

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 310
Finance Committee Substitute Adopted 4/30/25
House Committee Substitute Favorable 6/2/26

Short Title: Criminal Law Changes.

(Public)

Sponsors:

Referred to:

March 18, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES RELATED TO THE CRIMINAL LAWS OF
3 NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5
6 **REVISE LAW PROHIBITING WILLFUL OR WANTON DISCHARGE OF CERTAIN**
7 **BARRELED WEAPONS OR FIREARMS**

8 SECTION 1.(a) G.S. 14-34.1 reads as rewritten:

9 "**§ 14-34.1. Discharging ~~Willful or wanton discharge of~~ certain barreled weapons or a**
10 **firearm into occupied property, firearm.**

11 (a) ~~Any~~ A person who willfully or wantonly discharges or attempts to discharge any
12 firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a
13 muzzle velocity of at least 600 feet per second into any building, structure, vehicle, aircraft,
14 watercraft, or other conveyance, device, equipment, erection, or enclosure while it is occupied is
15 guilty of a Class E felony.

16 (a1) Unless covered under some provision of law providing greater punishment, a person
17 who willfully or wantonly discharges a weapon described in subsection (a) of this section in or
18 on the property of another without the property owner's permission, on a public street or highway,
19 or at any public place where persons other than the person who discharged the weapon are present
20 is guilty of a Class E felony.

21 (b) A person who willfully or wantonly discharges a weapon described in subsection (a)
22 of this section into an occupied dwelling or into any occupied vehicle, aircraft, watercraft, or
23 other conveyance that is in operation is guilty of a Class D felony.

24 (c) If a person violates this section and the violation results in serious bodily injury to
25 any person, the person is guilty of a Class C felony."

26 SECTION 1.(b) This section becomes effective December 1, 2026, and applies to
27 offenses committed on or after that date.

28
29 **CREATE OFFENSE OF PREPARATION TO COMMIT LARCENY FROM A**
30 **MERCHANT**

31 SECTION 2.(a) Article 16 of Chapter 14 of the General Statutes is amended by
32 adding a new section to read:

33 "**§ 14-72.13. Preparation to commit larceny from a merchant.**



1 (a) A person is guilty of a Class I felony if the person is found within the area of a retail
 2 establishment where goods are stored or offered for sale, with the intent to commit larceny from
 3 a merchant, and the person is in possession of, without lawful excuse, any of the following:

- 4 (1) Any theft shielding device.
- 5 (2) Any tool, instrument, or article designed or adapted to defeat, circumvent,
 6 deactivate, or remove any antishoplifting or inventory control device.
- 7 (3) Any tool, instrument, or article designed or adapted to facilitate the
 8 concealment, removal, or carrying away of merchandise without payment.

9 (b) For the purposes of this section, the following definitions apply:

- 10 (1) Antishoplifting or inventory control device. – As defined in G.S. 14-72.11.
- 11 (2) Theft detection shielding device. – Any laminated, coated, lined, or otherwise
 12 modified bag, container, or device designed or intended to shield merchandise
 13 from detection by an electronic or magnetic theft detection system."

14 **SECTION 2.(b)** This section becomes effective December 1, 2026, and applies to
 15 offenses committed on or after that date.

16
 17 **INCREASE PUNISHMENT FOR SECRET PEEPING OFFENSES IN WHICH THE**
 18 **VICTIM IS A MINOR**

19 **SECTION 3.(a)** G.S. 14-202, as amended by S.L. 2025-70, reads as rewritten:

20 "**§ 14-202. Secretly peeping into room occupied by another person.**

21 (a) Any-Unless covered under some provision of law providing greater punishment, any
 22 person who shall peep secretly into any room occupied by another person shall be guilty of a
 23 Class 1 misdemeanor.

24 ...

25 (b) The following definitions apply in this section:

- 26 (1) Custody. – As defined in G.S. 14-27.31.
- 27 (2) Minor. – An individual who is less than 18 years of age.
- 28 ~~(4)~~(3) Photographic image. – Any photograph or photographic reproduction, still or
 29 moving, or any videotape, motion picture, or live television transmission, or
 30 any digital image of any individual.
- 31 ~~(2)~~(4) Private area of an individual. – The naked or undergarment clad genitals,
 32 pubic area, buttocks, or female breast of that individual.
- 33 ~~(3)~~(5) Room. – Includes, but is not limited to, a bedroom, a rest room, a bathroom, a
 34 shower, a dressing room, a dressing stall, a cubicle, or other similar area
 35 designed to provide privacy.
- 36 ~~(4)~~(6) Under circumstances in which that individual has a reasonable expectation of
 37 privacy. – Means either of the following:
 - 38 a. Circumstances in which a reasonable person would believe that he or
 39 she could disrobe in privacy, without being concerned that a
 40 photographic image of a private area of the individual was being
 41 created.
 - 42 b. Circumstances in which a reasonable person would believe that a
 43 private area of the individual would not be visible to the public,
 44 regardless of whether that person is in a public or private place.

