

Courts, Justice, and Corrections

See full summary documents for additional detail

H717 - Judicial Elections Changes. (SL 2018-121)

S.L. 2018-121 does all of the following:

- Re-establishes judicial divisions, reducing the number of divisions from eight to five, effective July 1, 2018.
- Combines Duplin, Jones, Onslow, and Sampson Counties into one district for Superior Court.
- Restructures the assignments of Burke, Caldwell, and Catawba Counties to establish two districts for Prosecutorial districts, and establish residency requirements for filing in District Court.
- Restructures the assignment of Hoke and Moore Counties to establish a two county district consisting of those counties for Superior, District, and Prosecutorial districts.
- Restructures the assignment of Anson, Richmond, and Scotland Counties to establish a three county district consisting of those counties for Superior, District, and Prosecutorial districts.

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.

H776 - Adoption and Juvenile Law Changes. (SL 2018-68)

S.L. 2018-68 makes various changes related to adoption and juvenile law. This act becomes effective October 1, 2018.

H945 - Rape Evidence Collection Kit Tracking Act. (SL 2018-70)

S.L. 2018-70 establishes a statewide sexual assault kit tracking system, and requires tracking of all untested sexual assault kits as recommended by the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight). This act also directs the Director of the Crime Lab and the Secretary of the Department of Public Safety to implement protocols related to sexual assault kits; and creates a working group to examine the prioritization of untested kits.

This act became effective June 25, 2018.

S99 - Appropriations Act of 2018.

Sec. 16C.1: Extend Reentry Council Contracts. (SL 2018-5)

Sec. 16C.1 of S.L. 2018-5 permits the Department of Public Safety to use existing Treatment for Effective Community Supervision funds to continue support for Local Reentry Councils in the following five pilot sites:

1. Hoke/Scotland/Robeson Counties â€“ Robeson County Manager's Office.
2. Nash/Edgecombe/Wilson Counties â€“ NC Community Action Association.
3. Pitt County â€“ Life of NC, Inc., dba STRIVE.
4. Buncombe County â€“ Buncombe County Health & Human Services/RHA.
5. Mecklenburg County â€“ Mecklenburg Criminal Justice Services, Mecklenburg County Manager's Office.

This section became effective June 30, 2018.

S99 - Appropriations Act of 2018.

Sec. 17.1: Criminal Justice Fellows Program. (SL 2018-5)

Sec. 17.1 of S.L. 2018-5, as amended by Sec. 5.1 of S.L. 2018-97, establishes under the North Carolina Criminal Justice Education and Training Commission (Commission), the Criminal Justice Fellows Program to provide forgivable loans to exceptional individuals in order to increase the number of criminal justice professionals in counties with smaller populations.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 17.2: Report on Attorney General's Office Management Flexibility Reduction. (SL 2018-5)

Sec. 17.2 of S.L. 2018-5 requires the Attorney General to report to the Joint Legislative Oversight Committee on Justice and Public Safety by August 1, 2018, on the implementation of the management flexibility reduction that was mandated by the 2017 Appropriations Act.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18A.1: Modify Report Date/Public Defender Workload Formula. (SL 2018-5)

Sec. 18A.1 of S.L. 2018-5, requires Indigent Defense Services to make a final report recommending the allocation of public defenders to the General Assembly by December 1, 2018, in addition to the previously required May 1, 2018 report.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18A.2: New Public Defender District in McDowell and Rutherford Counties-Expand Dist 3B. (SL 2018-5)

Section 18A.2 of S.L. 2018-5 adds Craven and Pamlico counties to Public Defender District 3B and creates new Public Defender District 29A, which includes McDowell and Rutherford counties.

This act became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18A.3: Opt-Out/Uniform Fee Schedule IDS Pilot Project. (SL 2018-5)

Sec. 18A.3 of S.L. 2018-5 permits the Administrative Office of the Court, in consultation with the Office of Indigent Defense Services, to grant a written request by the chief district judge of a county to withdraw that county from participating in all or some portions of the pilot project establishing a uniform fee schedule for payment of attorneys' fees for indigent legal representation.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18B.1: Notice of Fee Waiver/Implementation Report. (SL 2018-5)

Sec. 18B.1 of S.L. 2018-5 requires the Administrative Office of the Courts (AOC) to report annually to the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight) on the implementation of the notice of waiver of costs to government entities directly affected when a court waives costs in a criminal action.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18B.2: Study Appropriate Housing/Treatment for DWI Offenders. (SL 2018-5)

Sec. 18B.2 of S.L. 2018-5 provides the North Carolina Sentencing and Policy Advisory Commission (Commission), in consultation with the Department of Public Safety and the North Carolina Sheriffs' Association, must study the most effective setting to house and provide appropriate treatment services for Driving While Impaired Aggravated Level One and Level One offenders. The study will consider whether State prisons, county jails, or dedicated multicounty jail treatment facilities are the most appropriate setting.

