
16 using wrist handcuffs held in front of her body and only if a correctional facility employee makes
17 an individualized determination that an extraordinary circumstance exists. In this case, the
18 correctional facility employee ordering use of restraints on any incarcerated woman while in the
19 postpartum recovery period shall submit a written report to the warden or administrator of the
20 correctional facility within 72 hours following the use of restraints. The report shall contain the
21 justification for restraining the incarcerated woman during postpartum recovery.

22 Nothing in this subsection shall prohibit the use of medical restraints by a licensed health
23 care professional to ensure the medical safety of a pregnant incarcerated woman.

24 (b) Invasive Searches. – No correctional facility employee, other than a certified health
25 care professional, shall conduct invasive body cavity searches of an incarcerated woman who is
26 pregnant or in the postpartum recovery period unless the correctional facility employee has
27 compelling grounds to believe that the incarcerated woman is concealing contraband that
28 presents an immediate threat of harm to the incarcerated person, the fetus, or another person. In
29 this case, the correctional facility employee shall submit a written report to the warden or
30 administrator of the correctional facility within 72 hours following the invasive search,
31 containing the justification for the invasive search and the presence or absence of any contraband.

32 (c) Nutrition. – The Department of Public Safety and the administrator of the correctional
33 facility shall ensure that pregnant incarcerated women are provided sufficient food and dietary
34 supplements, and are provided access to food at appropriate times of day, as ordered by a
35 physician, a physician staff member, or a correctional facility nutritionist to meet generally
36 accepted prenatal nutritional guidelines for pregnant women.

37 (d) Restrictive Housing. – The Department of Public Safety and the administrator of the
38 correctional facility shall not place any pregnant incarcerated woman, or any incarcerated person
39 who is in the six-week postpartum recovery period, in restrictive housing unless a correctional
40 facility employee makes an individualized determination that an extraordinary circumstance
41 exists. In this case, the correctional facility employee authorizing the placement of the
42 incarcerated person in restrictive housing shall submit a written report to the warden or
43 administrator of the correctional facility within 72 hours following the transfer. The report shall
44 contain the justification for confining the incarcerated woman in restrictive housing.

45 (e) Bed Assignments. – The Department of Public Safety and the administrator of the
46 correctional facility shall not assign any incarcerated woman who is pregnant or in postpartum
47 recovery to any bed that is elevated more than 3 feet from the floor of the correctional facility.

48 (f) Cost of Care. – Pregnant incarcerated women shall be provided necessary prenatal,
49 labor, and delivery care as needed at no cost to the incarcerated woman.

50 (g) Reporting. – The warden or administrator of the correctional facility shall compile a
51 monthly summary of all written reports received pursuant to this section, G.S. 15A-1360.4, and

1 G.S. 15A-1360.6. The warden or administrator of the correctional facility shall submit the
2 summary to the Secretary of the Department of Public Safety.

3 **"§ 15A-1360.4. Postpartum recovery of incarcerated women.**

4 (a) Bonding Period. – Following the delivery of a newborn by an incarcerated woman,
5 the Department of Public Safety or the administrator of the correctional facility shall permit the
6 newborn to remain with the incarcerated woman for at least 72 hours unless the medical provider
7 has a reasonable belief that remaining with the incarcerated woman poses a health or safety risk
8 to the newborn.

9 (b) Nutritional and Hygiene Products During the Postpartum Period. – During the period
10 of postpartum recovery, the Department of Public Safety and the administrator of the correctional
11 facility shall make available the necessary nutritional and hygiene products, including sanitary
12 napkins, underwear, and hygiene products for the postpartum woman, and diapers to care for the
13 newborn. The products shall be provided at no cost to the incarcerated woman.

14 **"§ 15A-1360.5. Family considerations; placement of incarcerated person; visitation.**

15 (a) Placement. – To the greatest extent practicable, after accounting for security and
16 capacity, the Department of Public Safety shall place incarcerated persons who are in the custody
17 of the State prison system and who are parents of minor children within 250 miles of their
18 permanent address of record.

19 (b) Visitation. – The Department of Public Safety and the administrator of a correctional
20 facility shall adopt rules authorizing visitation of incarcerated persons with low- or
21 minimum-security classifications, who are parents of minor children, by the incarcerated person's
22 minor children. The rules shall specify the following minimum requirements:

23 (1) Opportunities for dependent children under the age of 18 to visit an
24 incarcerated parent at least twice per week unless a correctional facility
25 employee has a reasonable belief that the dependent child:

26 a. May be harmed during visitation.