45 ...

46 (f) Any-Unless covered under some provision of law providing greater punishment, any
 47 person who, for the purpose of arousing or gratifying the sexual desire of any person, secretly or
 48 surreptitiously uses or installs in a room any device that can be used to create a photographic
 49 image with the intent to capture the image of another without their consent shall be guilty of a
 50 Class I felony.

1 (g) ~~Any~~ Unless covered under some provision of law providing greater punishment, any
2 person who knowingly possesses a photographic image that the person knows, or has reason to
3 believe, was obtained in violation of this section shall be guilty of a Class I felony.

4 (h) ~~Any~~ Unless covered under some provision of law providing greater punishment, any
5 person who disseminates or allows to be disseminated images that the person knows, or should
6 have known, were obtained as a result of the violation of this section shall be guilty of a Class H
7 felony if the dissemination is without the consent of the person in the photographic image.

8 (i) Notwithstanding any other provision of this section, the following punishments apply:

9 (1) Any person who commits a violation of this section in which the victim is a
10 minor shall be guilty of an offense that is one class higher than the offense
11 committed. If the offense committed is a Class A1 misdemeanor, the person
12 shall be guilty of a Class I felony.

13 (2) Any person who commits a violation of this section (i) in which the victim is
14 a minor and (ii) while having custody of the minor victim shall be guilty of an
15 offense two classes higher than the offense committed. If the offense
16 committed is a Class 1 misdemeanor, the person shall be guilty of a Class I
17 felony. If the offense committed is a Class A1 misdemeanor, the person shall
18 be guilty of a Class H felony.

19 (3) A second or subsequent ~~felony~~ conviction under this section shall be punished
20 as though convicted of an offense one class higher. ~~A second or subsequent~~
21 ~~conviction for a Class 1 misdemeanor shall be punished as a Class A1~~
22 ~~misdemeanor.~~ A second or subsequent conviction for a Class A1 misdemeanor
23 shall be punished as a Class I felony. An enhancement imposed pursuant to
24 this subdivision shall apply in addition to any other enhancement imposed
25 under this subsection.

26"

27 **SECTION 3.(b)** This section becomes effective December 1, 2026, and applies to
28 offenses committed on or after that date.

29
30 **INCREASE PUNISHMENT FOR DISRUPTING, DISTURBING, OR INTERFERING**
31 **WITH A RELIGIOUS SERVICE OR ASSEMBLY**

32 **SECTION 4.(a)** G.S. 14-288.4 reads as rewritten:

33 **"§ 14-288.4. Disorderly conduct.**

34 (a) Disorderly conduct is a public disturbance intentionally caused by any person who
35 does any of the following:

36 ...
37 (7) Except as provided in subdivision (8) of this subsection, disrupts, disturbs, or
38 interferes with a religious service or assembly or engages in conduct which
39 disturbs the peace or order at any religious service or assembly.

40 (8) Engages in conduct with the intent to impede, disrupt, disturb, or interfere
41 with the orderly administration of any funeral, memorial service, or family
42 processional to the funeral or memorial service, including a military funeral,
43 service, or family processional, or with the normal activities and functions
44 occurring in the facilities or buildings where a funeral or memorial service,
45 including a military funeral or memorial service, is taking place. Any of the
46 following conduct that occurs within two hours preceding, during, or within
47 two hours after a funeral or memorial service shall constitute disorderly
48 conduct under this subdivision:

49 a. Displaying, within 500 feet of the ceremonial site, location being used
50 for the funeral or memorial, or the family's processional route to the
51 funeral or memorial service, any visual image that conveys fighting

1 words or actual or imminent threats of harm directed to any person or
 2 property associated with the funeral, memorial service, or processional
 3 route.

- 4 b. Uttering, within 500 feet of the ceremonial site, location being used
 5 for the funeral or memorial service, or the family's processional route
 6 to the funeral or memorial service, loud, threatening, or abusive
 7 language or singing, chanting, whistling, or yelling with or without
 8 noise amplification in a manner that would tend to impede, disrupt,
 9 disturb, or interfere with a funeral, memorial service, or processional
 10 route.
- 11 c. Attempting to block or blocking pedestrian or vehicular access to the
 12 ceremonial site or location being used for a funeral or memorial.

13 As used in this section the term "building or facility" includes the surrounding grounds and
 14 premises of any building or facility used in connection with the operation or functioning of such
 15 building or facility.

16 (b) Except as provided in ~~subsection (e)~~ subsections (c) and (c1) of this section, any
 17 person who willfully engages in disorderly conduct is guilty of a Class 2 misdemeanor.

18 (c) A person who commits a violation of subdivision (7) of subsection (a) of this section
 19 is guilty of:

20 (1) A Class 1 misdemeanor for a first offense.

21 (2) A Class H felony for a second or subsequent offense.

22 (c1) A person who commits a violation of subdivision (8) of subsection (a) of this section
 23 is guilty of:

24 (1) A Class 1 misdemeanor for a first offense.

25 (2) A Class I felony for a second offense.

