

Criminal Law and Procedure

See full summary documents for additional detail

H131 - Motions for Appropriate Relief. (Ratified)

House Bill 131 amends the bail bond forfeiture statutes.

H325 - Amend Arson Law. (SL 2018-31)

S.L. 2018-31 expands the criminal law regarding arson. Sections 1 and 2 of this act become effective December 1, 2018, and apply to offenses committed on or after that date. The remainder of this act became effective June 22, 2018.

H379 - Recodification Working Group. (SL 2018-69)

S.L. 2018-69 does the following:

- Directs State entities to compile and submit a list of crimes adopted by the entity to the Joint Legislative Administrative Procedures Oversight Committee (APO) and the Joint Legislative Oversight Committee on Justice and Public Safety (JPS).
- Directs the Administrative Office of the Courts (AOC) to compile a list of all crimes at common law and in the General Statutes that are deemed unnecessary and submit the list to APO and JPS.
- Directs counties, towns, and metropolitan sewerage districts to submit a list of all ordinances punishable as a misdemeanor to APO and JPS.

The act became effective on June 25, 2018.

H670 - Protect Educational Property. (SL 2018-72)

S.L. 2018-72 creates new Class H felonies for communicating a threat of mass violence on educational property and communicating a threat of mass violence at a place of religious worship. This act provides for conditional discharge of persons convicted of those offenses when the offense is committed under the age of 20, and requires a judge to set conditions of pretrial release for those offenses. This act becomes effective December 1, 2018, and applies to offenses committed on or after that date.

H744 - Trespass/Eastern Band Cherokee Indians Lands. (SL 2018-66)

S.L. 2018-66 makes it a first degree trespass for a person to enter or remain on lands of the Eastern Band of Cherokee Indians after the person has been excluded by a duly enacted Tribal Council resolution.

This act becomes effective December 1, 2018.

H774 - Amend Certificates of Relief. (SL 2018-79)

S.L. 2018-79 amends the criminal law procedure for an individual to petition a court for a Certificate of Relief in order to alleviate some of the collateral consequences of a criminal conviction.

This act becomes effective December 1, 2018, and applies to petitions filed on or after that date.

H969 - Enhance Prison Security. (SL 2018-67)

S.L. 2018-67 expands the prisoner conduct classified as malicious; prohibits the possession of a tool for escape by a prisoner; and authorizes the Information Sharing Analysis Center (ISAC) to analyze certain threats to public safety and notify local law enforcement.

Sections 1.2 and 4 of this act became effective June 25, 2018. The remainder of this act becomes effective December 1, 2018, and applies to offenses committed on or after that date.

S99 - Appropriations Act of 2018.

Sec. 16.2: Governor's Crime Commission Grant Reports. (SL 2018-5)

Sec. 16.2 of S.L. 2018-5 requires the Governor's Crime Commission to report all grant awards to the General Assembly. Grant awards from state funds will be reported annually starting August 1, 2018, and grant awards from federal funds will be reported annually starting December 1, 2018.

This section of the act became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 16B.1: Viper In-Kind Contributions/User Survey/Increase Outreach. (SL 2018-5)

Sec. 16B.1 of S.L. 2018-5 directs the Department of Public Safety (DPS) to do the following:

- Determine the value of all in-kind contributions made by units of local government, the federal government, and nongovernmental entities to support the North Carolina Voice Interoperability Plan for Emergency Responders (VIPER) system.
- Increase outreach to VIPER stakeholders beyond those that participate in the State Interoperability Executive Committee.
- Conduct an annual survey of local, State, and federal users of VIPER in order to track and measure user satisfaction and feedback over time.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 16B.2: Voice Interoperability Plan for Emergency Responders Build-Out/Support. (SL 2018-5)

Sec. 16B.2 of S.L. 2018-5 allocates nonrecurring funds to upgrade and support North Carolina's Voice Interoperability Plan for Emergency Responders.

This section of the act became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 16B.3 Ensure Enforcement of Tobacco Laws/Prevention of Sales to Youth. (SL 2018-5)

Sec. 16B.3 of S.L. 2018-5 gives the Alcohol Law Enforcement branch jurisdiction and primary responsibility to enforce youth tobacco access prohibitions.

This section became effective July 1, 2018, and applies to offenses committed on or after that date.

S162 - Human Trafficking Restorative Justice. (SL 2018-75)

S.L. 2018-75 enacts several provisions to assist victims of human trafficking as follows:

- Provides an affirmative defense to prosecution for human trafficking for persons who are victims and were coerced or deceived into committing the offense.
- Provides confidentiality for victims of human trafficking and their immediate family members.
- Expands the restitution provision to cover additional needs.
- Authorizes restitution to be paid to the clerk of court for an unavailable victim and held for two years, and to escheat to the Crime Victims Compensation Fund if not claimed within that time.
- Amends the definition of abused juvenile to include all human trafficking victims under 18.
- Amends the rules of evidence related to admission of evidence of sexual behavior to apply to charges of sexual servitude.
- Adds three new ex officio members to the North Carolina Human Trafficking Commission.
- Directs the North Carolina Human Trafficking Commission to study sentencing and post-conviction relief for human trafficking offenses.

This act has varying effective dates. Please see the full summary for more detail.

S616 - Heroin & Opioid Prevention & Enforcement Act. (SL 2018-44)

S.L. 2018-44 does the following:

- Amends laws pertaining to the North Carolina Controlled Substances Act.
- Amends laws pertaining to the North Carolina Controlled Substances Reporting System Act.

- Establishes conditions and requirements for the release of information from the Controlled Substances Reporting System to local law enforcement.
- Revises and establishes penalties for certain violations.
- Expresses the intent to appropriate additional funds in the future for community-based substance use disorder treatment and recovery services, the purchase of overdose medications, Operation Medicine Drop, and a special agent position with the State Bureau of Investigation.
- Amends the statewide Telepsychiatry program that delivers mental health and substance abuse care.

This act has various effective dates. Please see the full summary for more detail.

S768 - People First Language 2018. (SL 2018-47)

S.L. 2018-47 updates the North Carolina General Statutes with People First language by changing the phrase "mental retardation" to "intellectual disability" and the phrase "the mentally retarded" to "individuals with an intellectual disability" in certain sections and makes other amendments and technical amendments in those sections, as recommended by the General Statutes Commission. People First language is a style of drafting that refers to a person with a disability as a person first and seeks to avoid equating a person with the person's disability and the use of derogatory language when describing a person's disability.

This act has various effective dates. Please see the full summary for more detail.