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Short Title: 2026 Criminal Law Changes.

(Public)

Sponsors:

Referred to:

March 6, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY CERTAIN GENERAL STATUTES RELATED TO CRIMINAL
3 PROCEDURE, SENTENCING, OFFENSES, AND OTHER LAWS.

4 The General Assembly of North Carolina enacts:

5
6 **AMEND STRANGULATION PENALTIES**

7 **SECTION 6.(a)** G.S. 14-32.4 reads as rewritten:

8 "**§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.**

9 (a) Unless the conduct is covered under some other provision of law providing greater
10 punishment, any person who assaults another person and inflicts serious bodily injury is guilty
11 of a Class ~~F~~E felony.

12 (a1) The following definitions apply to this section:

13 (1) "~~Serious bodily injury~~" is defined as ~~bodily~~ Serious bodily injury. – Bodily
14 injury that creates a substantial risk of death, or that causes serious permanent
15 disfigurement, coma, a permanent or protracted condition that causes extreme
16 pain, or permanent or protracted loss or impairment of the function of any
17 bodily member or organ, or that results in prolonged hospitalization.

18 (2) Strangulation. – Impeding the normal breathing or circulation of blood of
19 another person by applying pressure to the throat or neck of the person or by
20 obstructing the nose and mouth of the person.

21 (a2) Unless the conduct is covered under some other provision of law providing greater
22 punishment, any person who assaults another person by strangulation is guilty of a Class H
23 felony.

24 (b) Unless the conduct is covered under some other provision of law providing greater
25 punishment, any person who assaults another person and inflicts physical injury by strangulation
26 is guilty of a Class ~~H~~G felony."

27 **SECTION 6.(b)** G.S. 143B-1773(a) reads as rewritten:

28 "(a) There is established within the North Carolina Center for Missing Persons the Blue
29 Alert System. The purpose of the Blue Alert System is to aid in the apprehension of a suspect
30 who kills or inflicts serious bodily injury on a law enforcement officer by providing a statewide
31 system for the rapid dissemination of information regarding the suspect. The term "serious bodily
32 injury" is as defined in ~~G.S. 14-32.4(a)~~G.S. 14-32.4."



1 **SECTION 6.(c)** This section becomes effective December 1, 2026, and applies to
2 offenses committed on or after that date.

3 4 **THE HALO ACT**

5 **SECTION 6.1.(a)** Article 30 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 14-223.1. Approaching a first responder with specified intent after a warning.**

8 (a) Definitions. – For purposes of this section, the following definitions apply:

9 (1) First responder. – Means any of the following:

10 a. A law enforcement officer.

11 b. A firefighter.

12 c. An emergency medical technician or a medical responder.

13 d. A probation or parole officer.

14 e. A person whose employment duties include the custody,
15 transportation, or management of persons who are detained or
16 confined to a detention facility, youth development center, or
17 correctional institution operated under the jurisdiction of the State or
18 a local government.

19 (2) Harass. – To willfully engage in a course of conduct directed at a first
20 responder which intentionally causes substantial emotional distress in that
21 first responder and serves no legitimate purpose. Merely taking photographs
22 or recording a first responder without another overt act shall not be included
23 in this definition.

24 (b) Offense. – It is unlawful for a person, after receiving a verbal warning not to approach
25 from a person he or she knows or reasonably should know is a first responder, who is engaged in
26 the lawful performance of a legal duty, to knowingly and willfully violate the warning and
27 approach or remain within 25 feet of the first responder with the intent to do any of the following:

28 (1) Impede or interfere with the first responder's ability to perform his or her duty.

29 (2) Threaten the first responder with physical harm.

30 (3) Harass the first responder.

31 Merely taking photographs or recording a first responder without another overt act shall not
32 constitute a violation of this subsection.

33 (c) Punishment. – Unless the conduct is covered under some other provision of law
34 providing greater punishment, a person who violates subsection (b) of this section is guilty of a
35 Class 2 misdemeanor."

36 **SECTION 6.1.(b)** This section becomes effective December 1, 2026, and applies to
37 offenses committed on or after that date.

38 39 **RIOT LAW CHANGES**

40 **SECTION 7.(a)** G.S. 15A-534.8(b) reads as rewritten:

41 "(b) A defendant may be retained in custody not more than 24-48 hours from the time of
42 arrest without a determination being made under this section by a judge. If a judge has not acted
43 pursuant to this section within 24-48 hours of arrest, the magistrate shall act under the provisions
44 of this section."

45 **SECTION 7.(b)** Nothing in this section shall be construed as intended to prevent or
46 prohibit an individual's right to his or her exercise of free speech or the right to peaceable
47 assembly.

48 **SECTION 7.(c)** This section becomes effective December 1, 2026, and applies to
49 offenses committed on or after that date.

50 51 **THEFT TOOLS OFFENSE**

1 **SECTION 8.(a)** Article 16 of Chapter 14 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 14-72.13. Possession of theft tools with intent to commit larceny from a merchant.**

4 (a) A person is guilty of a Class I felony if the person is located within the area of a retail
5 establishment where goods are stored or offered for sale while knowingly possessing any theft
6 tools with the intent to use the theft tools to commit larceny from a merchant.

7 (b) **Definitions.** –

8 (1) Theft detection shielding device. – Any laminated, coated, lined, or otherwise
9 modified bag, container, or device designed or intended to shield merchandise
10 from detection by an electronic or magnetic theft detection system.

11 (2) Theft tools. – Any theft detection shielding device or any tool, instrument, or
12 article designed or adapted to do either of the following:

13 a. Defeat, circumvent, deactivate, or remove any antishoplifting or
14 inventory control device, as defined in G.S. 14-72.11.

15 b. Facilitate the concealment, removal, or carrying away of merchandise
16 without payment."