26 (3) A Class H felony for a third or subsequent offense."

27 **SECTION 4.(b)** This section becomes effective December 1, 2026, and applies to
 28 offenses committed on or after that date.

29
 30 **AUTHORIZE PROVISION OF CALL LOCATION INFORMATION TO LAW**
 31 **ENFORCEMENT UNDER CERTAIN EMERGENCY CIRCUMSTANCES**

32 **SECTION 5.(a)** Chapter 15A of the General Statutes is amended by adding a new
 33 Article to read:

34 "Article 16C.

35 "Provision of Wireless Call Location Information to Law Enforcement.

36 **"§ 15A-300.10. Provision of phone location information of a telecommunications device by**
 37 **wireless telecommunications carrier to law enforcement.**

38 (a) For purposes of this section, the term (i) "wireless telecommunications carrier" has
 39 the same meaning as a "commercial mobile radio service provider," as that term is defined in
 40 G.S. 143B-1400, and (ii) "public safety answering point" is as defined in G.S. 143B-1400.

41 (b) At the request of a law enforcement officer, or an employee or agent of a public safety
 42 answering point on behalf of a law enforcement agency, who is acting in the course of the official
 43 duties of the officer, employee, or agent, a wireless telecommunications carrier shall provide,
 44 subject to any limitations under applicable federal law, available phone location information of
 45 a telecommunications device without delay if the officer, employee, or agent asserts either of the
 46 following:

47 (1) The device that is the subject of the request was used to place a 911 call
 48 requesting emergency assistance.

49 (2) There is reasonable suspicion that the device that is the subject of the request
 50 is in the possession of an individual who is involved in an emergency situation
 51 that involves risk of death or serious physical harm.

1 (c) Notwithstanding any other provision of law to the contrary, nothing in this section
2 prohibits a wireless telecommunications carrier from establishing protocols by which the carrier
3 voluntarily discloses phone location information of a telecommunications device.

4 (d) No cause of action shall lie in any court against any wireless telecommunications
5 carrier, its officers, employees, agents, or other specified persons for providing phone location
6 information of a telecommunications device while acting in good faith and in accordance with
7 the provisions of this section.

8 (e) All wireless telecommunications carriers registered to do business in this State or
9 submitting to the jurisdiction thereof and all resellers of wireless telecommunications services
10 shall submit their emergency contact information to the State Bureau of Investigation in order to
11 facilitate requests from a law enforcement agency for call location information in accordance
12 with this section. This contact information shall be submitted annually by June 15 or immediately
13 upon any change in contact information. The State Bureau of Investigation shall maintain a
14 database containing emergency contact information for all wireless telecommunications carriers
15 registered to do business in this State and shall make the information immediately available upon
16 request to all public safety answering points in this State."

17 **SECTION 5.(b)** The State Bureau of Investigation shall adopt temporary rules to
18 implement the provisions of this act. Temporary rules adopted in accordance with this act shall
19 remain in effect until permanent rules that replace the temporary rules become effective.

20 **SECTION 5.(c)** This section becomes effective July 1, 2026.

21 22 **PROVISIONS RELATING TO MAGISTRATES' REQUIREMENT TO EXPLAIN A** 23 **FINDING OF NO PROBABLE CAUSE IN IMPLIED CONSENT CASES**

24 **SECTION 6.(a)** G.S. 15A-511 is amended by adding a new subsection to read:

25 "(c1) Written Findings for Implied Consent Offense. – If the magistrate determines there is
26 no probable cause for an implied consent offense, as defined in G.S. 20-16.2, the magistrate shall
27 provide a written explanation on a form approved by the Administrative Office of the Courts
28 which shall contain, at a minimum, all of the following:

- 29 (1) When performed, the result of any alcohol or other impairing substance
30 screening test.
- 31 (2) When performed, the results of any standardized field sobriety tests.
- 32 (3) When performed, the results of any drug recognition expert evaluation.
- 33 (4) When available, the alcohol concentration or the fact that the driver refused
34 the implied consent test.
- 35 (5) Whether a blood sample for analysis was obtained from the defendant.
- 36 (6) The element or elements of the offense charged that the magistrate believes
37 are missing that led to the determination that probable cause did not exist.
- 38 (7) The signature of the magistrate.

39 A copy of the form required by this subsection shall be sent to the head of the law enforcement
40 agency that employed the charging officer, and to the chief district court judge and district
41 attorney for the judicial district, and filed with the court. The Administrative Office of the Courts
42 shall electronically record this data in its database and make it available upon request."

43 **SECTION 6.(b)** This section becomes effective December 1, 2026, and applies to
44 initial appearances on or after that date.

