

# Courts, Justice, and Corrections

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 26: Authorize Local Confinement Facilities to Provide and Use Wireless Communication Devices. (SL 2020-74)**

Section 26 of S.L. 2020-74 authorizes local confinement facilities to provide inmates with a mobile telephone or other wireless communication device if the specific device has been approved by the sheriff or other person in charge of the local confinement facility for use by inmates, and the device is provided to the inmate in a manner consistent with the approved use of that device.

This section became effective August 1, 2020, and applies to offenses committed on or after that date. This section does not abate or affect prosecutions for offenses committed before the effective date of this section.

## **H463 - Education in Prisons. (SL 2020-54)**

S.L. 2020-54 allows funds appropriated for community college courses for prison inmates to be used for Associate of Arts, Associate of Science, or Associate of General Education degrees.

This act became effective July 1, 2020.

## **H511 - North Carolina First Step Act. (SL 2020-47)**

S.L. 2020-47 does all of the following:

- Authorizes a court to deviate from the mandatory minimum sentence for drug trafficking offenses if certain findings are made.
- Requires the Administrative Office of the Courts (AOC) to publish an annual report of the number of sentences modified under Section 2 of this act.
- Allows a person sentenced solely for trafficking or conspiracy to commit trafficking, to file a Motion for Appropriate Relief (MAR) requesting a resentencing in accordance with Section 2 of this act.
- Directs the Department of Information Technology (DIT) to study the collection of criminal justice data elements.

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

## **H593 - JCPC/Detention/CAA and Other Fees. (SL 2020-83)**

S.L. 2020-83 does the following:

- Makes certain modifications to current law related to Juvenile Crime Prevention Councils.
- Clarifies that persons under 18 held in custody must be held in a juvenile detention facility.

- Makes conforming changes to current law related to inmates held in the Statewide Misdemeanant Confinement Program and transferred for medical treatment.
- Increases the Criminal Court Appointed Counsel Fee.
- Increases court costs to support Indigent Defense Services and the Criminal Justice Education and Training Standards Commission.
- Modifies deadlines related to the payment of radiological emergency planning fee.
- Creates an opportunity for an individual notified to register as a sex offender, to petition a court to review the registration requirement.
- Provides additional direction to municipalities and counties regarding the publication of declaration information.

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

### **H885 - Only Allow Courts to Charge FTA Fee Once. (SL 2020-68)**

S.L. 2020-68 provides that only one failure to appear (FTA) fee may be assessed to a defendant in a criminal case.

This act becomes effective December 1, 2020, and applies to costs assessed on or after that date.

### **H902 - Purchase and Contract Changes/Global Transportation/Prison Pilot. Part V: Clarify District Attorney Discretion in Registration Requirement Reviews. (SL 2020-90)**

Part V of S.L. 2020-90 replaces Sec. 11.5(c) of S.L. 2020-83, in order to clarify that the District Attorney has the authority to petition a court to review the sex offender registration requirement for individuals subject to a certain federal court order.

This part of the act became effective July 2, 2020.

### **H902 - Purchase and Contracts Changes/Global Transpark/Prison Pilot, Part III Prison Software Management Pilot Program. Part III: Prison Software Management Pilot Program. (SL 2020-90)**

Part III of Session Law 2020-90 does all of the following:

- Appropriates funds to develop and administer a Prison Software Management Pilot Program (Prison Pilot Program) to be implemented at Bertie Correctional Institution and Pasquotank Correctional Institution.
- Aims to transform the State Prison Management Information Systems with software infrastructure and equipment upgrades and to deploy a mobile inmate tracking system, both of which will enable the Department of Public Safety, Division of Adult Correction and Juvenile Justice (Department), to create a new shared database platform to replace the current OPUS System.
- Requires the Department to begin operating the Prison Pilot Program by October 15, 2020.
- Describes how the funds appropriated for the Prison Pilot Program must be used.

- Sets forth the requirements for selecting the most qualified technology vendors to create the Prison Pilot Program.
- Requires the Department to give a status update to the Senate Select Committee on Prison Safety no later than January 8, 2021, and a final report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than April 1, 2021.

This part became effective July 1, 2020, and expires on July 1, 2022.