The Commission will report its findings and recommendations, including any legislative proposals, to the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety by February 1, 2019.

This section became effective on July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18B.3 Five-Year Projection Statewide Misdemeanant Confinement Beds. (SL 2018-5)

Sec. 18B.3 of S.L. 2018-5 requires the North Carolina Sentencing and Policy Advisory Commission (Commission) to do both of the following:

- Develop projections of available bed space in the Statewide Misdemeanant Confinement Program (Program). The projections must cover the next five fiscal years. The Commission must report its projections to the Chairs of the Senate Appropriations Committee on Justice and Public Safety and the Chairs of the House Appropriations Committee on Justice and Public Safety no later than February 15, 2019, and annually thereafter.
- Study the feasibility of developing five-year population projections for the Program, including an examination of whether or not the existing population simulation model should be modified or replaced. The Commission must report the results of the feasibility study to the Chairs of the Senate Appropriations Committee on Justice and Public Safety and the Chairs of the House Appropriations Committee on Justice and Public Safety no later than February 15, 2019.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 18B.6: Allocation of Assistant District Attorneys. (SL 2018-5)

Sec. 18B.6 of S.L. 2018-5 changes the number of full-time assistant district attorneys for certain counties as follows:

- Franklin, Granville, Person, Vance, and Warren Counties now have 14, not 13, assistant district attorneys.
- Caswell and Rockingham Counties now have 9, not 10, assistant district attorneys.

This act was vetoed by the Governor on June 6, 2018, and that veto was overridden by the General Assembly on June 12, 2018. This section became effective on July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 16.1: Grants for Law Enforcement Cameras/Statewide Sex Offender Registry/Samarcand Training Simulator Upgrades. (SL 2018-5)

Sec. 16.1 of S.L. 2018-5 reallocates funds previously appropriated to the Department of Public Safety (DPS) for body-worn camera grants in S.L. 2015-241 and S.L. 2017-57 as follows:

- \$75,000 to Samarcand Training Academy for upgrades to its training simulator to support school safety.
- \$500,000 to the North Carolina Sheriffs' Association (NCSA) to implement a statewide sex offender database.

- The remaining funds, in maximum grant amounts of \$100,000 administered by the Governor's Crime Commission, to local law enforcement agencies in counties with less than 75,000 people for the purchase and placement into service of body-worn or dashboard cameras and training and related expenses.
- For the fiscal year 2017-2018, the Governor's Crime Commission must submit a report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by August 1, 2018. For the fiscal year 2018-2019, the report is due no later than August 1, 2019.
- No later than July 1, 2019, the NCSA must report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the use of the \$500,000 for the sex offender database.

This act was vetoed by the Governor on June 6, 2018, and that veto was overridden by the General Assembly on June 12, 2018. This section became effective on June 30, 2018, and applies to funds not obligated on that date.

S99 - Appropriations Act of 2018.

Sec. 18A.4: Final Report on Standards for Indigency. (SL 2018-5)

Sec. 18A.4 of S.L. 2018-5 amends the reporting requirements relating to the study and development of statewide standards for determining indigency for defendants being conducted by the Administrative Office of the Courts (AOC) and Indigent Defense Services (IDS) by adding an interim report and making the final report due to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2018.

This act was vetoed by the Governor on June 6, 2018, and that veto was overridden by the General Assembly on June 12, 2018. This section became effective on July 1, 2018.

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.

S168 - AOC Omnibus Changes. (SL 2018-40)

S.L. 2018-40 makes a number of changes, clarifications, or technical corrections in statutes governing the administration of justice, including distribution of appellate decisions; court-appointed counsel minimum qualifications; costs assessed in power of attorney proceedings; duplicative interim guardian appointment language; notice to clerks of postponed or canceled foreclosure sales; adoption proceedings records; court proceeding notification systems; arrest warrant procedures; funds and property held for minors; and a surviving spouse's support allowance.

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

S335 - Budget Technical Corrections & Study.

Sec. 5.6: Transfer North Carolina Human Trafficking Commission to the Administrative Office of the Courts; Conforming Changes. (SL 2018-97)

Sec. 5.6 of S.L. 2018-97 amends the 2018 Appropriations Act (S.L. 2018-5) by transferring the North Carolina Human Trafficking Commission (Commission) from the Department of Justice to the Administrative Office of the Courts (AOC) as a Type II transfer. The AOC is responsible for staffing the Commission, and its Director must allocate money to fund the Commission.

This section became effective July 1, 2018.

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.