

Criminal Law and Procedure

See full summary documents for additional detail

H29 - Standing Up for Rape Victims Act of 2019. (SL 2019-221)

S.L. 2019-221 establishes processes and protocols for testing untested sexual assault kits, requires a law enforcement agency to notify the North Carolina State Crime Lab (Crime Lab) of an arrest or conviction resulting from a hit in the Combined DNA Index System (CODIS), and appropriates funds to the Department of Justice to cover costs associated with implementing this act.

This act became effective September 18, 2019.

H130 - Allow Game Nights. (SL 2019-13)

S.L. 2019-13 authorizes nonprofit organizations and some employers and trade associations to operate "game nights" where games of chance are played, and prizes are awarded by raffle at facilities serving alcoholic beverages. This act requires a permit to operate a game night, and places restrictions and limitations on who may operate a game night, where it may be operated, and how often they may be operated. Please see the full summary for details of these requirements.

This act became effective June 1, 2019.

H138 - Damage Jail & Prison Fire Sprinkler/Penalty. (SL 2019-134)

S.L. 2019-134 increases the punishment for willfully interfering with, damaging, defacing, molesting, or injuring any part or portion of a fire-alarm, fire-detection, smoke-detection, or fire-extinguishing system in a prison or local confinement facility to a Class H felony.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

H198 - Human Trafficking Commission Recommendations. (SL 2019-158)

S.L. 2019-158 makes clarifications to the Human Trafficking Article, criminalizes promoting travel for unlawful sexual conduct, provides a specific civil cause of action for human trafficking victims, and expands the post-conviction relief available to a victim of human trafficking.

The criminal provisions of this act became effective December 1, 2019, and apply to offenses committed on or after that date. The post-conviction relief provisions became effective December 1, 2019, and apply to motions and petitions filed on or after that date. The remainder of this act became effective July 1, 2019.

H224 - Assault w/ Firearm on LEO/Increase Punishment. (SL 2019-116)

S.L. 2019-116 amends G.S. 14-34.5 to make it a Class D felony to commit an assault, with a firearm, on a law enforcement officer, probation officer, parole officer, and an employee of a detention facility.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

H257 - Motorcycles/Face Masks. (SL 2019-115)

S.L. 2019-115 amends G.S. 14-12.11 to allow a person to wear a mask while operating a motorcycle. The act also requires a person to remove the mask during encounters with law enforcement.

This act became effective on December 1, 2019, and applies to offenses committed on or after that date.

H283 - Conner's Law. (SL 2019-228)

S.L. 2019-228 changes the penalty level for the following offenses: assaulting a law enforcement officer, probation officer, or parole officer with a firearm is increased from a Class E to a Class D felony; assaulting emergency personnel causing serious bodily injury or using a deadly weapon is increased from a Class H to a Class G felony; and assaulting emergency personnel with a firearm is increased from a Class F to Class E felony.

These changes became effective December 1, 2019, and apply to offenses committed on or after that date.

The act also provides a new death benefit of \$100,000 for public safety employees murdered in the line of duty.

This provision will become effective upon appropriation of funds for its implementation, and will apply to qualifying deaths occurring on or after July 1, 2016.

In addition, the act makes a technical change to a related death benefit provision, retroactively effective April 1, 2017, and applicable to qualifying deaths occurring on or after that date.

H323 - Assess Costs of Local LEO Crime Lab Analysis. (SL 2019-150)

S.L. 2019-150 allows judges to order, and local governments and local law enforcement units to receive, court costs for lab services performed by a privately-owned lab or for the services of an expert witness employed by a privately-owned lab.

The act became effective July 1, 2019, and applies to costs assessed on or after that date.

H391 - Passenger Protection Act. (SL 2019-194)

S.L. 2019-194:

- Amends Transportation Network Company (TNC) safety requirements.
- Creates an infraction for a TNC driver's failure to display their license plate number as required.
- Creates a misdemeanor criminal offense for impersonating a TNC driver.
- Raises the punishment for assaulting a TNC driver while providing a TNC service from a Class 2 misdemeanor to a Class A1 misdemeanor.

This act has various effective dates. Please see full summary.

H415 - Photos of Juveniles/Show-Ups. (SL 2019-47)

S.L. 2019-47 creates an exception in the law governing non-testimonial identification procedures for juveniles to allow a photograph to be taken of a juvenile suspected in committing a crime at the time of a show-up and establishes procedures to be followed when a juvenile is photographed for a show-up.

This act became effective on June 26, 2019.