## **H1023 - Coronavirus Relief Fund/Additions & Revisions.**

### **Sec. 1.1(e) Revisions to S.L. 2020-4. (SL 2020-80)**

Section 1.1(e) of S.L. 2020-80 creates multiple sections in S.L. 2020-4. Please see S.L. 2020-4 for these summaries.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.2C: Domestic Violence Prevention Pilot Program . (SL 2020-4)**

Section 4.2C of S.L. 2020-4, as enacted by Section 1.1(e) of S.L. 2020-80, creates the Domestic Violence Prevention Pilot Program and appropriates \$3.5 million from the Coronavirus Relief Fund to the Administrative Office of the Courts to provide a grant to Caitlyn's Courage, Inc. to establish domestic violence prevention pilot programs in at least 9 judicial districts of varying caseloads. The domestic violence pilot programs shall provide judges the option to use global positioning system (GPS) electronic monitoring devices, establish local implementation teams, operate a 24-hour monitoring center, and train all participants about the GPS tracking devices.

No later than April 1, 2021, Caitlyn's Courage, Inc., in consultation with participating judicial districts and the East Carolina University Department of Criminal Justice, must report on the effectiveness of the pilot programs to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division.

This section became effective July 1, 2020.

## **H1064 - GSC Clarifying Bingo License Statute. (SL 2020-72)**

S.L. 2020-72 clarifies the bingo license statute, updates references to conform to the current organization of the Department of Public Safety, and expands instances that constitute good cause for a continuance in a civil or criminal action. This act has various effective dates. Please see the full summary for more detail.

## **H1187 - Raise the Age Funding. (SL 2020-15)**

S.L. 2020-15 allows funds in the Statewide Misdemeanant Confinement Fund to be used by the Department of Public Safety (DPS) for various Raise the Age projects.

This act became effective July 1, 2020.

### **S562 - The Second Chance Act. (SL 2020-35)**

S.L. 2020-35 makes various changes to the expunction statutes as follows:

- Provides for expunction of certain offenses committed prior to the effective date of "Raise the Age" legislation
- Amends prosecutor and law enforcement access to expunged files
- Streamlines expunctions for charges not resulting in conviction
- Modifies expunction of nonviolent misdemeanor and felony convictions

This act has various effective dates, please see full summary for effective dates of specific provisions.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 10.1: Technical Correction to Recently Enacted Human Trafficking Language. (SL 2020-78)**

Section 10.1 of this act corrects amendatory language from a recent act on human trafficking. This section has a retroactive effective date of December 1, 2019.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 10.2: District Attorneys/No Transfer of Funds and Study Feasibility of Office of Prosecutorial Services. (SL 2020-78)**

Sec. 10.2 of S.L. 2020-78 does the following:

- Prohibits the transfer of funds from the Office of the District Attorney Fund Code without the consent of the Conference of District Attorneys.
- Creates a study by the School of Government to determine the feasibility and cost of creating an Office of Prosecutorial Services, independent from the Administrative Office of the Courts.

This section of the act became effective July 1, 2020.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 11.1: Expand Criminal Justice Fellows Program Eligibility. (SL 2020-78)**

Section 11.1 of S.L. 2020-78 amends G.S. 17C-20 by modifying the definition of "Eligible County" regarding participation in the Criminal Justice Fellows Program. The modifications (i) increase the population ceiling under which a county must exist in order to be eligible to participate in the Criminal Justice Fellows Program; the population ceiling was increased to 125,000 from the previous ceiling of 75,000, and (ii) designates all development tier one counties pursuant to G.S. 143B-437.08 as also eligible to participate in the Criminal Justice Fellows Program.

This section became effective July 1, 2020, and applies to Criminal Justice Fellows Program recipients selected on or after that date.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.1: Inmate Construction Program. (SL 2020-78)**

Section 12.1 of S.L. 2020-78 adds a new section, G.S. 148-32.3, to Article 3 of Chapter 148 of the General Statutes. This new section allows the State Construction Office to utilize inmates in the custody of the Department of Public Safety (DPS) Division of Adult Correction for the repair and renovation of State-owned facilities, with priority given to DPS construction projects. This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.2: No Transfer of Positions to Other State Agencies. (SL 2020-78)**

Section 12.2 of S.L. 2020-78 restricts the Office of State Budget and Management from transferring any positions, personnel, and funds from the Department of Public Safety to any other agency during the 2020-2021 fiscal year unless the transfer was included in the base budget for that fiscal year. This restriction does not apply to a consolidation of information technology positions into the Department of Information Technology pursuant to G.S. 143B-1325.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.3: Caitlyn's Courage, Inc./Correct Entity Granting Funds. (SL 2020-78)**

