

Criminal Law and Procedure

See full summary documents for additional detail

H49 - Concealed Carry Permit Lapse/Revise Law. (Ratified)

HB 49 would have provided that a concealed carry permittee who allowed the permit to lapse does not have to take another firearms safety and training course upon applying for renewal under certain conditions.

HB 49 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

H103 - 2022 Appropriations Act.

Sec. 17.1: Public Defender Districts 2 and 5. (SL 2022-74)

Section 17.1 of S.L. 2022-74 creates new Public Defender District 2, which includes Beaufort, Hyde, Martin, Tyrell, and Washington counties, and adds Pender County to Public Defender District 5.

This section became effective July 1, 2022.

H103 - 2022 Appropriations Act.

Sec. 19C.2: Requires Persons on Post-Release Supervision to Receive Credit for Compliance with Certain Reintegrative Conditions. (SL 2022-74)

Section 19C.2 of S.L. 2022-74 requires that a person on post-release supervision receive earned time credit to reduce a period of post-release supervision for compliance with the requirements of certain reintegrative conditions of post-release supervision.

This provision becomes effective December 1, 2022, and applies to any person on post-release supervision on or after that date.

H252 - Bail Bond/Bondsmen Provisions/Other Changes. (SL 2022-73)

S.L. 2022-73 does all of the following:

- Revises the qualifications and examination requirements for bail bondsmen and runners.
- Modifies the grounds for setting aside a bail bond forfeiture and makes conforming changes to the disclosures required to be contained in a notice of forfeiture.
- Authorizes the State to exercise concurrent jurisdiction for offenses committed by juveniles on United States military bases located within the State.
- Authorizes all Department of Defense special agents to assist State and local law enforcement agencies.
- Provides the process for conducting an election held following a vacancy in the office of district court judge as required by S.L. 2021-180, depending on when in the election cycle the vacancy occurs.
- Makes technical corrections to other legislation.

This act contains varying effective dates. Please see the full summary for details.

H315 - Arson Law Revisions. (SL 2022-8)

S.L. 2022-8 makes the following changes to various laws related to arson:

- Increases the punishment for certain arson offenses. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Creates a new Class F felony for "serious injury" suffered by a firefighter, law enforcement officer, fire investigator, or emergency medical technician in responding to a fire caused by arson. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Requires criminal history background checks of applicants to fire departments, requires applicants to disclose certain convictions, and prohibits persons convicted of certain crimes from serving as a volunteer or paid member of a fire department. This section became effective June 14, 2022, and applies to applications submitted on or after that date.

H560 - Public Safety Reform. (SL 2022-58)

S.L. 2022-58 makes changes to a variety of laws related to public safety and the Department of Public Safety. Due to the variety of topics covered by this act and the varying effective dates, please see the full summary for details.

H560 - Public Safety Reform.

Sec. 20: Make Prison Wardens Exempt Employees. (SL 2022-58)

Section 20 of S.L. 2022-58 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and compensation opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. This section became effective July 1, 2022, and applies to persons hired on or after that date.

*Please note that Sec. 19C.1 of S.L. 2022-74 makes a similar change to the same statute.

H607 - Various Court Changes. (SL 2022-47)

S.L. 2022-47, as amended by Section 9 of S.L. 2022-73, suspends the automatic expunction of dismissed criminal charges, not guilty verdicts, and findings of not responsible and makes other changes to the expunction laws.

This act also makes certain changes requested by the Administrative Office of the Courts (AOC) to the General Statutes.

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

H674 - Require DNA Various Convict'ns/Other Matters. (SL 2022-50)

S.L. 2022-50 does the following:

- Adds additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity. This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.
- Clarifies that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and updates certain definitions. This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.
- Authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.
- Requires that the register of deeds maintains a separately kept backup storage system, that is restorable from any point, for the purposes of disaster recovery, for the index of registered instruments that the register of deeds is required to maintain.

Except as otherwise provided, this act became effective July 7, 2022.

H674 - Require DNA Various Convictions/Other Matters.