17 **SECTION 8.(b)** This section becomes effective December 1, 2026, and applies to
18 offenses committed on or after that date.

19
20 **INDECENT EXPOSURE OFFENSE**

21 **SECTION 9.(a)** G.S. 14-190.9 reads as rewritten:

22 **"§ 14-190.9. Indecent exposure.**

23 (a) Unless the conduct is punishable under subsection (a1) of this section, any person
24 who shall willfully expose the private parts of his or her person in any public place and in the
25 presence of any other person or persons, except for those places designated for a public purpose
26 where the same sex exposure is incidental to a permitted activity, or aids or abets in any such act,
27 or who procures another to perform such act; or any person, who as owner, manager, lessee,
28 director, promoter or agent, or in any other capacity knowingly hires, leases or permits the land,
29 building, or premises of which he is owner, lessee or tenant, or over which he has control, to be
30 used for purposes of any such act, shall be guilty of a Class 2 misdemeanor.

31 (a1) Unless the conduct is prohibited by another law providing greater punishment, any
32 person at least 18 years of age who shall willfully expose the private parts of his or her person in
33 any public place in the presence of a minor as defined in G.S. 14-190.13 for the purpose of
34 arousing or gratifying sexual desire shall be guilty of a Class H felony. An offense committed
35 under this subsection shall not be considered to be a lesser included offense under G.S. 14-202.1.
36 After a conviction of an offense under this subsection, the sentencing court shall require the
37 person to register as a sex offender pursuant to Article 27A of this Chapter.

38 (a2) Unless the conduct is prohibited by another law providing greater punishment, any
39 person who shall willfully expose the private parts of his or her person in the presence of anyone
40 other than a consenting adult on the private premises of another or so near thereto as to be seen
41 from such private premises for the purpose of arousing or gratifying sexual desire is guilty of a
42 Class 2 misdemeanor.

43 (a4) Unless the conduct is punishable by another law providing greater punishment, any
44 person at least 18 years of age who shall willfully expose the private parts of his or her person in
45 a private residence of which they are not a resident and in the presence of a minor as defined in
46 G.S. 14-190.13 who is a resident of that private residence shall be guilty of a Class 2
47 misdemeanor.

48 (a5) Unless the conduct is prohibited by another law providing greater punishment, any
49 person located in a private place who shall willfully expose the private parts of his or her person
50 with the knowing intent to be seen by a person in a public place shall be guilty of a Class 2
51 misdemeanor.

1 (a6) Habitual Indecent Exposure. – An offense pursuant to subsection (a), (a2), (a4), or
2 (a5) of this section, which occurs after a conviction pursuant to subsection (a), (a1), (a2), (a4), or
3 (a5) of this section, shall be punished as a Class F felony. After a conviction of an offense under
4 this subsection, the sentencing court shall require the person to register as a sex offender pursuant
5 to Article 27A of this Chapter.

6 (a7) Aggravated Habitual Indecent Exposure. – An offense pursuant to subsection (a1) of
7 this section, which occurs after a conviction pursuant to subsection (a), (a1), (a2), (a4), or (a5) of
8 this section, shall be punished as a Class E felony. After a conviction of an offense under this
9 subsection, the sentencing court shall require the person to register as a sex offender pursuant to
10 Article 27A of this Chapter.

11 (b) Notwithstanding any other provision of law, a woman may breast feed in any public
12 or private location where she is otherwise authorized to be, irrespective of whether the nipple of
13 the mother's breast is uncovered during or incidental to the breast feeding.

14 (c) Notwithstanding any other provision of law, a local government may regulate the
15 location and operation of sexually oriented businesses. Such local regulation may restrict or
16 prohibit nude, seminude, or topless dancing to the extent consistent with the constitutional
17 protection afforded free speech."

18 **SECTION 9.(b)** G.S. 14-208.6(5) reads as rewritten:

19 "(5) Sexually violent offense. – A violation of former G.S. 14-27.6 (attempted rape
20 or sexual offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22
21 (second-degree forcible rape), G.S. 14-27.23 (statutory rape of a child by an
22 adult), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.25(a) (statutory
23 rape of a person who is 15 years of age or younger and where the defendant is
24 at least six years older), G.S. 14-27.26 (first-degree forcible sexual offense),
25 G.S. 14-27.27 (second-degree forcible sexual offense), G.S. 14-27.28
26 (statutory sexual offense with a child by an adult), G.S. 14-27.29 (first-degree
27 statutory sexual offense), G.S. 14-27.30(a) (statutory sexual offense with a
28 person who is 15 years of age or younger and where the defendant is at least
29 six years older), G.S. 14-27.31 (sexual activity by a substitute parent or
30 custodian), G.S. 14-27.32 (sexual activity with a student), G.S. 14-27.33
31 (sexual battery), G.S. 14-43.11 (human trafficking) if (i) the offense is
32 committed against a minor who is less than 18 years of age or (ii) the offense
33 is committed against any person with the intent that they be held in sexual
34 servitude, G.S. 14-43.13 (subjecting or maintaining a person for sexual
35 servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6
36 (employing or permitting minor to assist in offenses against public morality
37 and decency), G.S. 14-190.9(a1) (felonious indecent exposure),
38 G.S. 14-190.9(a6) (habitual indecent exposure), G.S. 14-190.9(a7)
39 (aggravated habitual indecent exposure), G.S. 14-190.16 (first degree sexual
40 exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation
41 of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor),
42 G.S. 14-190.17C (obscene visual representation of sexual exploitation of a
43 minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3
44 (Solicitation of child by computer or certain other electronic devices to
45 commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with
46 a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or
47 has a mental disability), G.S. 14-205.3(b) (promoting prostitution of a minor
48 or a person who has a mental disability), G.S. 14-318.4(a1) (parent or
49 caretaker commit or permit act of prostitution with or by a juvenile), or
50 G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by
51 parent or guardian). The term also includes the following: a solicitation or

1 conspiracy to commit any of these offenses; aiding and abetting any of these
2 offenses."