45 46 **REVISION RELATED TO THE OFFENSE OF AIDING OR ABETTING THE SALE TO** 47 **OR PURCHASE BY UNDERAGE PERSONS OF ALCOHOLIC BEVERAGES**

48 **SECTION 7.(a)** G.S. 18B-302(c)(2) reads as rewritten:

- 49 "(2) By Person over Lawful Age. – ~~Any~~ Except as otherwise provided in this
50 subdivision, any person who is over the lawful age to purchase and who aids
51 or abets another in violation of subsection (a), (a1), or (b) of this section is

1 guilty of a Class 1 misdemeanor. Any person who is over the lawful age to
 2 purchase and who aids or abets a person under the lawful age to purchase in
 3 violation of subsection (a), (a1), or (b) of this section is guilty of a Class F
 4 felony if the person under the lawful age to purchase consumed the alcoholic
 5 beverage involved in the violation and serious bodily injury to the person
 6 under lawful age or another results that was proximately caused by the
 7 consumption of the alcoholic beverage. For purposes of this subdivision, the
 8 term "serious bodily injury" is as defined in G.S. 14-32.4."

9 **SECTION 7.(b)** G.S. 18B-302.1(b) reads as rewritten:

10 "(b) A violation of G.S. 18B-302(c)(2) is either a Class 1 misdemeanor, misdemeanor or
 11 a Class F felony. Notwithstanding the provisions of G.S. 15A-1340.17 and G.S. 15A-1340.23, if
 12 the court imposes a sentence that does not include an active punishment, the court must include
 13 among the conditions of probation a requirement that the person pay a fine of at least five hundred
 14 dollars (\$500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person
 15 complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the
 16 person has a previous conviction of this offense in the four years immediately preceding the date
 17 of the current offense, and the court imposes a sentence that does not include an active
 18 punishment, the court must include among the conditions of probation a requirement that the
 19 person pay a fine of at least one thousand dollars (\$1,000) as authorized by G.S. 15A-1343(b)(9)
 20 and a requirement that the person complete at least 150 hours of community service, as authorized
 21 by G.S. 15A-1343(b1)(6)."

22 **SECTION 7.(c)** This section becomes effective December 1, 2026, and applies to
 23 offenses committed on or after that date.

24
 25 **PROVISIONS RELATING TO REDUCING UNNECESSARY MOTIONS IN COURT**
 26 **AND ALLOWING ORAL FLUID DRUG SCREENING TESTS**

27 **SECTION 8.(a)** G.S. 20-16.3 reads as rewritten:

28 "**§ 20-16.3. Alcohol and drug screening tests required of certain drivers; approval of test**
 29 **devices and manner of use by Department of Health and Human Services; use**
 30 **of test results or refusal.**

31 (a) When Alcohol or Drug Screening Test May Be Required; Not an Arrest. – A
 32 law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening test
 33 within a relevant time after the driving test, drug screening test, or an alcohol screening test and
 34 a drug screening test, if the officer has:has either of the following:

35 (1) Reasonable grounds to believe that the driver has consumed ~~alcohol~~ alcohol,
 36 an impairing substance other than alcohol, or alcohol and an impairing
 37 substance other than alcohol, and has:has done either of the following:

38 a. Committed a moving traffic ~~violation;~~ or violation.

39 b. Been involved in an accident or ~~eollision;~~ or collision.

40 (2) An articulable and reasonable suspicion that the driver has committed an
 41 implied-consent offense under G.S. 20-16.2, and the driver has been lawfully
 42 stopped for a driver's license check or otherwise lawfully stopped or lawfully
 43 encountered by the officer in the course of the performance of the officer's
 44 duties.

45 Requiring a driver to submit to ~~an alcohol screening a~~ a test in accordance with this section does
 46 not in itself constitute an arrest.

47 (b) Approval of Alcohol Screening Devices and Manner of Use. – The Department of
 48 Health and Human Services is directed to examine and approve devices suitable for use by
 49 law-enforcement officers in making on-the-scene tests of drivers for alcohol concentration. For
 50 each alcohol screening device or class of devices approved, the Department must adopt
 51 regulations governing the manner of use of the device. For any alcohol screening device that tests

1 the breath of a driver, the Department is directed to specify in its regulations the shortest feasible
2 minimum waiting period that does not produce an unacceptably high number of false positive
3 test results.

4 (b1) Approval of Oral Drug Screening Devices and Manner of Use. – The Department of
5 Health and Human Services is directed to examine and approve oral fluid drug screening devices
6 suitable for use by law-enforcement officers to test drivers for the presence of impairing
7 substances other than alcohol in oral fluids. For each device or class of devices approved, the
8 Department must adopt regulations governing the manner of use of the device and the level of
9 training required for officers who are authorized to use the device. The Department is directed to
10 specify in its regulations the shortest feasible minimum waiting period that does not produce an
11 unacceptably high number of false positive test results.

12 (c) Tests Must Be Made with Approved Devices and in Approved Manner. – No
13 screening test ~~for alcohol concentration~~ is a valid one under this section unless the device used is
14 one approved by the Department and the screening test is conducted in accordance with the
15 applicable regulations of the Department as to the manner of its use.