Sec. 2.1: Deed Stamp Tax Refunds. (SL 2022-50)

Section 2.1 of S.L. 2022-50 authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.

Section 2.1 of S.L. 2022-50 became effective July 7, 2022.

H911 - Regulatory Reform Act of 2022.

Sec. 16: Add Approved Firearm Safety and Training Course. (SL 2022-75)

Section 16 of S.L. 2022-75 adds the United States Concealed Carry Association (CCA) to the list of organizations that may certify or sponsor firearms safety and training courses, and adds CCA-certified instructors to the list of instructors permitted for firearms safety and training courses offered by law enforcement agencies, colleges, private or public institutions or organizations, or firearms training schools.

This section became effective on July 1, 2022, and applies to permit applications submitted on or after that date.

S201 - Various Motor Vehicle and Transportation Law Changes. (SL 2022-68)

S.L. 2022-68 makes the following changes to motor vehicle and transportation laws:

- Criminalizes as a Class I felony the unlawful possession of a catalytic converter.
- Extends the revocation effective date for permits or licenses that were revoked due to Driving Eligibility Certificate ineligibility from 10 to 30 days after mailing of the revocation notice.
- Authorizes the Division of Motor Vehicles (DMV) to issue three new special registration plates and repeals authorization to issue one existing special registration plate.
- Requires the DMV to provide a dealer license plate registration card to motor vehicle dealers that lists all valid dealer license plates issued to the dealer.
- Clarifies requirements for displaying a dealer license plate on a motor vehicle.
- Clarifies the applicability of the Move Over Law.
- Amends requirements for temporary dealer licenses issued during a pending license renewal application.
- Makes it an infraction with up to a \$50 penalty for a motor vehicle dealer to fail to inspect a used motor vehicle offered for retail sale as required by law.
- Amends requirements for registration and certificate of title applications for motor vehicles owned by firms, partnerships, corporations, or other entities.
- Authorizes the DMV to charge a fee to authorized individuals to verify registration or liability insurance information from motor vehicle and drivers license records.
- Exempts motor vehicles used by State agencies for research pilot or demonstration projects from highway use tax, certificate of title fees, and registration fees.
- Expands the application of certain Department of Transportation (DOT) contracting laws to rail equipment.
- Specifies the treatment of certain federal funds within the Transportation Investment Strategy (STI) formula.
- Provides for a delay in STI reprioritization for certain projects with route redesignations.
- Clarifies the treatment of net proceeds from the disposition of lands that involve DOT.
- Expands the application of the State's policy to encourage and promote participation by disadvantaged minority-owned and women-owned businesses in contracts let by DOT.
- Directs DOT to increase Small Professional Services Firm contracting.
- Increases the project cost cap for previously authorized project delivery method pilot program.

This act became effective July 8, 2022, except as otherwise specified for certain sections. Please see full summary for more detail.

S448 - Amendments to Schedule VI of the Controlled Substances Act. (SL 2022-9)

S.L. 2022-9 automatically allows a prescription drug approved under federal law and classified as a Schedule VI controlled substance in North Carolina, to be lawfully used.

This act became effective July 14, 2022, and applies to prescription drugs approved by the FDA on or after that date.

S455 - Conform Hemp with Federal Law. (SL 2022-32)

S.L. 2022-32, as amended by S.L. 2022-73, permanently excludes hemp and hemp products from the North Carolina Controlled Substances Act, as well as tetrahydrocannabinols (THC) found in products with a delta-9 THC concentration of not more than 0.3%.

This act became effective June 30, 2022.

S766 - Organized Retail Theft. (SL 2022-30)

S.L. 2022-30 does all of the following:

- Increases the penalties for organized retail theft.
- Provides additional penalties for damage to property or assault of a person during the commission of organized retail theft.
- Provides additional recovery to retail establishments for loss due to organized retail theft.
- Regulates high-volume third-party sellers operating on online marketplaces.

The provisions related to organized retail theft become effective December 1, 2022, and apply to offenses committed on or after that date. The online marketplace regulations become effective January 1, 2023.