3 **SECTION 9.(c)** This section becomes effective December 1, 2026, and applies to
4 offenses committed on or after that date.

5

6 **MODIFY ACCESS PROCESS FOR CHILDREN'S ADVOCACY CENTER RECORDS**

7 **SECTION 10.(a)** G.S. 108A-77.4 reads as rewritten:

8 "**§ 108A-77.4. Access to Children's Advocacy Center records.**

9 (a) In the case of a child referred to a Children's Advocacy Center by a department, the
10 following records or information, which are created, compiled, maintained, or received by a
11 Children's Advocacy Center when performing or coordinating services described in this section,
12 shall be part of a department's record for the juvenile receiving protective services and shall be
13 confidential:

- 14 (1) A child medical evaluation.
- 15 (2) A forensic interview.
- 16 (3) Any other information received by a department from a Children's Advocacy
17 Center, including electronic records.

18 Disclosure of information and records in this subsection shall be governed by
19 G.S. 7B-302(a1), 7B-505.1, 7B-601(c), 7B-2901(b), and 7B-3100.

20 (b) In the case of a child referred to a Children's Advocacy Center by law enforcement,
21 unless required by federal law, the following records or information, which are created, compiled,
22 maintained, or received by a Children's Advocacy Center when performing or coordinating
23 services described in this section, shall be confidential and shall only be released in accordance
24 with this subsection:

- 25 (1) A law enforcement child medical evaluation.
- 26 (2) A forensic interview.
- 27 (3) Any other information received by law enforcement from a Children's
28 Advocacy Center, including electronic records.

29 (c) Disclosure of information and records outlined in subsection (b) of this section is
30 authorized and shall only be released without a court order or otherwise made available to the
31 following:

- 32 (1) The North Carolina Department of Health and Human Services and county
33 departments.
- 34 (2) Law enforcement agencies, ~~a prosecuting the office of the~~ district attorney, or
35 the Office of the Attorney General.
- 36 (3) Health care providers or local management entity/managed care organizations
37 providing medical or psychiatric care or services to the child, in the case of
38 medical or mental health records.
- 39 (4) The North Carolina Child Fatality Task Force.
- 40 (5) As permitted under G.S. 7B-3100.

41 (d) Except as specifically authorized in this section, records of a child which are created,
42 compiled, maintained, or received by a Children's Advocacy Center shall only be released in civil
43 actions or criminal actions unrelated to the victim evaluated or interviewed at the Children's
44 Advocacy Center pursuant to an order of a court of competent jurisdiction upon a finding by the
45 court that the records are necessary for the determination of a criminal, civil, or administrative
46 matter and the information cannot be obtained from the Department of Health and Human
47 Services, a law enforcement agency, the prosecuting attorney, a department, or the Attorney
48 General. The order shall include an order for an in camera inspection and protective order. For
49 civil and administrative matters, prior to issuing such an order, a Children's Advocacy Center
50 shall receive notice and an opportunity to be heard. After conducting an in camera inspection of

1 the records, the court shall only release the information from the records that is material and
2 relevant to the matter before the court and necessary to the proper administration of justice.

3 (e) Employees or designated agents of a Children's Advocacy Center may confirm with
4 another Children's Advocacy Center that a child has been seen for services at its facility when
5 necessary for the child, caregiver, or Children's Advocacy Center to receive essential support or
6 services and with necessary confidentiality provisions in place, consistent with State and federal
7 law. Children's Advocacy Centers may share information regarding a child with another
8 Children's Advocacy Center to the extent that the information is necessary for the provision of
9 services to a child by a Children's Advocacy Center, its multidisciplinary team, or other contract
10 service providers.

11 (f) A Children's Advocacy Center employee or designated agent may share limited
12 information with Children's Advocacy Centers of North Carolina, Inc., or other contract service
13 providers, when necessary for the child, caregiver, or Children's Advocacy Center to receive
14 essential support or services and with necessary confidentiality provisions in place, consistent
15 with State and federal law.

16 (g) No person or agency to whom disclosure of information created or compiled at a
17 Children's Advocacy Center is made shall duplicate or disclose that information to any other
18 person or agency, except as permitted in this section. The Department of Health and Human
19 Services, a department, law enforcement agencies, the prosecuting attorney, a court of competent
20 jurisdiction, and the Attorney General are exempted from the requirements of this section. Any
21 information disclosed under this subsection shall remain confidential.

22 (h) Records created pursuant to this Article shall not be considered public records under
23 Chapter 132 of the General Statutes.

24 (i) Information and records outlined in subsection (b) of this section and released to law
25 enforcement agencies, the office of the district attorney, or the Office of the Attorney General
26 shall be deemed to be in need of a protective order and in satisfaction of the provisions of
27 G.S. 15A-908 without the need for an in camera inspection. Information and records provided
28 pursuant to this section shall be accompanied by a protective order which may be granted ex
29 parte pursuant to G.S. 15A-908 restricting the use of the information and records to the action
30 under seal, until further order of the court."

31 **SECTION 10.(b)** This section becomes effective December 1, 2026.

32 **IGNITION INTERLOCK CHANGE**

33 **SECTION 10.1.(a)** G.S. 20-17.8 reads as rewritten:

34 **"§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**
35 **ignition interlock.**

36 (a) Scope. – This section applies to a person whose license was revoked as a result of a
37 conviction of driving while impaired, G.S. 20-138.1, and any of the following conditions is met:

- 38 (1) The person had an alcohol concentration of 0.15 or more.
39 (2) The person has been convicted of another offense involving impaired driving,
40 which offense occurred within seven years immediately preceding the date of
41 the offense for which the person's license has been revoked.
42 (3) The person was sentenced pursuant to G.S. 20-179(f3).