16 (d) Use of Screening Test Results or Refusal by Officer. – The fact that a driver (i)
17 showed a positive or negative result on an alcohol screening test, ~~test,~~ but not the actual alcohol
18 concentration ~~result,~~ result, (ii) showed a positive or negative result on an oral fluid drug
19 screening test, or ~~a driver's refusal~~ (iii) refused to submit to a test may be used by a
20 law-enforcement officer, is admissible in a court, or may also be used by an administrative
21 agency in determining if there are reasonable grounds ~~for believing~~ or probable cause to believe
22 any of the following:

23 (1) That the driver has committed an implied-consent offense under ~~G.S. 20-16.2;~~
24 and G.S. 20-16.2.

25 (2) ~~That~~ For an alcohol screening test, that the driver had consumed alcohol and
26 that the driver had in his or her body previously consumed alcohol, but not to
27 prove a particular alcohol concentration. Negative or low results on the
28 alcohol screening test may be used in factually appropriate cases by the
29 officer, a court, or an administrative agency in determining whether a person's
30 alleged impairment is caused by an impairing substance other than alcohol.

31 (3) For an oral fluid drug screening test, that the driver had consumed one or more
32 impairing substances other than alcohol and had in his or her body one or more
33 previously consumed impairing substances other than alcohol."

34 **SECTION 8.(b)** G.S. 20-138.7(d) reads as rewritten:

35 "(d) Alcohol Screening Test. – Notwithstanding any other provision of law, an alcohol
36 screening test may be administered to a driver suspected of violating subsection (a) of this
37 section, and the results of an alcohol screening test or the driver's refusal to submit may be used
38 by a law enforcement officer, a court, or an administrative agency in determining if alcohol was
39 present in the driver's body. No alcohol screening tests are valid under this section unless the
40 device used is one approved by the ~~Commission for Public Health,~~ Department of Health and
41 Human Services, and the screening test is conducted in accordance with the applicable
42 regulations of the ~~Commission~~ Department of Health and Human Services as to the manner of
43 its use."

44 **SECTION 8.(c)** G.S. 15A-534.2(d)(2) reads as rewritten:

45 "(2) For any purpose in any proceeding if the test was not performed by a method
46 approved by the ~~Commission for Public Health~~ Department of Health and
47 Human Services under G.S. 20-139.1 and by a person licensed to administer
48 the test by the Department of Health and Human Services."

49 **SECTION 8.(d)** This section becomes effective December 1, 2026, and applies to
50 offenses committed on or after that date.

1 **PROVISIONS RELATING TO PROHIBITING TRANSPORTATION NETWORK**
2 **COMPANY (TNC) DRIVERS FROM DRIVING AFTER CONSUMING ALCOHOL**
3 **AND PROVIDING FOR EDUCATION FOR TNC DRIVERS**

4 **SECTION 9.(a)** G.S. 20-17(a) is amended by adding a new subdivision to read:

5 "(13a) A second or subsequent conviction, as defined in G.S. 20-138.2B(d), of
6 driving a TNC service vehicle after consuming alcohol under
7 G.S. 20-138.2B."

8 **SECTION 9.(b)** G.S. 20-138.2B reads as rewritten:

9 "**§ 20-138.2B. Operating a school bus, school activity bus, child care vehicle, ambulance,**
10 **other EMS vehicle, firefighting vehicle, ~~or law enforcement vehicle-vehicle, or~~**
11 **TNC service vehicle after consuming alcohol.**

12 (a) Offense. – A person commits the offense of operating a school bus, school activity
13 bus, child care vehicle, ambulance, other emergency medical services vehicle, firefighting
14 vehicle, ~~or law enforcement vehicle-vehicle, or TNC service vehicle~~ after consuming alcohol if
15 the person drives a school bus, school activity bus, child care vehicle, ambulance, other
16 emergency medical services vehicle, firefighting vehicle, ~~or law enforcement vehicle-vehicle, or~~
17 TNC service vehicle upon any highway, any street, or any public vehicular area within the State
18 while consuming alcohol or while alcohol remains in the person's body. This section does not
19 apply to law enforcement officers acting in the course of, and within the scope of, their official
20 duties. For purposes of this section, the term "TNC service vehicle" means a motor vehicle being
21 operated for the purpose of providing a TNC service, as that term is defined in G.S. 20-280.1.

22"

23 **SECTION 9.(c)** G.S. 20-280.6 reads as rewritten:

24 "**§ 20-280.6. Background checks.**

25 (a) Prior to permitting an individual to act as a TNC driver, the transportation network
26 company must do all of the following:

27 ...

28 (4) Require the individual to agree in writing that the individual will not act as a
29 TNC driver while consuming alcohol or at any time while the driver has
30 remaining in the driver's body any alcohol or controlled substance previously
31 consumed. This subdivision does not apply to any controlled substance that
32 was lawfully obtained and taken in therapeutically appropriate amounts.

33 ...

34 (c) The transportation network company must not permit an individual to act as a TNC
35 driver if any of the following apply:

36 ...

37 (2) Has been convicted within the past seven years of driving under the influence
38 of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit
39 a felony, or a crime involving property damage, theft, acts of violence, or acts
40 of terror.