Section 12.3 of S.L. 2020-78 corrects Section 3.3(54) of S.L. 2020-4 by replacing the Administrative Office of the Courts with the Department of Public Safety, Division of Administration, as the entity receiving Coronavirus Relief Funds and granting the funds to Caitlyn's Courage, Inc.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.5: Office of Recovery and Resiliency Temporary Positions Adjustment. (SL 2020-78)**

Section 12.5 of S.L. 2020-78 amends Section 5.7(a) of S.L. 2018-136, and allows the Office of Recovery and Resiliency to hire more than 30 new three-year time-limited positions supported by federal grant administrative funding to provide general disaster recovery coordination, citizen outreach, and other services.

This section became effective on July 1, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.4: Clarify Electronic Signatures for Search Warrants and Certain Court Orders. (SL 2020-3)**

Section 4.4 of S.L. 2020-3, clarifies that any signature required for the issuance of a search warrant or any judicial order issued following a court hearing conducted by remote audio or visual transmission in a civil or criminal case, may be signed by use of an electronic signature.

This section became effective on May 4, 2020, and expired on August 1, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.15: Expand the Definition of Security Guard and Patrol Profession to Include Security Services Providers at State Prisons. (SL 2020-3)**

Sec. 4.15 of S.L. 2020-3, as amended by Sec. 2 of S.L. 2020-15, does all of the following:

- Expands the definition of “security guard and patrol profession” in the Private Protective Services Act to include the provision of certain security services at State prison facilities.
- Requires any licensed security guard and patrol professional employed to provide security services at a State prison facility be trained in State prison policies.
- Establishes the scope of authority of licensed security guards and patrol professionals employed to provide security services at State prison facilities.

This section became effective May 4, 2020, and, as amended by Section 2 of S.L. 2020-15, expires upon the earlier of August 1, 2022, or the date of completion of the Youth Development Center in Rockingham County.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.16: New Attorneys' Oath. (SL 2020-3)**

Sec. 4.16 of S.L. 2020-3, authorizes a justice or judge of the General Court of Justice to remotely administer the oaths prescribed for attorneys using a form of live video conferencing technology provided the attorney taking the oath is personally known to the justice or judge or the attorney provides satisfactory evidence of identity.

This section became effective May 4, 2020, and expires December 1, 2020.

**S704 - COVID-19 Recovery Act .**

**Sec. 4.26: Authorize the Chief Administrative Law Judge to Extend the Time Period for the Filing of Contested Cases During Catastrophic Conditions. (SL 2020-3)**

Section 4.26 of S.L. 2020-3 authorizes the chief administrative law judge by order to extend the time period for the filing of contested cases during catastrophic conditions when the Chief Justice of the North Carolina

Supreme Court determines and declares that catastrophic conditions exist or have existed in one or more counties of the State and issues an order pursuant to G.S. 7A 39(b). The extension must be to a date certain no fewer than 10 days after the effective date of the order, the time or period of limitation, whether established by another statute or this section, for the filing of a petition for a contested case. The order must be in writing and must become effective for each affected county upon the date set forth in the order, and if no date is set forth in the order, then upon the date the order is signed by the chief administrative law judge. The order shall provide that it expires upon the expiration of the Chief Justice's order.

This section became effective retroactively to March 10, 2020.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 4.39: Authorize Extension of Training and Certification of Law Enforcement Officers by Forensic Tests for Alcohol Branch. (SL 2020-3)**

Sec. 4.39 of S.L. 2020-3 does the following:

- Authorizes the Forensic Tests for Alcohol Branch of the Department of Health and Human Services to delay or modify any educational or examination requirements for recertification of law enforcement officers.
- For certifications issued prior to March 10, 2020, authorizes the Branch to extend those certifications for up to one year if the educational or examination requirements associated with renewal or recertification are delayed in accordance with this section.

EFFECTIVE DATE: This section became effective retroactively to March 10, 2020, and expires January 1, 2021.

#### **S782 - Merchandise Sales Limit/Meck Dist Ct. (SL 2020-84)**

S.L. 2020-84 does both of the following:

- Raises the maximum amount a political party executive committee or an affiliated committee can raise from the sale of goods or services in an election cycle from \$10,000 to \$20,000.
- Returns District Court judicial elections in Mecklenburg County to at-large.

Exempt Sales.