43 For purposes of subdivision (1) of this subsection, the results of a chemical analysis, as shown
44 by an affidavit or affidavits executed pursuant to G.S. 20-16.2(c1), shall be used by the Division
45 to determine that person's alcohol concentration.
46

47 ...

48 (c) Length of Requirement. – Except as otherwise provided in subsection (g1) of this
49 section, the requirements of subsection (b) shall remain in effect for one of the following:

- 50 (1) One year from the date of restoration if the original revocation period was one
51 year.

- 1 (2) Three years from the date of restoration if the original revocation period was
- 2 four years.
- 3 (3) Seven years from the date of restoration if the original revocation was a
- 4 permanent revocation.

5 ...
 6 (d) Effect of Limited Driving Privileges. – If the person was eligible for and received a
 7 limited driving privilege under G.S. 20-179.3, with the ignition interlock requirement contained
 8 in G.S. 20-179.3(g5), the period of time for which that limited driving privilege was held shall
 9 be applied towards the requirements of subsection (c).

10 (d1) Effect of Conviction in Other Jurisdiction. – If the license was revoked as a result of
 11 a conviction in another jurisdiction, any period of time for which the person complied with an
 12 ignition interlock requirement related to that offense in the other jurisdiction shall be applied
 13 toward the requirement in subsection (c) of this section. The person shall be responsible for
 14 providing sufficient documentation from the other jurisdiction's licensing authority
 15 demonstrating such compliance to the division.

16"

17 **SECTION 10.1.(b)** This section is effective when it becomes law.

18
 19 **FALSE PRETENSES CHANGES**

20 **SECTION 10.2.(a)** G.S. 42-59(2) reads as rewritten:

21 "(2) "Criminal activity" means (i) activity that would constitute a violation of
 22 G.S. 90-95 other than a violation of G.S. 90-95(a)(3), or a conspiracy to
 23 violate any provision of G.S. 90-95 other than G.S. 90-95(a)(3); ~~or~~ (ii) other
 24 criminal activity that threatens the health, safety, or right of peaceful
 25 enjoyment of the entire premises by other residents or employees of the
 26 ~~landlord~~ landlord; or (iii) obtaining rental property or other lodging by use of
 27 any type or manner of fraud or false pretense."

28 **SECTION 10.2.(b)** G.S. 14-100 reads as rewritten:

29 **"§ 14-100. Obtaining property by false pretenses.**

30 (a) If any person shall knowingly and designedly by means of any kind of false pretense
 31 whatsoever, whether the false pretense is of a past or subsisting fact or of a future fulfillment or
 32 event, obtain or attempt to obtain from any person within this State any money, goods, property,
 33 services, chose in action, rental housing or lodging, or other thing of value with intent to cheat or
 34 defraud any person of such money, goods, property, services, chose in ~~action~~ action, rental
 35 housing or lodging, or other thing of value, such person shall be guilty of a felony: Provided, that
 36 if, on the trial of anyone indicted for such crime, it shall be proved that he obtained the property
 37 in such manner as to amount to larceny or embezzlement, the jury shall have submitted to them
 38 such other felony proved; and no person tried for such felony shall be liable to be afterwards
 39 prosecuted for larceny or embezzlement upon the same facts: Provided, further, that it shall be
 40 sufficient in any indictment for obtaining or attempting to obtain any such money, goods,
 41 property, services, chose in action, or other thing of value by false pretenses to allege that the
 42 party accused did the act with intent to defraud, without alleging an intent to defraud any
 43 particular person, and without alleging any ownership of the money, goods, property, services,
 44 chose in action or other thing of value; and upon the trial of any such indictment, it shall not be
 45 necessary to prove either an intent to defraud any particular person or that the person to whom
 46 the false pretense was made was the person defrauded, but it shall be sufficient to allege and
 47 prove that the party accused made the false pretense charged with an intent to defraud. If the
 48 value of the money, goods, property, services, chose in action, or other thing of value is one
 49 hundred thousand dollars (\$100,000) or more, a violation of this section is a Class C felony. If
 50 the value of the money, goods, property, services, chose in action, or other thing of value is less
 51 than one hundred thousand dollars (\$100,000), a violation of this section is a Class H felony.

1 (b) Evidence of nonfulfillment of a contract obligation standing alone shall not establish
2 the essential element of intent to defraud.

3 (b1) In any prosecution for violation of this section, the State is not required to establish
4 that all of the acts constituting the crime occurred in this State or within a single city, county, or
5 local jurisdiction of this State, and it is no defense that not all of the acts constituting the crime
6 occurred in this State or within a single city, county, or local jurisdiction of this State.

7 (c) For purposes of this section, "person" means person, association, consortium,
8 corporation, body politic, partnership, or other group, entity, or organization."

9 **SECTION 10.2.(c)** This section becomes effective December 1, 2026, and applies
10 to offenses committed on or after that date.

11 **PROHIBIT SEX OFFENDERS FROM SEASONAL CHILD CARE CAMPS**

12 **SECTION 11.(a)** G.S. 14-208.18 reads as rewritten:

13 "**§ 14-208.18. Sex offender unlawfully on premises.**

14 (a) It shall be unlawful for any person required to register under this Article, if the offense
15 requiring registration is described in subsection (c) of this section, to knowingly be at any of the
16 following locations:
17

18 (1) On the premises of any place intended primarily for the use, care, or
19 supervision of minors, including, but not limited to, (i) schools, (ii) children's
20 museums, (iii) child care centers, (iv) nurseries, and playgrounds.~~(v)~~
21 playgrounds, and (vi) seasonal child care camps when operating as a seasonal
22 child care camp.