H474 - Death by Distribution. (SL 2019-83)

S.L. 2019-83 creates two criminal offenses regarding the sale of controlled substances that result in the death of the user: death by distribution, a Class C felony, and aggravated death by distribution, a Class B2 felony.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

H617 - Allow Repeat Referral to Teen Court. (SL 2019-41)

S.L. 2019-41 allows a juvenile to be referred to a teen court program more than once by removing the prohibition on referring a juvenile to a teen court program if the juvenile has been referred to a teen court program previously.

This act became effective on June 21, 2019.

H760 - Expand Loss Prevention Investigations. (SL 2019-193)

S.L. 2019-193 does the following:

- Expands the investigative authority of loss prevention workers by clarifying that those workers are not included in the definition of a private protective services profession.
- Clarifies that a prosecution for obtaining property by false pretenses is not barred because some acts constituting the crime did not occur within the State.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

S9 - Female Genital Mutilation/Clarify Prohibition. (SL 2019-183)

S.L. 2019-18 specifically prohibits genital mutilation of a female child; consenting to the genital mutilation of a female child; and removing a child from North Carolina for the purpose of female genital mutilation.

This act became effective October 1, 2019, and applies to offenses committed on or after that date.

S29 - Move Over Law/Increase Penalties/Amber Lights. (SL 2019-157)

S.L. 2019-157 amends G.S. 20-157 to increase the penalty for those who cause serious injury or death for violating the State's Move Over Law and makes it unlawful for any vehicle to use a flashing or strobing amber-colored light unless certain conditions apply.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

S148 - Public Records/Release of LEO Recordings. (SL 2019-48)

S.L. 2019-48 amends G.S. 132-1.4A to clarify a law enforcement agency's responsibility to disclose and release certain recordings.

This act became effective on June 26, 2019.

S151 - Break or Enter Pharmacy/Increase Penalty. (SL 2019-40)

S.L. 2019-40 makes it a Class E felony to break or enter into a pharmacy with the intent to commit a larceny of a controlled substance, a Class F felony to possess or receive a controlled substance stolen from a pharmacy, and authorizes the forfeiture of any interest in property that a person acquires or maintains from a violation of this act.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

S154 - Allow Sports/Horse Race Wagering Tribal Lands. (SL 2019-163)

S.L. 2019-163 allows sports and horse race wagering on tribal lands.

This act became effective on July 26, 2019.

S199 - Child Sex Abuse/Strengthen Laws. (SL 2019-245)

S.L. 2019-245 protects children from sexual abuse and strengthens and modernizes sexual assault laws.

Parts I, II, III, V, VI, VII, and VIII of this act became effective December 1, 2019, and apply to offenses committed on or after that date. Part IV of this act became effective December 1, 2019, and applies to civil actions commenced on or after that date. The remainder of this act became effective on November 7, 2019.

S359 - Born-Alive Abortion Survivors Protection Act. (Ratified)

As ratified, Senate Bill 359 would place additional explicit requirements on health care practitioners; create two new Class D felonies; and amend civil law, related to a failure to provide care to a child born as a result of an unsuccessful abortion.

Senate Bill 359 was ratified by the General Assembly on April 16, 2019, and vetoed by the Governor on April 18, 2019.

S413 - Raise the Age Modifications. (SL 2019-186)

S.L. 2019-186 modifies certain juvenile delinquency and juvenile justice statutes to facilitate implementation of the legislation known as "Raise the Age."

This act became effective on December 1, 2019, and applies to offenses committed on or after that date.

S584 - Criminal Law Reform. (SL 2019-198)

S.L. 2019-198 subjects all rules adopted on or after January 1, 2020, and creating criminal penalties to a delayed effective date, extends the deadline for local governments and State agencies to report on ordinances and rules subject to a criminal penalty to November 1, 2019, and requires the General Statutes Commission to study the reports received.

These provisions of this act became effective August 14, 2019.

This act also makes a change to criminal penalties related to real estate licensing, which became effective December 1, 2019, and applies to offenses committed on or after that date.

S682 - Implement Crime Victim Rights Amendment. (SL 2019-216)

S.L. 2019-216 implements the constitutional amendment to provide better protections and safeguards to victims of crime and acts of delinquency. The act expands a victim's right to be present and heard at court proceedings; provides an enforcement procedure for failure to comply with the constitutionally guaranteed rights of victims; creates a new Article in the Juvenile Code that models the Crime Victims' Rights Act; and directs the Conference of District Attorneys and the Administrative Office of the Courts to develop procedures and forms required for implementation of this act.

The expanded protections for victims became effective August 31, 2019, and apply to offenses and acts of delinquency committed on or after that date. The portion of the act directing development of procedures and forms became effective September 4, 2019.