

Courts, Justice, and Corrections

See full summary documents for additional detail

H27 - In-Service Training for Magistrates. (SL 2021-146)

Session Law 2021-146 modifies the training requirements for magistrates by requiring completion of an annual in-service training course, with a minimum of twelve hours of instruction, including the following subjects:

- Setting conditions of pretrial release.
- Impaired driving laws.
- Issuing criminal processes.
- Issuing search warrants.
- Technology.
- Orders of protection.

This act became effective January 1, 2022.

H84 - Sex Offender Premises Restrictions. (SL 2021-115)

S.L. 2021-115 makes the following changes to restrictions placed on sex offenders:

- Extends premises restrictions to sex offenders convicted of any offense of sexual exploitation of a minor.
- Clarifies that convictions for misdemeanor offenses requiring registration as a sex offender are not eligible for expunction.
- Clarifies that the 1,000 foot residency restriction for registered sex offenders is measured from the structure or location where the offender resides, to the property line of the school or childcare center.

The substantive provisions of this act became effective December 1, 2021. Please see complete summary for applicability of effective date.

H132 - Juvenile Code Revisions and Court Improvement Program Recommendations. (SL 2021-100)

S.L. 2021-100 amends the abuse, neglect, and dependency statutes of Chapter 7B of the General Statutes as recommended by the Court Improvement Program.

This act became effective October 1, 2021.

H203 - Extend Deadline for Police Telecommunicators. (SL 2021-34)

S.L. 2021-34 extends the deadline for certification of police telecommunicators to July 1, 2022. This act became effective June 16, 2021.

H312 - Qualifications for Sheriff/Expunction. (SL 2021-107)

S.L. 2021-107, which became effective October 1, 2021, does the following:

- Clarifies that an individual who has been convicted of a felony, regardless of any expunctions or restoration of rights of citizenship, is ineligible for the office of sheriff, in accordance with Article VII, Section 2 of the North Carolina Constitution.
- Requires a candidate or appointee for the office of sheriff to file a disclosure statement prepared by the North Carolina Sheriff's Education and Training Standards Commission verifying that the candidate or appointee has no prior felony convictions or expungements of felony convictions.

H366 - Regulatory Reform Act of 2021.

Sec. 8A: Clarification Regarding Use of Insurance Secondary Sources in Interpreting Law. (SL 2021-117)

Section 8A of S.L. 2021-117 clarifies that secondary sources on insurance law are not binding authority on North Carolina courts.

This section became effective August 23, 2021.

H404 - Ltd. Immunity for PSAP/TC for S.L. 2021-171. (SL 2021-181)

S.L. 2021-181 does the following:

- Provides that public safety answering points (PSAPs), regional PSAPs, and their employees and agents, and employees of law enforcement agencies, who are certified by the North Carolina Sheriffs' Education and Training Standards Commission, are liable for damages in a civil action for gross negligence, wanton or willful misconduct, or when there is applicable insurance coverage.
- Provides that communication service providers, 911 system providers, next generation 911 system providers, and their employees are liable for damages in a civil action for wanton or willful misconduct.
- Makes technical corrections to S.L. 2021-171, The No Patient Left Alone Act.

The section of the act pertaining to PSAPs and communication service providers became law November 18, 2021, and applies to causes of action filed on or after that date. The section of the act pertaining to The No Patient Left Alone Act became effective November 1, 2021.

H436 - Support Law Enforcement Mental Health. (SL 2021-136)

S.L. 2021-136 requires psychological screening examinations for law enforcement officers prior to employment; educates officers on maintaining good mental health; makes officers statewide aware of mental health resources; and creates a study on the benefits of physical fitness testing to officers.

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

H522 - Modify Service/Release of Alternate Jurors. (SL 2021-94)

S.L. 2021-94 modifies the provisions regulating the service and release of alternate jurors.

This act became effective October 1, 2021, and applies to jurors or alternate jurors selected on or after that date.

H536 - Law Enforcement Duty to Intervene. (SL 2021-137)

S.L. 2021-137 does the following:

- Creates a duty to intervene for law enforcement officers.
- Requires that the National Decertification Index be searched as part of officer certification.
- Requires that officers report certain notifications related to testimony.

The section of this act pertaining to the new duty to intervene became effective December 1, 2021, and applies to uses of force that occur on or after that date. The remainder of this act became effective October 1, 2021.