23 (2) Within 300 feet of any location intended primarily for the use, care, or
24 supervision of minors when the place is located on premises that are not
25 intended primarily for the use, care, or supervision of minors, including, but
26 not limited to, places described in subdivision (1) of this subsection that are
27 located in malls, shopping centers, or other property open to the general
28 public.

29 (3) At any place where minors frequently congregate, including, but not limited
30 to, libraries, arcades, amusement parks, recreation parks, and swimming
31 pools, when minors are present.

32 (4) On the State Fairgrounds during the period of time each year that the State
33 Fair is conducted, on the Western North Carolina Agricultural Center grounds
34 during the period of time each year that the North Carolina Mountain State
35 Fair is conducted, and on any other fairgrounds during the period of time that
36 an agricultural fair is being conducted.

37"

38 **SECTION 11.(b)** This section becomes effective December 1, 2026, and applies to
39 offenses committed on or after that date.

40 **SEXUAL ASSAULT VICTIM RIGHTS**

41 **SECTION 11.1.(a)** Article 9 of Chapter 114 of the General Statutes is amended by
42 adding a new section to read:

43 "**§ 114-66. Rights for victims of sexual assault.**

44 (a) Additional Rights. – In addition to any other rights provided by law, a person for
45 whom a sexual assault evidence collection kit has been completed as part of a forensic medical
46 examination has all of the following rights related to the sexual assault evidence collection kit:
47

48 (1) The right to information of the testing status and location of the sexual assault
49 evidence collection kit.

- 1 (2) The right to receive written notification, upon request, from the appropriate
2 law enforcement agency, of the intended destruction or disposal of the kit at
3 least 60 days before the date of the intended destruction or disposal.
4 (3) The right to further preservation of the sexual assault evidence collection kit
5 in accordance with G.S. 15A-266.5A.

6 The provisions of this subsection apply to both reported and unreported sexual assault
7 examination kits as defined in G.S. 15A-266.5A.

8 (b) Publishing Notice of Rights. – The Office of the Attorney General shall prepare and
9 publish on its website a list of the rights of victims of sexual assault set forth in this section,
10 Article 20A of Chapter 7B of the General Statutes, and Article 46 of Chapter 15A of the General
11 Statutes. The list required by this subsection shall be in plain language that is easy to understand.
12 Additionally, the Office of the Attorney General shall distribute copies of a written version of
13 the list required under this subsection to hospitals located in the State to provide to every
14 presenting victim of sexual assault. The Office of the Attorney General may update the list
15 required under this subsection as necessary to reflect changes in the applicable law."

16 **SECTION 11.1.(b)** No later than December 1, 2026, the Office of the Attorney
17 General shall prepare and publish the list required under G.S. 114-66(b), as enacted by subsection
18 (a) of this section.

19 **SECTION 11.1.(c)** Subsection (a) of this section becomes effective December 1,
20 2026, and applies to sexual assault evidence collection kits in the possession of any hospital, law
21 enforcement agency, or the Department of Public Safety on or after that date. The remainder of
22 this section is effective when it becomes law.

23 24 **CRITICAL INFRASTRUCTURE THEFT**

25 **SECTION 11.2.(a)** G.S. 14-159.4 reads as rewritten:

26 "**§ 14-159.4. Cutting, mutilating, defacing, or otherwise injuring property to obtain**
27 **nonferrous metals.**

28 (a) Definition of Nonferrous Metals. – For purposes of this section, the term "nonferrous
29 metals" means metals not containing significant quantities of iron or steel, including, but not
30 limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting,
31 aluminum other than aluminum cans, a product that is a mixture of aluminum and copper,
32 catalytic converters, lead-acid batteries, and stainless steel beer kegs or containers.

33 (a1) Definition of Critical Infrastructure. – For the purpose of this section, the term
34 "critical infrastructure" means communications, electric, gas, water, wastewater, transportation,
35 public safety, emergency services, and hospitals and includes facilities or assets where disruption
36 would materially impair public health, safety, or security.

37 (b) Prohibited Act. – It is unlawful for a person to do or attempt to do any of the following:
38 willfully and wantonly cut, mutilate, deface, or otherwise injure any personal or real property of
39 another, including any fixtures or improvements, for the purpose of obtaining nonferrous metals
40 in any amount.

41 (c) Punishment. – Violations of this section are punishable as follows:

- 42 (1) Default. – If the direct injury is to property, and the amount of loss in value to
43 the property, the amount of repairs necessary to return the property to its
44 condition before the act, or the property loss (including fixtures or
45 improvements) is less than one thousand dollars (\$1,000), a violation shall be
46 punishable as a Class 1 misdemeanor. If the applicable amount is one thousand
47 dollars (\$1,000) or more, but less than ten thousand dollars (\$10,000), a
48 violation shall be punishable as a Class H felony. If the applicable amount is
49 ten thousand dollars (\$10,000) or more, a violation shall be deemed an
50 aggravated offense and shall be punishable as a Class F felony.

- 1 (2) When person suffers serious injury. – Unless the conduct is covered under
2 some other provision of law providing greater punishment, a violation of this
3 section that results in a serious injury to another person is punishable as a
4 Class A1 misdemeanor.
- 5 (3) When person suffers a serious bodily injury. – Unless the conduct is covered
6 under some other provision of law providing greater punishment, a violation
7 of this section that results in serious bodily injury to another person is
8 punishable as a Class F felony. For purposes of this subdivision, "serious
9 bodily injury" is as defined in G.S. 14-32.4.
- 10 (4) When person is killed. – Unless the conduct is covered under some other
11 provision of law providing greater punishment, a violation of this section that
12 results in the death of another person is punishable as a Class D felony.
- 13 (5) When critical infrastructure affected. – Unless the conduct is covered under
14 some other provision of law providing greater punishment, a violation of this
15 section that results in the disruption of communication or electrical service to
16 critical ~~infrastructure or to more than 10 customers of the communication or~~
17 ~~electrical service is guilty of a Class 1 misdemeanor.~~ infrastructure is guilty of
18 a Class C felony.