41 (2a) Has been convicted within the past seven years of a second or subsequent
42 conviction, as defined in G.S. 20-138.2B(d), of driving a TNC service vehicle
43 after consuming alcohol under G.S. 20-138.2B.

44"

45 **SECTION 9.(d)** Transportation network companies (TNCs) shall notify all TNC
46 drivers providing TNC services at the time of the effective date of this section of the requirement
47 set forth in G.S. 20-280.6(a)(4), as enacted by subsection (c) of this section. A TNC shall not
48 permit an individual subject to this subsection to act as a TNC driver if the individual does not
49 comply with the requirement set forth in G.S. 20-280.6(a)(4) by no later than 12 months from the
50 effective date of this section.

1 **SECTION 9.(e)** Subsections (a) and (b) of this section become effective December
2 1, 2026, and apply to offenses committed on or after that date. The remainder of this section
3 becomes effective December 1, 2026.

4
5 **PROVISIONS RELATED TO ALLOWING REPEAT OFFENDERS A METHOD TO**
6 **PROVE THEIR SOBRIETY AND OBTAIN A LEGAL METHOD TO OPERATE A**
7 **VEHICLE**

8 **SECTION 10.(a)** G.S. 20-19 is amended by adding a new subsection to read:

9 "(d1) Notwithstanding any other provision of law, when a person's license is revoked for
10 an impaired driving offense and the person is sentenced pursuant to G.S. 20-179, the Division
11 may conditionally restore the person's license after it has been revoked for at least one year if the
12 person (i) provides the Division with a certificate of graduation from a Drug Treatment or Driving
13 While Impaired (DWI) Treatment Court Program established pursuant to Article 62 of Chapter
14 7A of the General Statutes and (ii) successfully completes a Division-approved driver
15 improvement clinic described in G.S. 20-16. If the Division restores the person's license, it shall
16 place all of the following restrictions, requirements, and conditions on the person for the duration
17 of the original revocation period:

- 18 (1) A requirement that all registered vehicles owned by that person be equipped
19 with a functioning ignition interlock system in accordance with
20 G.S. 20-17.8(c1).
21 (2) A restriction that the person may operate only a motor vehicle equipped with
22 a functioning ignition interlock system of a type approved by the
23 Commissioner that is set to prohibit driving with an alcohol concentration of
24 greater than 0.02.
25 (3) A requirement that the person personally activate the ignition interlock system
26 before driving the motor vehicle.

27 Notwithstanding the provisions of G.S. 20-17.8, the Division may, in lieu of an ignition
28 interlock system, impose a requirement that a person whose license has been conditionally
29 restored pursuant to this subsection prove abstention from the consumption of alcohol by use of
30 a continuous alcohol monitoring system approved under G.S. 15A-1343.3. The provider of the
31 continuous alcohol monitoring system shall send reports prepared in accordance with this
32 subsection to the Division.

33 In addition, the Division may place other reasonable restrictions, requirements, and
34 conditions on the person for the duration of the original revocation period."

35 **SECTION 10.(b)** This section becomes effective December 1, 2026.

36
37 **PROVISIONS RELATED TO TRANSPARENCY IN COURT PROCEEDINGS**
38 **INVOLVING IMPAIRED DRIVERS**

39 **SECTION 11.** Section 33 of S.L. 2006-253, as amended by Section 5 of S.L.
40 2007-493, reads as rewritten:

41 "**SECTION 33.** Section 6 becomes effective August 21, 2006, and applies to hearings held
42 on or after that date. Sections 20.1, 20.2, and the requirement that the Administrative Office of
43 the Courts electronically record certain data contained in subsection (c) of G.S. 20-138.4, as
44 amended by Section 19 of this act, become effective ~~after the next rewrite of the superior court~~
45 ~~clerks system by the Administrative Office of the Courts. December 1, 2026.~~ Section 22.4
46 becomes effective December 1, 2006. The remainder of this act becomes effective December 1,
47 2006, and applies to offenses committed on or after that date."

48
49 **REMOVAL OF PROVISIONS RELATING TO SPEEDING TO ELUDE ARREST**
50 **EVIDENCE**

51 **SECTION 12.(a)** G.S. 20-141.5 reads as rewritten:

1 **"§ 20-141.5. Speeding to elude arrest; seizure and sale of vehicles.**

2 (a) It shall be unlawful for any person to operate a motor vehicle on a street, highway, or
3 public vehicular area while fleeing or attempting to elude a law enforcement officer who is in the
4 lawful performance of his duties. Except as provided in subsection (b) of this section, violation
5 of this section shall be a Class 1 misdemeanor.

6 (b) If two or more of the following aggravating factors are present at the time the violation
7 occurs, violation of this section shall be a Class H felony.

8 (1) Speeding in excess of 15 miles per hour over the legal speed limit.

9 (2) Gross impairment of the person's faculties while driving due to:

10 a. Consumption of an impairing substance; or

11 b. A blood alcohol concentration of 0.14 or more within a relevant time
12 after the driving.

