

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
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S.B. 621  
PRINCIPAL CLERK

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SENATE BILL DRS35069-ND-99

Short Title: Modify Public-Initiated Criminal Processes. (Public)

Sponsors: Senators Smith and Mohammed (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO DISALLOW THE ISSUANCE OF A WARRANT FOR ARREST WHEN A  
3 CRIMINAL CHARGE IS TAKEN OUT BY A NON-LAW ENFORCEMENT OFFICER,  
4 EXCEPT IN CASES OF DOMESTIC VIOLENCE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-304(b) reads as rewritten:

7 "(b) When Issued. –

8 ...

9 (3) When Citizen-initiated. – If the finding of probable cause pursuant to  
10 subsection (d) of this section is based solely upon an affidavit or oral  
11 testimony under oath or affirmation of a person who is not a sworn law  
12 enforcement officer, the issuing official shall not issue a warrant for arrest and  
13 instead shall issue a criminal summons, unless ~~one of the following~~  
14 ~~circumstances exists:~~ a crime of domestic violence, as defined in G.S. 50B-1,  
15 is alleged.

16 a. ~~There is corroborating testimony of the facts establishing probable~~  
17 ~~cause from a sworn law enforcement officer or at least one~~  
18 ~~disinterested witness.~~

19 b. ~~The official finds that obtaining investigation of the alleged offense by~~  
20 ~~a law enforcement agency would constitute a substantial burden for~~  
21 ~~the complainant.~~

22 e. ~~The official finds substantial evidence of one or more of the~~  
23 ~~circumstances listed in subdivision (1) of this subsection."~~

24 **SECTION 2.** This act is effective October 1, 2023, and applies to criminal processes  
25 issued on or after that date.



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