19 (d) Liability. – This section does not create or impose a duty of care upon the owner of
20 personal or real property that would not otherwise exist under common law. A public or private
21 owner of personal or real property shall not be civilly liable:

- 22 (1) To a person who is injured while committing or attempting to commit a
23 violation of this section.
- 24 (2) To a person who is injured while a third party is committing or attempting to
25 commit a violation of this section.
- 26 (3) For a person's injuries caused by a dangerous condition created as a result of
27 a violation of this section, when the owner does not know and could not have
28 reasonably known of the dangerous condition.

29 (e) Mandatory Restitution. – Upon conviction of an offense under this section, the
30 sentencing court shall order restitution to any affected owner or operator and any entity that
31 includes all of the following:

- 32 (1) Actual repair and replacement costs (including labor, contractor charges,
33 equipment rental, splicing, testing, and site restoration).
- 34 (2) Emergency response and temporary restoration costs.
- 35 (3) Costs of traffic control, permitting, and expedited construction required to
36 restore service.
- 37 (4) Documented customer credits or regulatory penalties paid as a direct result of
38 the incident, to the extent permitted by law."

39 **SECTION 11.2.(b)** Article 22 of Chapter 14 of the General Statutes is amended by
40 adding a new section to read:

41 **"§ 14-159.5. Unauthorized possession of certain nonferrous metals used in the provision of**
42 **critical infrastructure.**

43 (a) Unless the conduct is covered under some other provision of law providing greater
44 punishment, it shall be a Class 1 misdemeanor for any person to intentionally or knowingly
45 possess nonferrous metals used, or intended to be used, in the provision of critical infrastructure,
46 as those terms are defined in G.S. 14-159.4, without authorization as provided by subsection (b)
47 of this section. A second or subsequent violation of this section shall be a Class H felony.

48 (b) A person is authorized to possess critical infrastructure nonferrous metals if the
49 person is any of the following, or an agent to any of the following, and the person does not have
50 knowledge that the nonferrous metals were unlawfully obtained:

- 51 (1) The owner of the nonferrous metals.

- 1 (2) A public utility or common carrier.
- 2 (3) A telecommunications provider.
- 3 (4) A cable service provider.
- 4 (5) A video service provider.
- 5 (6) A manufacturing, industrial, commercial, retail, or other business that sells the
6 material in the ordinary course of the seller's business.
- 7 (7) A carrier-for-hire acting in the course and scope of the carrier's business with
8 a bill of lading or a contract verifying transport information.
- 9 (8) A secondary metals recycler, as defined in G.S. 66-420, and acting within the
10 course and scope of the entity's business.
- 11 (9) A person acting in the ordinary course of the person's business who lawfully
12 acquires possession of the materials during construction, remodeling,
13 demolition, or salvage of a building or other structure in which the materials
14 were installed or contained."

15 **SECTION 11.2.(c)** This section becomes effective December 1, 2026, and applies
16 to offenses committed on or after that date.

17
18 **SENTENCING COMMISSION CHANGES**

19 **SECTION 12.(a)** G.S. 164-37 reads as rewritten:

20 **"§ 164-37. Membership; chairman; meetings; quorum.**

21 The Commission shall consist of 29 members as follows:

- 22 ...
- 23 (19) ~~A rehabilitated former prison inmate, to be appointed by the Chairman of the~~
24 ~~Commission.~~ A previously justice-involved individual, to be appointed by the
25 Chairman of the Commission.

26 ...

27 The Commission shall have its initial meeting no later than September 1, 1990, at the call of
28 the Chairman. The Commission shall meet a minimum of four regular meetings each year. The
29 Commission may also hold special meetings at the call of the Chairman, or by any four members
30 of the Commission, upon such notice and in such manner as may be fixed by the rules of the
31 Commission. A majority of the members of the Commission shall constitute a quorum."

32 **SECTION 12.(b)** G.S. 164-38 reads as rewritten:

33 **"§ 164-38. Terms of members; compensation; expenses.**

34 The terms of existing members shall expire on June 30, 1997, unless they resign or are
35 removed. New members shall be appointed or the existing members reappointed by the
36 appointing authorities to serve terms of two years, unless they resign or are removed. Members
37 serving by virtue of elective or appointive office or as designees of such officeholders may serve
38 only so long as the officeholders hold those respective offices. Members appointed by the
39 Speaker of the House and the President Pro Tempore of the Senate may be removed by the
40 appointing authority without cause. Vacancies occurring before the expiration of a term shall be
41 filled in the manner provided for the members first appointed. A member of the Commission
42 may be removed only for disability, neglect of duty, incompetence, or malfeasance in office.
43 Before removal, the member is entitled to a hearing. Effective with respect to members
44 designated on or after July 1, 1992, a person making a designation pursuant to G.S. 164-37 may
45 not make another designation, except that the person's successor in elective or appointive office
46 may make a new designation.

47 The Commission members shall receive no salary for serving. All Commission members
48 shall receive necessary subsistence ~~and travel~~ expenses in accordance with the provisions of
49 G.S. 120-3.1, 138-5, and 138-6 as applicable. However, notwithstanding the provisions of
50 G.S. 120-3.1, 138-5, and 138-6, all Commission members shall receive necessary travel expenses

1 at the rate applicable to members of the Commission employed by the Judicial Branch of
2 government."