13 (3) Reckless driving as proscribed by G.S. 20-140.

14 (4) Negligent driving leading to an accident causing:

15 a. Property damage in excess of one thousand dollars (\$1,000); or

16 b. Personal injury.

17 (5) Driving when the person's drivers license is revoked.

18 (6) Driving in excess of the posted speed limit, during the days and hours when
19 the posted limit is in effect, on school property or in an area designated as a
20 school zone pursuant to G.S. 20-141.1, or in a highway work zone as defined
21 in G.S. 20-141(j2).

22 (7) Passing a stopped school bus as proscribed by G.S. 20-217.

23 (8) Driving with a child under 12 years of age in the vehicle.

24 (b1) When a violation of subsection (a) of this section is the proximate cause of the death
25 of any person, the person violating subsection (a) of this section shall be guilty of a Class H
26 felony. When a violation of subsection (b) of this section is the proximate cause of the death of
27 any person, the person violating subsection (b) of this section shall be guilty of a Class E felony.

28 ~~(c) Whenever evidence is presented in any court or administrative hearing of the fact that
29 a vehicle was operated in violation of this section, it shall be prima facie evidence that the vehicle
30 was operated by the person in whose name the vehicle was registered at the time of the violation,
31 according to the Division's records. If the vehicle is rented, then proof of that rental shall be prima
32 facie evidence that the vehicle was operated by the renter of the vehicle at the time of the
33 violation.~~

34 (d) The Division shall suspend, for up to one year, the drivers license of any person
35 convicted of a misdemeanor under this section. The Division shall revoke, for two years, the
36 drivers license of any person convicted of a felony under this section if the person was convicted
37 on the basis of the presence of two of the aggravating factors listed in subsection (b) of this
38 section. The Division shall revoke, for three years, the drivers license of any person convicted of
39 a felony under this section if the person was convicted on the basis of the presence of three or
40 more aggravating factors listed in subsection (b) of this section. In the case of a first felony
41 conviction under this section where only two aggravating factors were present, the licensee may
42 apply to the sentencing court for a limited driving privilege after a period of 12 months of
43 revocation, provided the operator's license has not also been revoked or suspended under any
44 other provision of law. A limited driving privilege issued under this subsection shall be valid for
45 the period of revocation remaining in the same manner and under the terms and conditions
46 prescribed in G.S. 20-16.1(b). If the person's license is revoked under any other statute, the
47 limited driving privilege issued pursuant to this subsection is invalid.

48 ~~(e) When the probable cause of the law enforcement officer is based on the prima facie
49 evidence rule set forth in subsection (c) above, the officer shall make a reasonable effort to
50 contact the registered owner of the vehicle prior to initiating criminal process.~~

1 (f) Each law enforcement agency shall adopt a policy applicable to the pursuit of fleeing
2 or eluding motorists. Each policy adopted pursuant to this subsection shall specifically include
3 factors to be considered by an officer in determining when to initiate or terminate a pursuit. The
4 Attorney General shall develop a model policy or policies to be considered for use by law
5 enforcement agencies.

6 (g) through (j) Repealed by Session Laws 2013-243, s. 6, effective December 1, 2013,
7 and applicable to offenses committed on or after that date.

8 (k) If a person is convicted of a violation of subsection (b) or (b1) of this section, the
9 motor vehicle that was driven by the defendant at the time the defendant committed the offense
10 of felony speeding to elude arrest becomes property subject to forfeiture in accordance with the
11 procedure set out in G.S. 20-28.2, 20-28.3, 20-28.4, and 20-28.5."

12 **SECTION 12.(b)** This section becomes effective December 1, 2026, and applies to
13 offenses committed on or after that date.

14 15 **ADD RECOGNITION OF MILITARY-ISSUED PROTECTIVE ORDERS AS A** 16 **CRIMINAL VIOLATION**

17 **SECTION 13.(a)** G.S. 50B-1 reads as rewritten:

18 **"§ 50B-1. Domestic violence; definition.**

19 (a) Domestic violence means the commission of one or more of the following acts upon
20 an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party
21 by a person with whom the aggrieved party has or has had a personal relationship, but does not
22 include acts of self-defense:

- 23 (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- 24 (2) Placing the aggrieved party or a member of the aggrieved party's family or
25 household in fear of imminent serious bodily injury or continued harassment,
26 as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial
27 emotional distress; or
- 28 (3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.

29 (b) For purposes of this section, the term "personal relationship" means a relationship
30 wherein the parties involved:

- 31 (1) Are current or former spouses;
- 32 (2) Are persons of opposite sex who live together or have lived together;
- 33 (3) Are related as parents and children, including others acting in loco parentis to
34 a minor child, or as grandparents and grandchildren. For purposes of this
35 subdivision, an aggrieved party may not obtain an order of protection against
36 a child or grandchild under the age of 16;
- 37 (4) Have a child in common;
- 38 (5) Are current or former household members;
- 39 (6) Are persons of the opposite sex who are in a dating relationship or have been
40 in a dating relationship. For purposes of this subdivision, a dating relationship
41 is one wherein the parties are romantically involved over time and on a
42 continuous basis during the course of the relationship. A casual acquaintance
43 or ordinary fraternization between persons in a business or social context is
44 not a dating relationship.