H608 - Dignity for Women Who are Incarcerated. (SL 2021-143)

Session Law 2021-143 establishes certain requirements for the housing and treatment of incarcerated females.

This act includes the following changes:

- Limits the use of restraints and body cavity searches on pregnant females and during the postpartum recovery period.
- Requires proper nutrition for pregnant females and during the postpartum recovery period.
- Prohibits restrictive housing for pregnant females and during the postpartum recovery period.
- Requires lower bed assignments for pregnant females and during the postpartum recovery period.
- Requires a bonding period between a newborn and a new mother.
- Requires visitation twice a week between children under one and a new mother.
- Prohibits inspections by male employees while a female is in a state of undress.

This act became effective December 1, 2021, and applies to individuals in custody on or after that date.

H761 - Police Vehicle and Equipment Protection Act. (SL 2021-167)

S.L. 2021-167 does the following:

- Increases the penalty for breaking or entering into a vehicle owned by a law enforcement agency.
- Creates two new felony offenses for theft of equipment owned by a law enforcement agency.

This act became effective December 1, 2021, and applies to offenses committed on or after that date.

S113 - Modify Termination of Parental Rights Appeals. (SL 2021-18)

Session Law 2021-18 does the following:

- Changes the direct right of appeal from an order granting or denying a termination of parental rights, or an order eliminating reunification as a permanent plan, from the North Carolina Supreme Court to the Court of Appeals.
- Requires the Administrative Office of the Courts (AOC) to prepare an annual report about the amount of time it takes to resolve appeals related to an order granting or denying a termination of parental rights or an order eliminating reunification as a permanent plan.

This act became effective July 1, 2021, and applies to appeals filed on or after that date.

S207 - Various Raise the Age Changes/JJAC Recs. (SL 2021-123)

S.L. 2021-123 modifies certain provisions of the Juvenile Justice Reinvestment Act, as recommended by the Juvenile Justice Advisory Committee, modifies the minimum age of a delinquent juvenile and an undisciplined juvenile, creates a definition of "vulnerable juvenile," and modifies the law dealing with juvenile court mental health assessments. Please see the full summary for details of these modifications.

This act became effective December 1, 2021, and generally applies to offenses committed on or after that date, except that the provisions regarding mental health assessments apply to petitions filed on or after that date.

S219 - Surveyor Licensure & Education Requirements/Construction Contract Revisions. (SL 2022-1)

Session Law 2022-1 does the following:

- Modifies practical experience requirements applicable to persons seeking licensure as a professional land surveyor and makes technical changes to Chapter 89C of the General Statutes.
- Makes changes to the design-build contracting process.

- Clarifies provisions related to contracts that are deemed to be void as against public policy.
- Modifies the procedure for awarding attorneys' fees in actions to enforce statutory liens.
- Defines the term "supplier" for purposes of a provision prohibiting a supplier of alcoholic beverages from having an ownership interest in its wholesaler.

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

S255 - 2021 Administrative Office of the Courts Legislative Changes. (SL 2021-47)

S.L. 2021-47 makes various changes and technical and conforming corrections to the laws governing the administration of justice as requested by the Administrative Office of the Courts (AOC). The act has various effective dates. Please see the full summary for more detail.

S300 - Criminal Justice Reform. (SL 2021-138)

S.L. 2021-138, as amended by Part II of S.L. 2021-182, makes various changes to the Criminal Code, and increases law enforcement standardization and oversight, with varying effective dates. Please see the full summary for more details on the provisions of this act.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 9: Correct Inaccurate Statutory Reference. (SL 2021-158)

Section 9 of S.L. 2021-158 provides that the Department of Public Safety, not the Department of Environmental Quality, is responsible for supervising the sanitary and health conditions of the central prison, over the prison camps, or other places of confinement of prisoners under the jurisdiction of the Division of Adult Correction and Juvenile Justice within the Department of Public Safety.

This section became effective September 16, 2021.

S390 - UNC Law Enforcement Recruitment. (SL 2021-20)

S.L. 2021-20 allows full-time and part-time law enforcement officers for campuses of constituent institutions of The University of North Carolina to enroll in courses without paying tuition and fees. The Board of Governors of The University of North Carolina is required to determine the number of courses these individuals may enroll in without paying tuition and fees.

This act became effective May 7, 2021, and applied beginning with the 2021-2022 academic year.