3 **SECTION 12.(c)** G.S. 164-50 reads as rewritten:

4 "**§ 164-50. Annual report on ~~implementation of~~ Justice Reinvestment Project.**

5 The Judicial Department, through the North Carolina Sentencing and Policy Advisory
6 Commission and the Department of Adult Correction, shall jointly conduct ongoing evaluations
7 regarding the ~~implementation of the~~ Justice Reinvestment Act of 2011. The Commission shall
8 present the first evaluation report to the Joint Legislative Oversight Committee on Justice and
9 Public Safety and to the Chairs of the Senate and House of Representatives Appropriations
10 Subcommittees on Justice and Public Safety by April 15 of each year."

11 **SECTION 12.(d)** G.S. 164-51 reads as rewritten:

12 "**§ 164-51. Five-year projection; Statewide Misdemeanant Confinement Program.**

13 The Judicial Department, through the North Carolina Sentencing and Policy Advisory
14 Commission (Commission) and with the assistance of the North Carolina Sheriffs' Association
15 (Sheriffs' Association), shall develop projections of available bed space in the Statewide
16 Misdemeanant Confinement Program (Program). The projections shall cover the next five fiscal
17 years beginning with the 2018-2019 fiscal year. All State agencies, the Sheriffs' Association, and
18 the person having administrative control of a local confinement facility as defined in
19 G.S. 153A-217(5) shall furnish to the Commission data related to available bed space as
20 requested to implement this section.

21 The Commission shall report its projections to the chairs of the Senate Appropriations
22 Committee on Justice and Public Safety and the chairs of the House Appropriations Committee
23 on Justice and Public Safety no later than February 15, 2019, and March 1 annually thereafter."

24 **SECTION 12.(e)** This section is effective when it becomes law.

25 **MODIFY TAKING INDECENT LIBERTIES WITH CHILDREN OFFENSE**

26 **SECTION 13.(a)** G.S. 14-202.1 reads as rewritten:

27 "**§ 14-202.1. Taking indecent liberties with children.**

28 (a) A person is guilty of taking indecent liberties with children ~~if, being 16 years of age~~
29 ~~or more and at least five years older than the child in question, he either:~~

30 (1) ~~Willfully takes or attempts to take any immoral, improper, or indecent liberties with~~
31 ~~any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual~~
32 ~~desire; or in the first degree if the person is 16 years of age or more and at least five years older~~
33 ~~than the child in question and willfully commits or attempts to commit any lewd or lascivious act~~
34 ~~upon or with the body or any part or member of the body of any child of either sex less than 13~~
35 ~~years of age. Violation of this subsection is a Class C felony.~~

36 (2) ~~Willfully commits or attempts to commit any lewd or lascivious act upon or with the~~
37 ~~body or any part or member of the body of any child of either sex under the age of 16 years.~~

38 (b) ~~Taking indecent liberties with children is punishable as a Class F felony. A person is~~
39 ~~guilty of taking indecent liberties with children in the second degree if the person is 16 years of~~
40 ~~age or more and at least five years older than the child in question and willfully commits or~~
41 ~~attempts to commit any lewd or lascivious act upon or with the body or any part or member of~~
42 ~~the body of any child of either sex less than 16 years of age but at least 13 years of age. Violation~~
43 ~~of this subsection is a Class D felony.~~

44 (c) ~~A person is guilty of taking indecent liberties with children in the third degree if the~~
45 ~~person is 16 years of age or more and at least five years older than the child in question and~~
46 ~~willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of~~
47 ~~either sex less than 13 years of age for the purpose of arousing or gratifying sexual desire.~~
48 ~~Violation of this subsection is a Class E felony.~~

49 (d) ~~A person is guilty of taking indecent liberties with children in the fourth degree if the~~
50 ~~person is 16 years of age or more and at least five years older than the child in question and~~
51

1 willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of
2 either sex less than 16 years of age, but at least 13 years of age, for the purpose of arousing or
3 gratifying sexual desire. Violation of this subsection is a Class F felony.

4 (e) A person is guilty as a repeat offender of taking indecent liberties with a child if the
5 person is 18 years of age or older, commits any of the offenses in this section, and was previously
6 convicted of an offense requiring the person to register as a sex offender pursuant to Article 27A
7 of this Chapter. Violation of this subsection is a Class B1 felony."

8 **SECTION 13.(b)** This section becomes effective December 1, 2026, and applies to
9 offenses committed on or after that date.

10 11 **CREATE A CRIMINAL OFFENSE FOR ESCAPING FROM A JUVENILE JUSTICE** 12 **FACILITY OR OFFICER**

13 **SECTION 14.(a)** Article 33 of Chapter 14 of the General Statutes is amended by
14 adding a new section to read:

15 **"§ 14-256.2. Escape from juvenile detention facilities or officers.**

16 (a) Offense and Punishment. – If any person shall break any detention facility, holdover
17 facility, or youth development center, being lawfully detained therein, or shall escape from the
18 lawful custody of any employee, guard, or officer of the Division of Juvenile Justice of the
19 Department of Public Safety, the person is guilty of a Class 1 misdemeanor, except that the person
20 is guilty of a Class H felony if any of the following apply:

21 (1) The person has been charged with a felony and has been committed to the
22 facility pending trial or transfer to the State prison system.

23 (2) The person is alleged to be within the jurisdiction of the juvenile court for an
24 offense that would be a felony if committed by an adult and has been placed
25 in secure custody.

26 (3) The person has been adjudicated delinquent for an offense that would be a
27 felony if committed by an adult and has been placed in secure custody or
28 committed to the custody of the Division of Juvenile Justice and Delinquency
29 Prevention for placement in a youth development center.

30 (b) Definitions. – For purposes of this section, the terms "detention facility," "holdover
31 facility," and "youth development center" are as defined in G.S. 7B-1501."