27 b. Poses a security risk due to a gang affiliation, prior conviction, or past
28 violation of correctional facility contraband policy.

29 (2) The elimination of restrictions on the number of dependent children under the
30 age of 18 that may be permitted visitation privileges.

31 (3) Authorization of contact visits for incarcerated persons who are parents of
32 minor children.

33 **"§ 15A-1360.6. Inspection by correctional facility employees.**

34 (a) Inspections When a Female Incarcerated Person is in the State of Undress. – To the
35 greatest extent practicable and consistent with safety and order, the Secretary of the Department
36 of Public Safety and the administrator of the correctional facility shall issue regulations that limit
37 inspections by male correctional facility employees when a female incarcerated person is in a
38 state of undress. Nothing in this section shall limit the ability of a male correctional facility
39 employee from conducting inspections when a female incarcerated person may be in a state of
40 undress if no female correctional facility employees are available within a reasonable period of
41 time.

42 (b) Documentation Requirement. – If a male correctional facility employee deems it is
43 appropriate to conduct an inspection or search while a female incarcerated person is in a clear
44 state of undress in an area such as the shower, the medical examination room, toilet areas, or
45 while a female incarcerated person is having a body cavity search, the male correctional facility
46 employee shall submit a written report to the warden or administrator of the correctional facility
47 within 72 hours following the inspection or search, containing the justification for a male
48 correctional facility employee to inspect the female incarcerated person while in a state of
49 undress.

50 **"§ 15A-1360.7. Access to menstrual products.**

1 Access to Menstrual Products. – The Department of Public Safety and the administrator of
2 the correctional facility shall ensure that sufficient menstrual products are available at the
3 correctional facility for all incarcerated women who have an active menstrual cycle. Incarcerated
4 women who menstruate shall be provided menstrual products as needed at no cost to the
5 incarcerated woman.

6 **"§ 15A-1360.8. Training and technical assistance.**

7 (a) Correctional Facility Employee Training. – The Department of Public Safety and the
8 administrator of the correctional facility shall develop, in consultation with the Department of
9 Health and Human Services, Divisions of Public Health and Mental Health, Developmental
10 Disabilities, and Substance Abuse Services, and provide to all correctional facility employees
11 who have contact with pregnant incarcerated women training related to the physical and mental
12 health of pregnant incarcerated women and fetuses, including:

13 (1) General care of pregnant women.

14 (2) The impact of restraints on pregnant incarcerated women and fetuses.

15 (3) The impact of being placed in restrictive housing on pregnant incarcerated
16 women.

17 (4) The impact of invasive searches on pregnant incarcerated women.

18 (b) Educational Programming for Pregnant Incarcerated Women. – The Department of
19 Public Safety and the administrator of the correctional facility shall develop and provide
20 educational programming for pregnant incarcerated women related to:

21 (1) Prenatal care.

22 (2) Pregnancy-specific hygiene.

23 (3) Parenting skills.

24 (4) The impact of alcohol and drugs on the fetus.

25 (5) General health of children."

26 **SECTION 7.(b)** G.S. 143B-702 reads as rewritten:

27 **"§ 143B-702. Division of Adult Correction and Juvenile Justice of the Department of Public**
28 **Safety – rules and regulations.**

29 (a) The Division of Adult Correction and Juvenile Justice of the Department of Public
30 Safety shall adopt rules and regulations related to the conduct, supervision, rights and privileges
31 of persons in its custody or under its supervision. Such rules and regulations shall be filed with
32 and published by the office of the Attorney General and shall be made available by the Division
33 for public inspection. The rules and regulations shall include a description of the organization of
34 the Division. A description or copy of all forms and instructions used by the Division, except
35 those relating solely to matters of internal management, shall also be filed with the office of the
36 Attorney General.

37 (b) The rules and regulations adopted under this section shall be subject to the
38 requirements of Article 83A of Chapter 15A of the North Carolina General Statutes."

39 **SECTION 7.(c)** Article 10 of Chapter 153A of the General Statutes is amended by
40 adding a new section to read:

41 **"§ 153A-221.2. Treatment of pregnant prisoners; female prisoners.**

42 A local confinement facility established pursuant to this Part shall be subject to the
43 requirements of Article 83A of Chapter 15A of the North Carolina General Statutes."

44 **SECTION 7.(d)** This section becomes effective October 1, 2021.

45
46 **PART VIII. EFFECTIVE DATE**

47 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
48 law.