45 (c) As used in this Chapter, the term "protective order" includes any order entered
46 pursuant to this Chapter upon hearing by the court or consent of the parties.

47 (d) As used in this Chapter, the term "military protective order" means a protective order
48 issued in accordance with 10 U.S.C. § 1567 by a commanding officer in the Armed Forces of the
49 United States or the National Guard of any state against a person under that officer's command."

50 **SECTION 13.(b)** G.S. 50B-2(c)(1) reads as rewritten:

51 "(c) Ex Parte Orders. –

- 1 (1) Prior to the hearing, if it clearly appears to the court from specific facts shown,
2 that there is a danger of acts of domestic violence against the aggrieved party
3 or a minor child, the court may enter orders as it deems necessary to protect
4 the aggrieved party or minor children from those acts. The existence of a
5 verifiable order of protection issued previously or from another jurisdiction,
6 including a military protective order, may be considered evidence of the
7 potential for future danger of acts of domestic violence against the aggrieved
8 party or a minor child."

9 **SECTION 13.(c)** G.S. 50B-4.1 reads as rewritten:

10 **"§ 50B-4.1. Violation of valid protective order.**

11 (a) Except as otherwise provided by law, a person who knowingly violates a valid
12 protective order entered pursuant to this Chapter or who knowingly violates a valid protective
13 order entered by the courts of another state or the courts of an Indian ~~tribe-tribe~~, or a valid military
14 protective order, shall be guilty of a Class A1 misdemeanor.

15 (b) A law enforcement officer shall arrest and take a person into custody, with or without
16 a warrant or other process, if the officer has probable cause to believe that the person knowingly
17 has violated a valid protective order excluding the person from the residence or household
18 occupied by a victim of domestic violence or directing the person to refrain from doing any or
19 all of the acts specified in G.S. 50B-3(a)(9).

20 (c) When a law enforcement officer makes an arrest under this section without a warrant,
21 and the party arrested contests that the out-of-state order or the order issued by an Indian court
22 remains in full force and effect, the party arrested shall be promptly provided with a copy of the
23 information applicable to the party which appears on the National Crime Information Center
24 registry by the sheriff of the county in which the arrest occurs.

25 (c1) When (i) a law enforcement officer has probable cause to believe that a person
26 committed a violation of this section, (ii) that officer determines a military protective order
27 entered into the National Crime Information Center registry was also issued against that person,
28 and (iii) the officer has probable cause to believe that the person also violated the military
29 protective order, the officer, or his or her employing agency, must notify the agency that entered
30 the military protective order into the registry.

31"

32 **SECTION 13.(d)** This section becomes effective December 1, 2026, and applies to
33 violations issued and offenses committed on or after that date.

34 **SHERIFF'S BOND**

35 **SECTION 14.** G.S. 162-8 reads as rewritten:

36 **"§ 162-8. Bond required.**

37 The sheriff shall furnish a bond payable to the State of North Carolina for the due execution
38 and return of process, the payment of fees and moneys collected, and the faithful execution of
39 his office as sheriff, which shall be conditioned as follows:

40 The condition of the above obligation is such that, whereas the above bounden _____ is
41 elected and appointed sheriff of _____ County; if therefore, he shall well and truly execute and
42 due return make of all process and precepts to him directed, and pay and satisfy all fees and sums
43 of money by him received or levied by virtue of any process into the proper office into which the
44 same, by the tenor thereof, ought to be paid, or to the person to whom the same shall be due, his
45 executors, administrators, attorneys, or agents; and in all other things well and truly and faithfully
46 execute the said office of sheriff during his continuance therein, then above obligation to be
47 void; otherwise to remain in full force and effect.

48 The amount of the bond shall be determined by the board of county commissioners, but shall
49 not exceed twenty-five thousand dollars (\$25,000).
50

1 If a suit is maintained against the sheriff and the sheriff's surety upon their respective bond
2 and the surety is required to pay out on the bond, the county shall reimburse the surety on behalf
3 of the sheriff for the amount paid by the surety on the bond, including reasonable and necessary
4 expenses incurred by the surety related to the claim against the bond. The county shall not bear
5 the cost of reimbursing the surety for recovery of the moneys paid by the surety on the bond if
6 the conduct that gave rise to the claim against the sheriff's bond resulted in the conviction of the
7 sheriff of a felony."

8
9 **CRIMINAL SAVINGS CLAUSE**

10 **SECTION 15.** Prosecutions for offenses committed before the effective date of this
11 act are not abated or affected by this act, and the statutes that would be applicable but for this act
12 remain applicable to those prosecutions.

13
14 **EFFECTIVE DATE**

15 **SECTION 16.** Except as otherwise provided, this act is effective when it becomes
16 law.