32 **SECTION 14.(b)** This section becomes effective December 1, 2026, and applies to
33 offenses committed on or after that date.

34 35 **PROHIBIT CREATION AND DISTRIBUTION OF FICTITIOUS LICENSE PLATES**

36 **SECTION 15.(a)** G.S. 20-111 reads as rewritten:

37 **"§ 20-111. Violation of registration provisions.**

38 It shall be unlawful for any person to commit any of the following acts:

39 (1) To drive a vehicle on a highway, or knowingly permit a vehicle owned by that
40 person to be driven on a highway, when the vehicle is not registered with the
41 Division in accordance with this Article or does not display a current
42 registration plate. Violation of this subdivision is a Class 3 misdemeanor.

43 (2) To display or cause or permit to be displayed or to have in possession any
44 registration card, certificate of title or registration number plate knowing the
45 same to be fictitious or to have been canceled, revoked, suspended or altered,
46 or to willfully display an expired license or registration plate on a vehicle
47 knowing the same to be expired. Violation of this subdivision is a Class 3
48 misdemeanor.

49 (3) The giving, lending, or borrowing of a license plate for the purpose of using
50 same on some motor vehicle other than that for which issued shall make the
51 giver, lender, or borrower guilty of a Class 3 misdemeanor. Where license

1 plate is found being improperly used, such plate or plates shall be revoked or
 2 canceled, and new license plates must be purchased before further operation
 3 of the motor vehicle.

4 (4) To fail or refuse to surrender to the Division, upon demand, any title
 5 certificate, registration card or registration number plate which has been
 6 suspended, canceled or revoked as in this Article provided. Service of the
 7 demand shall be in accordance with G.S. 20-48.

8 (5) To use a false or fictitious name or address in any application for the
 9 registration of any vehicle or for a certificate of title or for any renewal or
 10 duplicate thereof, or knowingly to make a false statement or knowingly to
 11 conceal a material fact or otherwise commit a fraud in any such application.
 12 A violation of this subdivision shall constitute a Class 1 misdemeanor.

13 (6) To give, lend, sell or obtain a certificate of title for the purpose of such
 14 certificate being used for any purpose other than the registration, sale, or other
 15 use in connection with the vehicle for which the certificate was issued. Any
 16 person violating the provisions of this subdivision shall be guilty of a Class 2
 17 misdemeanor.

18 (7) To manufacture, create, or give to another either with or without consideration
 19 a fictitious license plate. Any person violating the provisions of this
 20 subdivision shall be guilty of a Class 3 misdemeanor. For purposes of this
 21 subdivision, a "fictitious license plate" means a license plate of a size, shape,
 22 color, and design which is identical to that of a license plate issued by the
 23 Division."

24 **SECTION 15.(b)** This section becomes effective December 1, 2026, and applies to
 25 offenses committed on or after that date.

27 **EXPUNCTIONS RELATED TO LAW ENFORCEMENT CERTIFICATION**

28 **SECTION 16.(a)** G.S. 17C-13 reads as rewritten:

29 **"§ 17C-13. Pardons; expunctions.**

30 (a) When a person presents competent evidence that he has been granted an unconditional
 31 pardon of innocence for a crime in this State, any other state, or the United States, the
 32 Commission may not deny, suspend, or revoke that person's certification based solely on the
 33 commission of that crime or for an alleged lack of good moral character due to the commission
 34 of that crime.

35 (b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain
 36 access to a person's felony conviction records, including those maintained by the Administrative
 37 Office of the Courts in its confidential files containing the names of persons granted expunctions.
 38 The Commission may deny, suspend, or revoke a person's certification based solely on that
 39 person's felony conviction, whether or not that conviction was expunged, unless the conviction
 40 was expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A.

41 (c) Except as provided by this section, the Commission may deny, suspend, or revoke a
 42 person's certification based on commission of a crime regardless of whether the charge or
 43 conviction was expunged. Commission of the offense may be proven by testimony, documents,
 44 personnel files (including personnel investigation reports), criminal histories, and any other
 45 relevant evidence.

46 (d) Unless an order of expunction was granted pursuant to G.S. 15A-145.4 or
 47 G.S. 15A-145.8A, consistent with this section, the Commission may deny, suspend, or revoke a
 48 person's certification based upon failure to disclose, recite, report, or acknowledge an expunged
 49 arrest, apprehension, charge, indictment, information, trial, or conviction."

50 **SECTION 16.(b)** G.S. 17E-12 reads as rewritten:

51 **"§ 17E-12. Pardons; expunctions.**

1 (a) When a person presents competent evidence that the person has been granted an
2 unconditional pardon of innocence for a crime in this State, any other state, or the United States,
3 the Commission may not deny, suspend, or revoke that person's certification based solely on the
4 commission of that crime or for alleged lack of good moral character due to the commission of
5 that crime.

6 (b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain
7 access to a person's ~~felony~~ conviction records, including those maintained by the Administrative
8 Office of the Courts in its confidential files containing the names of persons granted expunctions.
9 The Commission may deny, suspend, or revoke a person's certification based solely on that
10 person's felony conviction, whether or not that conviction was expunged, unless the conviction
11 was expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A.

12 (c) Except as provided by this section, the Commission may deny, suspend, or revoke a
13 person's certification based on commission of a crime regardless of whether the charge or
14 conviction was expunged. Commission of the offense may be proven by testimony, documents,
15 personnel files (including personnel investigation reports), criminal histories, and any other
16 relevant evidence."

17 **SECTION 16.(c)** This section is effective when it becomes law.

18 **EFFECTIVE DATE**

19 **SECTION 17.** Except as otherwise provided, this act is effective when it becomes
20 law.
21